

2 November 2020

Post-election report

**The Australian Institute of Marine and
Power Engineers**
Newcastle Branch
Scheduled election
E2019/197

Contents

| | |
|--|---|
| Election(s) Covered in this Report | 3 |
| Rules | 3 |
| Roll of Voters..... | 3 |
| Irregularities..... | 3 |
| Other Matters..... | 3 |
| Signed..... | 4 |
| Attachments..... | 5 |
| A. Declaration of Results for Contested Offices – Newcastle Branch | |

Election(s) Covered in this Report

Organisation: **The Australian Institute of Marine and Power Engineers**, Newcastle Branch

Election: Scheduled

Election Decision No/s: E2019/197

Rules

Rules used for the election: ([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.

Roll of Voters

Total number of voters on the Roll: 158

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Potential irregularities identified, and action taken to avoid the irregularity: 10 ballot papers were returned before the ballot opened. The remedial action to admit them to the scrutiny is set out below.

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Difficulty with rule 33B(v)

1. The requirement in rule 33B(v) to despatch postal vote packs to voters well ahead of the ballot opening risks a number of irregularities by voters returning ballots before the ballot has opened.

Despite the AEC giving appropriate instructions to the voters as to the correct timeframe in which the postal votes are to be returned, the risk remains that voters unintentionally returning the postal vote early gives rise to an irregularity that would disenfranchise the voter because the vote must be rejected. This risk has crystallised in election E2020/197 where 10 ballot papers were returned to the AEC before the ballot opened.

The Returning Officer exercised the power provided by subparagraph 193(b)(ii) of the *Fair Work (Registered Organisations) Act 2009* (the 'FW(RO) Act') to remedy the procedural defect that appears to exist in the AIMPE Rules mentioned above by deciding to admit postal votes returned prior to the ballot opening to the scrutiny.

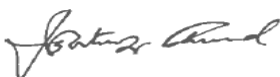
The AEC's concern centres on the undesirability of resorting to exercising the remedial power provided by subparagraph 193(b)(ii) of the FW(RO) Act because timeframe for opening of the ballot is unnecessarily restrictive. The AEC understands that the early despatch of postal votes is intended to ensure voters have the fullest opportunity to receive their ballot papers, cast their vote and return their postal vote before the ballot closing time. The AEC believes that amending the AIMPE Rules to extend the ballot period by 14 days is the appropriate way to give effect to the intention behind.

[Model Rule](#) reference (if any) : Part 2, 6

2. As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer has applied subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of nomination and the withdrawal period was aligned with the close of the nomination period.

[Model Rule](#) reference: Part 2, 10 and Part 3, 23

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6331
2 November 2020

Attachments

A. Declaration of Results for Contested Offices – Newcastle

The Australian Institute of Marine and Power Engineers

Newcastle Branch

DECLARATION OF RESULTS - E2019/197

Contested Offices

Scheduled Election

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 are:

| VOTING MATERIAL ISSUED | |
|--|------------|
| Total number of people on the roll of voters (a) | 158 |
| Number of voters issued with voting material | 158 |
| Total number of voters issued with replacement voting material | 1 |
| Total number of voting material packs issued | 159 |
| VOTING MATERIAL RETURNED | |
| Total number of envelopes returned for scrutiny by closing date of ballot (b) | 66 |
| Number of declaration envelopes rejected at preliminary scrutiny (minus) | 0 |
| Number of ballot papers returned outside declaration envelopes (minus) | 0 |
| COUNT | |
| Total ballot papers admitted to the count | 66 |
| LATE OR UNRETURNED VOTING MATERIAL | |
| Voting material returned as unclaimed mail by closing date of ballot | 3 |
| Voting material packs not returned by voters by closing date of the ballot | 89 |
| Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a) | 56 % |

Branch Secretary (1)

Candidates

| | |
|-----------------------|----|
| CHRISTIANSEN, Henning | 46 |
| FRANCIS, Sean Patrick | 20 |

Total ballot papers admitted for this office **66**

Formal Ballot papers 66

Informal Ballot papers 0

I declare the following elected:

CHRISTIANSEN, Henning



For Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
6/10/2020



DECISION

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

The Australian Institute of Marine and Power Engineers
(E2019/197)

MR ENRIGHT

MELBOURNE, 5 FEBRUARY 2020

Arrangement for conduct of election.

[1] On 20 December 2019, 3 February and 4 February 2020 the Australian Institute of Marine and Power Engineers - Newcastle Branch lodged with the Registered Organisations Commission prescribed information for an election to fill 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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351562



AIMPE

Australian Institute of
Marine and Power Engineers
NEWCASTLE BRANCH

Andrea O'Halloran
Senior Adviser
Registered Organisations Commission
By email: andrea.ohalloran@roc.gov.au

Tuesday 4 February 2020

Dear Ms O'Halloran,

Re: **Prescribed Information for Election of Newcastle Branch Secretary**

In accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Act 2009*, I ROBERT ASHTON, being the Secretary of the Newcastle Branch of the Australian Institute of Marine and Power Engineers make the following statement:

1. I am authorised to sign this statement containing prescribed information for of the Newcastle Branch of the Australian Institute of Marine and Power Engineers; and
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*; and
3. The elections that are required are set out in Annexure A; and
4. No rule alterations are pending that will impact the election set out in Annexure A; and
5. This is an amendment/substitution for my original statement which was lodged on 6th November, at least 2 months before nominations open for the elections set out in the Annexure.

Signed

Robert Ashton
Branch Secretary (Honorary)



*"Rebuild
Australian
Shipping"*

- Elections that are required:

| Branch | Name of Office | Number required | Voting System <i>Direct voting system; Collegiate electoral system</i> | Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i> | Electorate |
|-----------|----------------|-----------------|---|---|---|
| Newcastle | Secretary | one | Direct Voting System | Scheduled | the financial members of the branch. Rule 33 B (i) |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|--|-----------------------------|
| Nominations OPEN | No earlier than one month before date set for election. Rule 33 B (iii) | N/A |
| Nominations CLOSE | To be Determined by the Returning Officer | N/A |
| Roll of Voters cut off date | 7 days before the opening of nominations. Rule 33 B (xii) | N/A |

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates. If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.