

Australian Institute of Marine and Power Engineers South Australian Branch

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with Section 214 of the Workplace Relations Act 1996 and the rules of the organisation

E No. E316 of 2003

Branch President 1

Candidates

STEELE, Paul Anthony

Branch Secretary 1

Candidates

GIBBONS, Allan Kingsley

Branch Treasurer 1

Candidates

NOBLE, Robert William

Ordinary Member of Federal Council 1

Candidates

HODGSON, Lance Matthew



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


Phil Roberts
Returning Officer

1 June 2004

WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

**Australian Institute of Marine and Power Engineers
(E2003/316)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 7 JANUARY 2004

DECISION

On 1 December 2003 the South Australia Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

South Australia Branch
Branch President
Branch Secretary
Branch Treasurer
Ordinary Member of Federal Council

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 Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Martin Byrne
Federal Treasurer
The Australian Institute of Marine and Power Engineers,
52 Buckingham Street
SURRY HILLS NSW 2010

Dear Mr Byrne

AIMPE - South Australia Branch Arrangements for the conduct of an Election (E2003/316)

I refer to the letter of Mr Graham J Kittel Honorary Secretary of the Institute's South Australia Branch received by the Registry on 1 December 2003 seeking to make arrangements for the conduct of elections for certain offices in the Branch. Mr Kittel has requested that correspondence be directed to you.

I have considered the information provided by the Branch and its desire to "synchronise" elections for these offices. In particular I note that the term of office of the Branch Secretary has already expired while the terms of the offices of Branch President, Branch Treasurer and Ordinary Member of Federal Council expire in August 2004. I have also taken account of the additional time which may be required to conduct the election where most of the Branch's members may be at sea for various periods.

I have decided to make arrangements under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996* for the conduct of the election and a copy of my decision is enclosed. A member of staff of the Australian Electoral Commission will contact you in the near future about the election.

I have also examined the Institute's rules for the conduct of Branch elections including rule 33B and the sub-rules thereunder. I note that rule 33B (ii) requires the Branch Secretary to "fix the dates" of elections for the offices specified in rule 33B(i). The absence of any clear statement in the rules as to a specific date on which Branch elections must be conducted may lead in practice to an officer's term extending beyond the two or four years specified in the rules or being abbreviated. You may wish to consider addressing this issue in the context of the other matters set out in the Registrar's letter of 13 November 2003 to your organisation, the text of which I enclose a copy.

Please note that future requests of this nature should be lodged under section 189 of Schedule 1B of the *Workplace Relations Act 1996*. The attached Fact Sheet provides an overview of these requirements.

Yours Sincerely

Barry Jenkins
Deputy Industrial Registrar

7 January 2004



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1B of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2003/316

RE: THE AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS - SOUTH AUSTRALIAN BRANCH

Positions:

See Decision

Relevant Information: expiry of term of office, direct voting system, secret postal ballot.

Contact:

Mr Martin Byrne / Federal Treasurer 02 9698 3999

Mr Graham Kittel / South Australian Branch Secretary 08 8341 0779
(office may be unattended) or try mobile 0407 713 391

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au

for Deputy Industrial Registrar

7 January 2004



AUSTRALIAN INDUSTRIAL REGISTRY

Nauru House, 80 Collins Street
MELBOURNE VIC 3000
Phone (03) 8661 7777
Fax (03) 9655 0401

Rule provisions required by Schedule 1B of the *Workplace Relations Act 1996*

On 8 May 2003, I forwarded to your organisation a number of fact sheets outlining the major changes made by Schedule 1B ('the RAO Schedule') to the registered organisations provisions of the Act.
What does the RAO Schedule Require?

Section 140 of the RAO Schedule requires your organisation to make certain provisions in its rules conform to the Schedule. For example, s143 of the RAO Schedule describes what provisions an organisation's rules must have about elections to office. There are many provisions on other subjects set out in the Schedule.

The RAO Schedule required each organisation whose rules did not yet make these provisions to alter them to bring them into conformity with the Schedule or to seek an extension of time to do so by 12 November 2003. A number of organisations have lodged rule alterations or sought an extension of time.

