

6 July 2016

Mr Derek MacLucas
Secretary
South Australia Branch
The Australian Institute of Marine and Power Engineers

Email: derekmacl@hotmail.com



Dear Mr MacLucas,

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 [E2016/101] for the South Australia Branch. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

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.

Organisation must notify the Commission of changes

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, The-South Australia 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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - 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.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- 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>
...							

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From: Melbourne Registry
Sent: Tuesday, 5 July 2016 4:27 PM
To: Orgs
Subject: FW: Post Election Report E2016-101 [DLM=For-Official-Use-Only]
Attachments: Post Election E2016-101.doc; Declaration.rtf

From: Phil Roberts [<mailto:Phil.Roberts@aec.gov.au>]
Sent: Tuesday, 5 July 2016 4:13 PM
To: Melbourne Registry
Subject: Post Election Report E2016-101 [DLM=For-Official-Use-Only]

For-Official-Use-Only

The Australian Institute of Marine and Power Engineers
SA Branch
E2016/101

FWA,

Attached is the Post Election Report and Uncontested Declaration.

Phil Roberts
Returning Officer, SA State Office
Australian Electoral Commission
T: (08) 82376542M: 0439 547 964

For-Official-Use-Only

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Fair Work (Registered Organisations) Act 2009
POST ELECTION REPORT
**The Australian Institute of Marine and power
Engineers**
South Australian Branch

ELECTIONS COVERED IN THIS REPORT

Election Decision No: E2016/101

RULES

Rules used for the election: *[009V: Incorporates alterations certified on 03/12/2014 in matter in R2013/22]*

Rules difficult to apply/interpret: Nil

Model Rule reference (if any):

ROLL OF VOTERS

As there were no contested offices, no Roll of Voters was required.

IRREGULARITIES

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

Other irregularities identified, and action taken: None

ATTACHMENTS

- 1) Declaration of Uncontested Offices

A handwritten signature in blue ink, appearing to read 'Phil Roberts', written in a cursive style.

Phil Roberts
Returning Officer
5 July 2016

- The Australian Institute of Marine and Power Engineers SA Branch Election Recall E2016/101

Declaration of Results for Uncontested Offices

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.

South Australian Branch

Ordinary Member of Federal Council

Candidates

WILLIAMS, Anthony Joseph

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

4 July 2016



DECISION

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

The Australian Institute of Marine and Power Engineers (E2016/101)

MR ENRIGHT

MELBOURNE, 30 MARCH 2016

Arrangement for conduct of election.

[1] On 9 March 2016, the South Australia Branch of The Australian Institute of Marine and Power Engineers (AIMPE) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election, due to insufficient nominations in a previous election, for the following office:

Ordinary Member of Federal Council (1)

[2] On 23 March 2016, the Commission contacted Mr MacLucas, the South Australia Branch Secretary of the AIMPE and enquired as to the reasons for the delay in lodging the prescribed information for this office when the declaration of results in the previous election was made in January 2015, and which stated that no nominations for the above office was received.

[3] On 24 March 2016, Mr MacLucas wrote to the Commission stating that the reason for the delay in lodging the prescribed information was due to unsuccessful attempts to find anyone who would stand for the above office. Mr MacLucas added that historically the role had been filled by a member from the Northern Territory for the last twenty years, however no one had now showed any interest in the role from the Northern Territory but there was now one member from South Australia who was interested in standing for the office.

[4] Whilst I note the reason provided by Mr MacLucas for the delay in lodging prescribed information, I do not accept that as a satisfactory reason for not lodging prescribed information for more than twelve months after the declaration of results was released by the Australian Electoral Commission.

[5] I do not however propose to frustrate the democratic function of the above organisation to conduct an election to fill the unfilled office. However, future prescribed information in relation to elections arising as a result of insufficient nominations must be lodged with the Commission in a more timely manner.

[6] 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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From: derek maclucas <derekmacl@hotmail.com>
Sent: Thursday, 24 March 2016 9:25 AM
To: VALE, David
Subject: RE: E2016/101 ELECTION

Hi David

The reason for the late lodging , was due to unsuccessful attempts by the AIMPE to find any one who would stand for the position .

