



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: The Australian Institute of Marine and Power Engineers

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

Email: rashton@aimpe.asn.au
Tel: 02 49616064

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

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/190

RULES

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

Rules difficult to apply/interpret:

Rule 33B(v) The Returning Officer shall, at least fourteen (14) days before the opening of the election cause to be sent by prepaid mail to each financial member of the branch a ballot paper together with two (2) envelopes, a "declaration envelope" with a removal flap or label and a prepaid envelope.

It is unusual for the ballot material to be posted to the voter significantly before the ballot is opened. This may cause confusion amongst the voters and voters may return their ballot papers before the opening of ballot irrespective of instruction not to do so. Votes received before the opening of the ballot are not valid and cannot be counted.

In this election, 14 votes were returned early and received before the ballot was open.

To prevent the issue described above and in considering the nature of the industry and services provided by Australia post it is strongly suggested that AIMPE vary Rule 33B(v) to allow for a longer ballot period to ensure voters have adequate time to receive and return ballot papers, instead of earlier posting.

Model Rule reference (if any):

N/A

ROLL OF VOTERS

Total number of voters on the Roll: 247

Number of apparent workplace addresses: N/A

Number of non-current address: 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 contested and uncontested offices: Scheduled Election 2016

Ishtiaq Ahmed
Returning Officer
23 January 2017



DECISION

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

The Australian Institute of Marine and Power Engineers (E2016/190)

MR ENRIGHT

MELBOURNE, 1 AUGUST 2016

Arrangement for conduct of election.

[1] On 15 July 2016 the Newcastle Branch (the 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 offices:

Branch President	(1)
Branch Treasurer	(1)
Ordinary Member of Federal Council	(2)

[2] On 26 July 2016 the Commission contacted the Branch to inform them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged within such a time frame as to avoid delays in the election. On this occasion the prescribed information had not been lodged within a time frame that would allow all offices to be filled in accordance with the rules of the organisation or upon their expiry, and that a request for an extension of time would be required.

[3] On 26 July 2016 the Branch lodged a written request for an extension of time for lodgement in accordance with s.189(2) of the Act. The Branch Secretary, Mr Ashton, apologised for not lodging the prescribed information sooner and explained that the delay in lodgement was due to an attempt to align the offices required to be elected into a single election.

[4] In the previous scheduled election for the abovenamed Branch offices (E2014/117) an extension of time was sought for the same reason. On that occasion, I granted the extension of time. Since that election, the Branch held a separate scheduled election for the office of Branch Secretary (E2015/266) which did not include the abovenamed offices. I am not satisfied that the reason provided is a sufficient ground to justify the repeated failure to comply with a statutory obligation.

[5] Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references

pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[6] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[7] I am satisfied that an election for the abovenamed offices 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

Printed by authority of the Commonwealth Government Printer
<Price code A, PR583320>



AIMPE

Australian Institute of
Marine and Power Engineers
NEWCASTLE BRANCH

148 Hannell Street, Wickham , N.S.W. 2293
PO Box 81, Wickham, N.S.W. 2293

FAX: (02) 4962 1682 TELEPHONE: (02) 4961 6064
Email: newaimpe@optusnet.com.au

26th July 2016

Delegate of the General Manager

Fair Work Commission

Level 10, Terrace Tower

80 William Street

East Sydney NSW 2011

Dear sir/ madam,

First I must apologize for my neglect in not requesting an election for the positions earlier. As all the elected positions in this branch are honorary I have tried in the past to get the elections of all positions in the branch in line so as to only have one branch election for all positions.

Therefore due to my error I request that the branch be granted an extension of time for the positions I have submitted to your office so as be able to hold the election in accordance with section 189(2) and regulation 138(2) of the Act.

Yours faithfully

Robert Ashton

Newcastle Branch Secretary (honorary)

Australian Institute Of Marine & Power Engineers



AIMPE

Australian Institute of
Marine and Power Engineers
NEWCASTLE BRANCH

148 Hannell Street, Wickham , N.S.W. 2293
PO Box 81, Wickham, N.S.W. 2293

FAX: (02) 4962 1682 TELEPHONE: (02) 4961 6064
Email: newaimpe@optusnet.com.au

12th JULY 2016

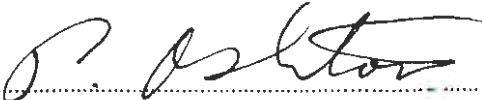
Australian Industrial Registry
Principal Registrar
Level 8, Terrance Towers
80 Williams Street
East Sydney NSW 2011



I Robert Arthur Ashton make the following statement: I am the Newcastle Branch Secretary of the Australian Institute of Marine and Power Engineers.

I am authorized to lodge the following prescribed information concerning forthcoming elections in the Newcastle Branch of the Australian Institute of Marine and Power Engineers, and

I confirm that the following information is being lodged under s.189 (1) of the Fair Work (Registered Organisations) Act 2009.

Signed:..........Newcastle

Branch Secretary of the Australian Institute of Marine and Power Engineers

BRANCH POSITION DUE FOR ELECTION

A	Branch President for the ensuing twenty-four months (24)
B	Branch Treasurer for the ensuing twenty-four months (24)
C	Ordinary member of Federal Council for the ensuing twenty-four months (24)
D	Ordinary member of Federal Council for the ensuing twenty-four months (24)

Reasons for election:

Election for officers and positions marked A to D respectively 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.