I am now required to start a review of organisations' rules. If I find that an organisation's rules do not meet the requirements of the RAO Schedule, I may, after giving an organisation the opportunity to be heard, decide what alterations are necessary and make the alterations.

However, I consider that it is more convenient and practical for organisations and any divisions and branches affected to take the initiative to review and alter their rules. It would assist my review process if you could advise me whether your organisation has commenced to review its rules to determine what changes may be required to bring them into conformity with the RAO Schedule and when your organisation expects to complete that process. I will take into account this information in determining my own review program. I would appreciate your advice by 5 December 2003.

In addition, your organisation may consider making certain rule alterations to reflect the new provisions related to accounting and reporting obligations. The rule provisions that require alteration by the RAO Schedule are set out in Attachment A; the other rule provisions which your organisation might consider appropriate are set out in Attachment B.

If you wish to discuss any aspect of the above matter please do not hesitate to contact either the Principal Registry on (03) 8661 7888 or the Registry in Sydney on (03) 8374 6504.

Yours sincerely

Nicholas Wilson
Industrial Registrar

13 November 2003

ATTACHMENT A - RULE PROVISIONS REQUIRED

Closure of Voters' Roll, Direct Voting System Ballot

s143(1)(e)(i) *The rules of an organisation:*

... must provide that, where a ballot is required, it must be a secret ballot, and must make provision for:

in relation to a direct voting system (including a direct voting system ballot that is a stage of an election under a collegiate electoral system) - the day on which the roll of voters for the ballot is to be closed; ...

s143(3) *The day provided for in the rules of an organisation as the day on which the roll of voters is to be closed (see paragraph (1)(e)) must be a day no earlier than 30 days, and no later than 7 days, before the day on which nominations for the election open.*

Explanatory Note

If your organisation's rules providing for an election by direct voting system do not currently contain a rule specifying the closure of the roll of voters on a day between 7 and 30 days prior to the opening of nominations, such a rule will have to be inserted in the appropriate place. If your rules specify a roll of voters closure on a day outside the prescribed period, such rule will have to be amended.

Note that the rules should specify a "day" as the day on which the roll of voters is to be closed rather than merely provide that the day shall be between 7 and 30 days before nominations open.

Extensions of term of office near retirement age

The former s199(1)(b) provided:

The rules of an organisation:

...(b) may provide that, where a person elected to a full-time office will attain retirement age within 12 months after the end of the term for which the person is elected, the person may hold the office, without being re-elected, until attaining retirement age.

Explanatory Note

This provision, which allowed some extension of term of office without election for persons nearing retiring age, has been removed. This means that, except in the case of current officeholders for whose election nominations were called before 12 May 2003, such extensions are no longer allowed.

Item 28 of the RAOCP Act makes clear that if your organisation's rules contain a rule allowing such an extension, such a rule must be removed.

28 Rules relating to retirement age of office-holders

If, immediately before commencement, the rules of an organisation made provision as set out in paragraph 199(1)(b) of the WR Act, those rules:

(a) continue to apply to a person elected to a full-time office in an election for which nominations were called before commencement; and

(b) do not apply to a person elected in an election for which nominations were called on or after commencement.

Note: Although the rules relating to retirement age may have some continuing application under this item, they must still be removed from the organisation's rules during the interim period applying to it under item 26 in order for the rules to conform with section 145 of the RAO Schedule.

Unlawful Discrimination

s142(1)(d) *The rules of an organisation:*

... must not discriminate between applicants for membership, or members, of the organisation on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

s142(2) *For the purposes of paragraph (1)(d) rules of an organisation are taken not to discriminate on the basis of age if the rules do not prevent the organisation setting its membership dues by reference to rates of pay even where those rates are set by reference to a person's age.*

Explanatory Note

If any of your organisation's rules differentiate any membership conditions on any of the above grounds, those rules may be considered to be discriminatory and may require amendment to remove the discrimination.

You are required to examine your organisation's rules to ensure that they do not contain any discriminatory provisions on any of the above grounds.

