



10 June 2016

Mr Robert Arthur Ashton  
Branch Secretary  
The Australian Institute of Marine and Power Engineers - Newcastle Branch

Fax: (02) 4962 1682

Dear Mr Ashton,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2015/266]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, The Australian Institute of Marine and Power Engineers - Newcastle Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;
  - the postal address of the person (generally the postal address of the organisation); and
  - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards  
Michael Moutevelis  
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. [include OLD name and address and NEW name and address of every branch that has changed]
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED/CEASED operation:
    1. [include name of each new branch]
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

**[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]**

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

**From:** Ishtiaq Ahmed <Ishtiaq.Ahmed@aec.gov.au>  
**Sent:** Friday, 3 June 2016 12:44 PM  
**To:** rashton@aimpe.asn.au; Orgs; Industrial Elections  
**Subject:** Post Election Report- E2015/266- The Australian Institute of Marine and Power Engineers [DLM=For-Official-Use-Only]  
**Attachments:** post election report.pdf; Declaration of result.pdf  
**Categories:** RIA

## **For-Official-Use-Only**

Attention: Michael Moutevelis, Fair Work Commission

Dear Mr Ashton,

### **Re E2015/266- The Australian Institute of Marine and Power Engineers**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 (“the Act”) requires the AEC to provide a written report on the conduct of the election to Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post election report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to ‘industrial.elections@aec.gov.au’ within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation’s response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate. Please contact me if you wish to clarify any aspect of this report.

Thanks

Regards

**Mr. Ishtiaq Ahmed | Returning Officer**

Industrial & Commercial Elections | NSW State Office

Australian Electoral Commission

T: (02) 9375 6331 | M: tba | F: (02) 6215 9910

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## For-Official-Use-Only

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Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** Australian Education Union

**Contact details:** Mr Robert Arthur Ashton  
Branch Secretary  
The Australian Institute of  
Marine and Power  
Engineers  
148 Hannell St  
WICKHAM NSW 2293

**Email:** rashton@aimpe.asn.au

**FWC contact officer:** Michael Moutevelis  
**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2015/266

### RULES

**Rules used for elections Rule ID:** [009V: Incorporates alterations of 03/12/2014 in matter R2013/22]

**Rules difficult to apply/interpret:** None.

**Model Rule reference (if any):** N/A

**ROLL OF VOTERS** N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

### ATTACHMENTS

A: Declaration of results for uncontested offices - Branch Secretary

Ishtiaq Ahmed  
Returning Officer  
3 June 2016

# The Australian Institute of Marine and Power Engineers Election for Branch Secretary

## Declaration of Results for Uncontested Offices

**E2015/266**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

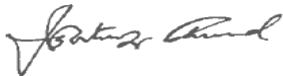
### **Australian Institute of Marine and Power Engineers Newcastle Branch**

#### **Branch Secretary**

##### Candidates

ASHTON, Robert Arthur

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Returning Officer

18/04/2016



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

### **The Australian Institute of Marine and Power Engineers** (E2015/266)

MR ENRIGHT

MELBOURNE, 30 NOVEMBER 2015

*Arrangement for conduct of election.*

[1] On 23 November 2015 the Newcastle Branch of The Australian Institute of Marine and Power Engineers lodged with the Fair Work Commission the prescribed information in relation to an election for the following office:

Branch Secretary

(1)

[2] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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BRANCH POSITION DUE FOR ELECTION

A	Branch Secretary for the ensuing forty-eight months (48)
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Reasons for election:

Election for officers and positions marked A is required as the terms of office are due to expire in the normal course of events under the rules of the organization.

Elected by:

The electorate for the direct voting system is the whole of the branch.

Nomination open:

No earlier than one month before date set for election (Rule 33B(iii) )

Nomination close:

Closing of nominations as arranged between Branch Secretary and Returning Officer (Rule33B(iii) ).

Cut off date for roll:

Rule silent on subject matter.



20 November 2015

Mr Robert Ashton  
Branch Secretary  
Australian Institute of Marine and Power Engineers-Newcastle Branch  
Sent via email: [rashton@aimpe.asn.au](mailto:rashton@aimpe.asn.au)

Dear Mr Ashton,

**Courtesy Letter - Election for offices [E2015/266]**

A perusal of the rules of the Australian Institute of Marine and Power Engineers-Newcastle Branch discloses that an election for offices within the organisation is due to commence shortly. It appears from information gathered from the rules and from our records that nominations for the election of Secretary are likely to open in the month of February 2016.

This is a courtesy letter to remind you of the obligation to lodge information about the election (known as the 'prescribed information') pursuant to sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act'). The prescribed information must be lodged with the Fair Work Commission two months before a person may, under the rules, become a candidate in the election.

If you have a different interpretation for the commencement of the election under your rules, please let me know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and should include any subsequent elections such as an election for offices under the collegiate electoral system if relevant. A sample of the prescribed information can be found on our website at [www.fwc.gov.au/sample\\_documents](http://www.fwc.gov.au/sample_documents).

The prescribed information should be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation/branch.

When lodging the prescribed information, please quote [E2015/266] as the matter number.

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7796 or via email at [Sam.Gallichio@fwc.gov.au](mailto:Sam.Gallichio@fwc.gov.au).

Yours sincerely,

Sam Gallichio  
Adviser  
Regulatory Compliance Branch