We are the SA/NT branch ,and historically the role has been filled by a NT member for the last twenty years . But as stated there is no one who has showed any interest in the role from the NT. But Now we have at least one member from SA who is interested in standing for the position.

Yours Sincerely
Derek Maclucas

From: David.VALE@fwc.gov.au
To: derekmacl@hotmail.com
Subject: RE: E2016/101 ELECTION
Date: Wed, 23 Mar 2016 02:37:42 +0000

Hi Derek

In respect to the application for an election for one Ordinary Member of the Federal Council from the SA Branch of the AIMPE, could you assist me with the following information. As the declaration of results in previous election E2014/221 was issued on 20 January 2015, which stated that no nominations were received for the above office, could you explain why the prescribed information was not lodged for more than one year after the declaration of results in that election was issued.

Thank you

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: VALE, David
Sent: Wednesday, 23 March 2016 10:32 AM
To: 'derekmacl@hotmail.com'
Subject: ELECTION
Hi Derek

Could you please telephone me on (02) 9308 1970 regarding an election.

Regards

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower

80 William Street

East Sydney NSW 2011

www.fwc.gov.au

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From: derek maclucas <derekmacl@hotmail.com>
Sent: Wednesday, 9 March 2016 1:31 PM
To: Orgs; VALE, David
Cc: martin byrne; Carol Godfrey
Subject: AIMPE SA BRANCH ELECTION
Attachments: fwc election request letter.docx

Dear Sir

please find attached a document requesting the FWC to approve a request for the AEC to conduct an election for the position of AIMPE SA/NT Ordinary member of federal Council

Yours Faithfully

Derek MacLucas

AIMPE SA Branch Secretary



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

9/3/16

Institute Chambers,
22 Divett Street,
Port Adelaide,
South Australia
5015

Postal Address:
PO BOX 2267
Port Adelaide
S.A. 5015

Fax/Telephone:
08 8341 0779

Secretary:

Derek MacLucas

President:

Peter Mere

Treasurer:

Robert Noble

Councillor:

Vacant

Northern Territory

0812

Fax/Telephone:

08 89

Mr David Vale
Principal Advisor, Regulatory Compliance Branch, NSW

Fair Work Commission

By email: David.VALE@fwc.gov.au

By email: orgs@fwc.gov.au

Attention: Mr M. Moutevelis

Dear Sir,

Re: Request to appoint AEC to conduct election

I, Derek MacLucas, of 67 Wilpena Tce, Aldgate SA 5154, make the following statement:

I am the South Australian Branch Secretary of the Australian Institute of Marine and Power Engineers, and I am authorised under Rule 33B(i) of the AIMPE Rules to make all necessary arrangements for the appointment of a Returning Officer to conduct elections for Branch positions. Accordingly I hereby request the Fair Work Commission to approve this request for the Australian Electoral Commission to conduct the election for the position of AIMPE SA/NT Ordinary member of federal Council

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

OFFICES

Pursuant to Rule 33 B:

Ordinary member of federal Council (1)

REASON FOR ELECTION:

The reason for the election, being that there was no nominations received for the position during the Branch elections held in 2015

ELECTED BY:

The electorate, for, this election, are the financial members of the South Australian Branch.

NOMINATIONS OPEN:

AEC Notice of the Election will need to be published in our union journal "On Watch" whose April edition deadline for articles/notices is 8th of April and the edition would be in the members, hands by end of April. Nominations could therefore open on Friday

13th May 2016.

NOMINATIONS CLOSE:

Because, we have a seagoing membership, who are commonly away from home for 6 weeks, it is customary for the nominations to remain open for a period of 6 weeks. Accordingly Nominations should close no earlier than Friday 24th June 2016.

CUT OFF DATE FOR ROLL:

The same date as the close of Nominations, Friday 13th May 2016.

This statement is intended to be lodged in accordance with the requirements of the Fair Work (Registered Organisations) Act: if there is any deficiency in connection with its lodgment, please advise me so that I may correct such error.

Yours faithfully,

A handwritten signature in blue ink that reads "Derek Maclucas". The signature is written in a cursive style with a large, stylized 'D' at the beginning.

9/3/16

Derek Maclucas
Secretary
South Australian Branch
AIMPE.