The only exceptions are rules which set out membership subscription rates which are differentiated by reference to rates of pay where the rates of pay are set out with reference to age, e.g. junior rates. These rules do not have to be amended.

ATTACHMENT B - OTHER RULE PROVISIONS

Presentation of financial reports

- s266 (1) *Subject to subsection (2), the reporting unit must cause the full report to be presented to a general meeting of the members of the reporting unit within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by a Registrar under subsection 265(5)).*
- (2) *If the rules of the reporting unit permit a general meeting to be a series of meetings at different locations, the presenting of the full report to such a series of meetings is taken to be the presenting of the report to a general meeting. The general meeting is taken to have occurred at the time of the last of the meetings in the series.*
- (3) *If the rules of the reporting unit provide for a specified percentage (not exceeding 5%) of members to be able to call a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, the full report may instead be presented to a meeting of the committee of management of the reporting unit that is held within the period mentioned in subsection (1).*

Explanatory Note

The reporting requirements for financial years that commence after 12 May 2003, that is, to all intents and purposes, those commencing on 1 July 2003 onwards, are subject to the RAO Schedule.

The above provision means that it will no longer be sufficient for your organisation to present financial reports to Committees of Management before lodgment in the Registry, unless your organisation's rules enable no more than 5% of the relevant membership to call a general meeting to consider the financial reports. In other words, in the absence of such a rule, a reporting entity will be required to present financial reports to a general meeting as provided in subsection 266(1).

Declaration and Outer Envelopes

- s6 *postal ballot means a ballot for the purposes of which:*
- (a) *a ballot paper, a declaration envelope, and another envelope in the form prescribed by the regulations, are sent by prepaid post to each person entitled to vote...*
- s188 *If the rules of an organisation provide for elections for office by postal ballot, a vote in the election cannot be counted unless the ballot paper on which it is recorded is returned as follows:*
- (a) *the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;*
- (b) *the declaration envelope must be in another envelope that is in the form prescribed by the regulations.*
- reg 5 *Declaration envelope - prescribed form*

(1) For the definition of declaration envelope in section 6 of the RAO Schedule, a declaration envelope provided to a voter by a person conducting an election or ballot must comply with the following form:

(a) the declaration envelope must be a smaller envelope that fits inside a prepaid envelope without needing to be folded;

(b) the declaration envelope must contain on it a removable flap or label with the following details printed on it:

- (i) the name and postal address of the voter;*
- (ii) the declaration mentioned in subregulation (2);*
- (iii) a place for the signature of the voter.*

(2) The declaration must state that the voter:

- (a) is the voter named on the envelope; and*
- (b) has voted on the ballot paper contained in the envelope; and*
- (c) has not voted before in this ballot...*

reg 6

Postal ballot - prescribed form of prepaid envelope

For paragraph (a) of the definition of "postal ballot" in section 6 of the RAO Schedule and for paragraphs 65(6)(b), 102(3)(b) and 188(b) of the RAO Schedule, the envelope referred to as 'another envelope' must comply with the following form:

(a) the envelope must be an outer envelope that the person conducting the election is satisfied is large enough to have a declaration envelope placed in it for return to that person;

(b) the return address of the person conducting the election must be printed on the envelope.

Explanatory Note

The above sections and regulations must be considered together. The definition of "postal ballot" has changed from the definition previously contained in the former s4 of the *Workplace Relations Act 1996*. Your organisation's rules must be consistent with the requirement that votes in a postal ballot cannot be counted unless declaration and outer envelopes in the prescribed form are used.

If your rules currently provide that postal ballot papers shall be distributed in any other manner, or if they provide that votes recorded on ballot papers distributed in another manner shall be counted, you will need to consider making the necessary amendments. If your rules do not currently specify that ballot papers shall be distributed with the prescribed form of declaration and outer envelopes, you will also need to consider making the necessary amendments to those rules.

Where rules do not provide for declaration and outer envelopes to be used in an election for an office conducted by postal ballot, the returning officer is required to conduct such ballot using declaration and outer envelopes.

Rules which make provision for non-postal ballot elections, as a result of exemptions previously granted to the organisation, division or branch, are not affected by these requirements and do not need to be amended.

Fact Sheet No. 04/2003 7 May 2003, Australian Industrial Registry

Registration and Accountability of Organisations Legislation Fact Sheet

Elections in Organisations and their Branches

The Registration and Accountability of Organisations Schedule (Schedule 1B to the *Workplace Relations Act 1996*) [the RAO Schedule], generally comes into operation on 12 May 2003. The RAO Schedule contains most of the matters previously dealt with in the body of the *Workplace Relations Act 1996* [the Act], which relate to the registration and functioning of organisations of employers and employees under the Act. The *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002* [the RAOCP Act], deals with various transitional provisions arising from the introduction of the Schedule.

Main Changes

New provisions concerning elections take effect from 12 May 2003. These new provisions are set out in **sections 182 to 199 of the RAO Schedule, and regulations 131 to 146 of the workplace Relations (Registrations and Accountability of Organisations) Regulations (the RAO Regulations)**.

The statutory scheme for elections in organisations, which has existed since 1989, continues. The Registrar is still required to arrange for the conduct of elections for offices by the Australian Electoral Commission (AEC), with provision being made for exemptions, however there have been some important changes.

The main changes are as follows:

Notification of elections

The AEC is now formally authorised to conduct elections for *non-office* positions in organisations and branches (ss182(3) and 187).

Election notifications now require *more detailed reasons* for the election to be stated as well as *the closing day for the roll of voters*¹ as provided for under the rules of the organisation².

**Note concerning exemptions:* the existing exemption provisions have been retained at s183 and exemptions issued under the previous legislation will continue.

Conduct of elections

Secret postal ballots for an office must use a *prescribed declaration envelope* (s188)

The *Register of members* must be supplied to Returning Officer (on demand) (s191)

Organisations and branches are prohibited from using their property and resources to *favour* one candidate over another candidate in an election (s190)

Post-election reports by AEC (*this is a new requirement*)

AEC must provide a *post-election report* to the Industrial Registrar and the organisation (or branch) for which the election was conducted (s197)

An organisation (or branch) must *respond* to adverse post-election reports and *make available* relevant information to members (s198)

Organisation's rules concerning elections

Provision has now been made for the adoption of *model election rules* (s147)

Rules of organisations must now provide the *closing day for the roll of voters* - being a day no earlier than 30 days and no later than 7 days before the day nominations open (s143(3)).

Inquiries into elections by Federal Court of Australia

The AEC has new responsibilities to apply for inquiries, by the Federal Court of Australia, into alleged irregularities in elections for offices of organisations (s200).

The two issues that most directly involve the obligations of the Industrial Registry concerning elections, being Notification of elections and Post-election reports are discussed in more detail below. A sample notice of prescribed information, set out according to the new provisions, is also provided.

NOTIFICATION OF ELECTIONS

The general requirement that all elections for office holders of organisations and branches be conducted by the AEC through arrangements made by the Registrar continues to apply under the RAO Schedule (s182(1)). The expense of conducting such elections is borne by the Commonwealth.

Section 189 of the RAO Schedule requires the Registrar to arrange for the conduct of an election by the AEC once the prescribed information has been lodged. Before arranging for the conduct of the election, *the Registrar must be satisfied that an election is required to be held under the rules of the organisation*. This criteria reflects the terms of the previous legislation. Where the election is for a 'non-office' position, the Registrar must also be satisfied that the organisation (or branch) has made a request under s187.

Note: further information concerning elections for non-office positions is provided below.

Organisations to notify Registrar of prescribed information

The prescribed information required to be lodged in the Registry to trigger the arrangements for the AEC to conduct an election has been modified to include notification of the following:

- *non-office positions,*
- *the reason for the election being:*
 - the term of the office or position has expired or is due to expire in the normal course of events; or
 - a casual vacancy in the office or position has occurred or will occur imminently; or
 - a new office or position has been created; or
 - the office or position was not filled at the previous election. (see Reg 136(1)(b)),
- *the day provided for in the rules, being the day on which the roll of voters is to be closed.*³

The above information is in addition to the existing requirement that the name and numbers of each office or position be provided as well as the identification of the electorate, the dates and times for the opening and closing of nominations and specification of the voting system to be used (whether by a direct voting system or a collegiate electoral system).

A sample notification of prescribed information is attached at the end of this facts sheet

Elections for 'non-office' positions

A new provision has been introduced to formalise arrangements for the *AEC to conduct elections for non-office positions*.

Prior to the commencement of the RAO Schedule there was no formal mechanism to make arrangements for the AEC to conduct non-office elections, even though it may have been a requirement of an organisation's rules.

Under subsection 182(3) and section 187 of the RAO Schedule, organisations and branches can now request elections to be conducted by the AEC for positions in the organisation and branches that are not the holders of an office as defined under section 9 of the RAO Schedule. In such circumstances, as long as proper notice is given to the AEC and lodged with the Industrial Registrar, and the rules of the organisation require such an election, then the AEC must conduct the election.

It should be noted that an election for non-office positions will remain exempt from the Federal Court's jurisdiction relating to inquiries into election irregularities (s200).

Exemption from using AEC

The provisions for exempting organisations or branches from the requirement to use the AEC for the conduct of elections has been replicated at ss182(2), 183, 184, 185 and 186 of the RAO Schedule.

Exemptions previously granted remain in force

Exemptions previously granted under section 213 of the *Workplace Relations Act 1996* are preserved by operation of the transitional provisions⁴.

POST-ELECTION REPORTS

Section 197 of the RAO Schedule requires the AEC to provide a written *post-election report* on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted.

Contents of post-election report

If the AEC is *of the opinion* that the register of members made available to it for the purposes of a postal ballot contained an unduly large proportion of members' addresses that were not current or comprised workplace addresses, then the AEC must state that in the report (s197(3)).

Similarly, if the AEC is *of the opinion* that a particular rule was *difficult to interpret or apply* it must note that fact and must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address the matter (s197(4)).

Certain other details that must be included in the *post-election report* are:

- the declaration of the result of the election
- the number of written allegations (if any) of irregularities made to the AEC during the election
- action taken by the AEC in relation to those allegations
- any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities (reg 141)

Post-election report to be given to Industrial Registrar and organisation (or branch)

The *post-election report* is to be given to the Industrial Registrar and the organisation or branch for whom the election was conducted within 30 days of the completion of the election (reg 141).

The AEC *must publish a notice on its website* advising that a copy of the report can be obtained on the request of a member who was eligible to vote in the election (reg 141).

Post-election reports will not apply to an election that commenced (i.e. nominations opened) prior to the commencement of the RAO Schedule (that is, prior to 12 May 2003)⁵.

Availability of post-election reports

In the case of elections which require a ballot, the AEC must advise each voting member of an organisation of the availability of a post-election report from the organisation or branch, or from the AEC, on the request of a member (reg 139). In addition, an organisation or branch that has a website must, as soon as practicable after receiving the post-election report, publish on its website a notice of the availability of a copy of such report (reg 141(4)).

Organisation or branch to respond to adverse post-election reports

An organisation or branch must provide a written response to the AEC within 30 days of receipt in the case of a post-election report which identified *rules that were difficult to interpret or apply*. (s198). If the report does identify such rules, this part of the report is referred to as the *relevant extract* (s198(3)).

Organisation or branch only required to respond if post-election report identifies difficult rules

If the post-election report of the AEC is not adverse and does not contain a *relevant extract* that refers to difficult rules then the organisation (or branch) is not required to take any further action.

Publication of "relevant extract" of AEC post-election report and publication of organisation or branch response to such extract - by journal or newspaper or website

An organisation or branch in receipt of an adverse post-election report concerning difficult rules must make available to its members the *relevant extract* of the AEC report and a copy of its *response*.

Section 198 and regulations 141 and 142 provide for the ways in which the availability of the AEC's relevant extract and the organisation's response is to be publicised to the membership. The general requirement is that the material is to be made available within 30 days of receiving the report from the AEC or by publishing the material in the next edition of the organisation or branch journal where it is reasonably practicable to do so. Without limiting the ways in which an organisation or branch complies with the publication requirements of subsection 198(3) an organisation or branch will comply if it does all of the following:-

- the organisation or branch is to publish the relevant extract and its response in the next edition of the organisation or branch journal that it is reasonably practicable to do so, and
- within 30 days give notice that free copies of the relevant extract and response is available to members who were eligible to vote in the election - this notice is to be published either in the next edition of the organisation or branch journal where it is reasonable practicable to do so or in an appropriate newspaper that covers the relevant geographic area, and
- the organisation or branch is to publish its response to the AEC report on its website (if it has one) within 14 days of giving this response to the AEC (reg 142(2)).

Relevant extract and response to be lodged in Registry

An organisation or branch must also lodge in the Industrial Registry a copy of the relevant extract and its response together with a *declaration* undertaking to provide a copy of the relevant extract and the response to any member on request (s198(6)).

Increased security of ballot material and new offences

The powers of electoral officials conducting elections have been strengthened to help ensure the security of ballot papers and so reduce the scope for irregularities or procedural defects (s193).

New Offences

The RAO Schedule introduces several new offences in relation to elections.

* Bribery and interference - it is an offence to interfere with ballot papers, bribe a person, or threaten a person with violence or loss, for example to withdraw a nomination to stand for office or to vote in a particular way (s185).

* Use of violence - it is an offence to use violence or cause injury or loss to a person who has objected to an organisation's application for an exemption from the requirement that its elections be conducted by the AEC (s185).

* Assistance of candidates - it is an offence for an organisation's property to be used to help one candidate against another candidate in an election for office or other position (s190).

This material has been prepared by the Australian Industrial Registry as a general guide to the Workplace Relations (Registration and Accountability of Organisations) legislation. This material should not be treated as advice on the circumstances of any particular case. This material does not have any legal status; the relevant law is set out in Schedule 1B to the Workplace Relations Act 1996 (the RAO Schedule), the RAO Schedule Regulations, and the Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002.

SAMPLE

Statement and Notice of Prescribed Information under Regulation 136

I, John Smith, Victorian Branch Secretary of the Australasian Workers Union, make the following statement:

I am the Victorian Branch Secretary of the Australasian Workers Union,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Victorian Branch of the Australasian Workers Union, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

Signed: John Smith, Victorian Branch Secretary of the Australasian Workers Union

Dated: 15 May 2003

Offices/Positions

A	<i>Branch President (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary (DVS)</i>
	<i>Branch Treasurer (DVS)</i>
	<i>Branch Executive Committee Members (15) (DVS)</i>
	<i>Branch Delegates to National Council (5 together with Branch Secretary who is ex officio a member of National Council) (Collegiate election)</i>
B	<i>Branch Councillors (2) (DVS)</i>
C	<i>Branch Assistant Secretary (DVS)</i>
D	<i>Branch Representatives to Trades Council (2) (Collegiate)</i>
	<i>Branch Representative to ACTU (Collegiate)</i>

Reasons for election:

election for offices and positions marked A and D respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

election for offices marked B is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Councillor is enclosed)

election for the office marked C is required because this is a new position that has been created under the rules.

Elected by:

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

The electorate for collegiate electoral system is by and from the Branch Committee (totalling 21 persons)

Nominations open:

For offices to elected by direct voting system - the first Monday in June

For offices to be elected by collegiate election - at the AGM in September

Nominations close:

For offices to be elected by direct voting system - 12 noon, first Friday in July

For offices to be elected by collegiate election - at the AGM in September

Cut off date for roll: in all cases: 7 days prior to the opening date for nominations - rule 22(g).

[The above sample Notice and Statement would satisfy each of the particulars required under s189(1) and subregulations 138(1)(a)-(g). The Notice and Statement are required to be lodged at least 2 months before the first day of nominations as set out in the rules of the organisation - a Registrar may allow for a later day - see subsection 189(2) and subregulations 138(2) and (3). The requirement to lodge election information under s189(2) is a civil penalty provision - s305 refers.]

1 Section 143(1)(e)(i) makes a new requirement, that for all direct voting system elections, the rules must make provision for the day on which the roll of voters closes. That day must be between 7 and 30 days before nominations open [s143(3)].

2 Item 26 of the relevant transitional provisions (the RAOCP Act) prevents the Industrial Registrar from reviewing the rules of organisations for any new requirements imposed by the RAO Schedule for a period of 6 months from the commencement of the RAO Schedule (that is, by 12 November 2003).

3 See footnotes 1 and 2 above

4 Item 2 of Part 1 of Schedule 1 of the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002* provides:

"An authorisation, certificate, decision, declaration, determination, direction, exemption, injunction, order, notice or permission that:

(a) was made, given or granted under a repealed provision; and

(b) was in force immediately before commencement;

continues in force on and after commencement as if it had been made, given or granted under the corresponding provision of the RAO Schedule."

5 Item 34 of Part 1 of Schedule 1 of *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002*.

McKERROW, Peter

From: McKERROW, Peter
Sent: Wednesday, 7 January 2004 12:38 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2003 316 AIMPE SA Branch - Decision



E2003 316
Decision.TIF

McKERROW, Peter

From: phil.roberts@aec.gov.au
Sent: Friday, 5 December 2003 3:55 PM
To: Peter.McKERROW@air.gov.au
Subject: Re: E2003/316 - AIMPE

Peter,

We usually attempt to circulate a notice for these elections as early as possible. Below is an example of our timeline from the previous election.

2002: Notice to "On Watch" for close of copy early May and publication late May, thus notice out approx 1 month prior to noms opening.

Nominations open 8 July 2002
Nominations close 19 August 2002
Ballot opens 9 September 2002
Ballot closes 10 October 2002

We were extremely cautious, using the issue of the journal published in May. We could have used the June journal but we had problems in 1998 with two postponements of publication date bringing circulation to a date after nomination opening. This caused the AEC to amend the election timetable. An amended notice was then sent to all members and the nomination close date extended by one month. Ballot times were also postponed.

We therefore prefer to advertise in the journal prior to the month nominations open (ie if noms open mid July, notice to appear in June journal, copy closes early June, publication late June). Nominations open for six weeks. Three weeks nomination close to ballot open. Ballot open for at least one month.

With such a long period for the conducting of the election it would be preferable to run Branch Secretary and other officer elections concurrently. I would prefer not to confuse the electorate with overlapping elections, necessitating two notices and a dual mailout of ballot material if a ballot is required.

Phil Roberts

McKERROW, Peter
From: McKERROW, Peter
Sent: Friday, 5 December 2003 12:28 PM
To: 'phil.roberts@aec.gov.au'
Subject: E2003/316 - AIMPE

Mr Phil Roberts
Australian Electoral Commission

Phil

Further to our conversation this morning, the Deputy Industrial Registrar has indicated that it might inform his decision on this matter to have some indication of the timelines which might influence the conduct of an election for this organisation. We understand that many of its members may be outside Australia for extended periods and that this can affect aspects of the process.

Any information you think might be relevant would be most appreciated.

Regards

Peter McKerrow
Asst. Manager
NSW Registry

McKERRROW, Peter

From: McKERRROW, Peter

Sent: Tuesday, 2 December 2003 10:57 AM

To: 'industrial.elections@aec.gov.au'

Subject: E2003/316 AIMPE - SA Branch/NT Sub-Branch - Prescribed Information



AIMPE 009V
(17-3-1998).doc



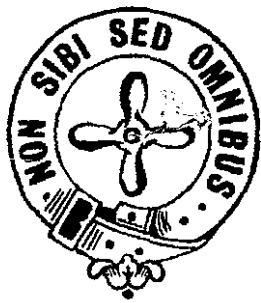
E2003
316.tif.TIF

Ordinary number

Date for all 3

26/8/2002

PR941520



Australian Institute of Marine & Power Engineers
SOUTH AUSTRALIA BRANCH Incorporating AIMPE (Employees) ADELAIDE DISTRICT
& **NORTHERN TERRITORY SUB-BRANCH**

cc Martin Byrne

26th November 2003

Institute Chambers,
22 Divett Street,
Port Adelaide,
South Australia
5015
Fax/Telephone:
08 8341 0779

Secretary:
Graham Kittel
0407 713 391
President:
Paul Steele
Treasurer:
Robert Noble
Councillor:
Lance Hodgson

P.O. Box 507,
Sanderson
Northern Territory
0812
Fax/Telephone:
08 8927 1160

**Sub-Branch
Secretary:**
Lance Hodgson
0417 824 803

Deputy Industrial Registrar
P.O. Box 8046
Station Arcade S.A. 5000

Dear Sir/Madam,

**Re: South Australian Branch Elections
s.214 election arrangements**

As Branch Secretary of the South Australian Branch of the Institute of Marine and Power Engineers, I would like to request an election of the following positions pursuant to section 214 of the workplace act 1996.

Branch President

Reason for election: Synchronize election terms

Elected : 26/08/2002

Term: 2 Years

Branch Secretary

Reason for election: Term expired

Elected: 27/10/1999

Term: 4 Years

Branch Treasurer.

Reason for election: Synchronize election terms

Elected : 26/08/2002

Term: 2 Years

Ordinary Member of Federal Council

Reason for election: Synchronize election terms

Elected: 26/08/2003

Term: 2 Years

Please note that:

The Electorate comprises members of the South Australia Branch.

Rule 33B(iii) requires that*"notice that nominations are required and specifying the Closing date for nominations shall be given to the Returning Officer by publication in the Institute magazine at least one month before the date fixed for the elections."* However as Most of our membership can be expected to be away at sea for some time, we historically err on the side of caution and normally provide at least six weeks after the posting of the Institute magazine ("ON WATCH") for the closing date for nominations.

I further state that I am lodging the above information in accordance with the requirements of subsection 214 (1) of the Workplace Relations Act

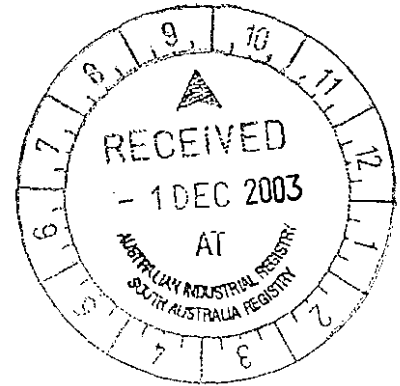
As the S.A. Branch Office is attended infrequently could you please direct all correspondence through the Federal Treasurer

Contact details: Mr Martin Byrne
Federal Treasurer
Australian Institute of Marine and Power Engineers
52 Buckinghsm Sreet
Surry Hills N.S.W. 2010
Phone 02 9698 3999
Fax; 02 9319 7505

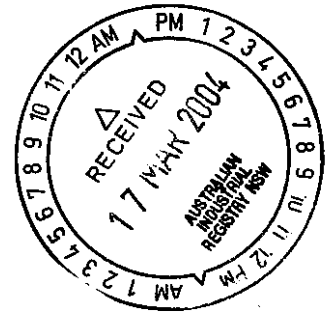
Yours faithfully

Graham J. Kittel
Graham J Kittel

Honorary Secretary
South Australian Branch
Australian Institute of Marine & Power Engineers



Phil Roberts
Returning Officer
Australian Electoral Commission
9th Floor,
1 King William Street
ADELAIDE SA 5000



APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT

The AEC has made arrangements to conduct the following election and/or ballot.

Scheduled Elections E316 2003
E No. E316 of 2003
Australian Institute of Marine and Power Engineers
South Australian Branch

I have appointed you to conduct the above event. Would you please take the necessary steps.

Dr Christopher Drury
Australian Electoral Officer, South Australia

15 March 2004

For Information:

Deputy Industrial Registrar
Australian Industrial Registry
New South Wales