



17 January 2017

Mr Derek MacLucas  
Branch Secretary  
The Australian Institute of Marine and Power Engineers - South Australia Branch  
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 [E2016/198]. 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. A list of approved training providers is attached.

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;

Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Telephone: (02) 8374 6666  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- 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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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

# List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 <a href="mailto:ceo@ahawa.asn.au">ceo@ahawa.asn.au</a>
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 <a href="mailto:imacdonald@bic.asn.au">imacdonald@bic.asn.au</a>
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 <a href="mailto:jenifer.leuba@aigroup.asn.au">jenifer.leuba@aigroup.asn.au</a>
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 <a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a>
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	<a href="#">AICD state-based contacts</a>
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 <a href="mailto:orgcentre@actu.org.au">orgcentre@actu.org.au</a>
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 <a href="mailto:dennisr@wwr.com.au">dennisr@wwr.com.au</a>
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 <a href="mailto:learning@lgnsw.org.au">learning@lgnsw.org.au</a>
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 <a href="mailto:ceo@aha.org.au">ceo@aha.org.au</a>
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 <a href="mailto:tom@dws.net.au">tom@dws.net.au</a>
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 <a href="mailto:vibeprctraining@bigpond.com">vibeprctraining@bigpond.com</a>
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	<a href="mailto:andrew.johnson@lgrceu.org">andrew.johnson@lgrceu.org</a>
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	<a href="mailto:paulm@mtaq.com.au">paulm@mtaq.com.au</a>

**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 operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed 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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

**svc-adlib5**

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**From:** Paul Langtry <Paul.Langtry@aec.gov.au>  
**Sent:** Tuesday, 17 January 2017 12:36 PM  
**To:** Orgs  
**Cc:** John Nemcic; Rosie Bolingbroke  
**Subject:** FW: DECLARATION AND POST ELECTION REPORTS - E2016/198 AIMPE Scheduled Elections [SEC=UNCLASSIFIED]  
**Attachments:** E2016-198 AIMPE Ltr to Sec Br Sec w Post Election Report Jan 2017.pdf; E2016-198 AIMPE Schedule Vac Declaration of Results Jan 2017.pdf; E2016-198 AIMPE POST ELECTION REPORT Jan 2016.pdf

## UNCLASSIFIED

Hello FWC colleagues,

Please find attached the Post-election Report and Declaration of Results for the AIMPE Scheduled Elections E2016/198 . All of the positions were elected uncontested.

This election process is now completed.

Regards

**Paul Langtry | Elections Officer | AEC Coaching Champion**  
Industrial and Commercial Elections Team -SA  
Australian Electoral Commission  
T: (08) 8237 6522 | F: (08) 8237 6581



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## UNCLASSIFIED

**From:** Paul Langtry  
**Sent:** Tuesday, 17 January 2017 12:00 PM  
**To:** 'derek maclucas' <[derekmacl@hotmail.com](mailto:derekmacl@hotmail.com)>  
**Cc:** John Nemcic <[john.nemcic@aec.gov.au](mailto:john.nemcic@aec.gov.au)>; Rosie Bolingbroke <[Rosie.Bolingbroke@aec.gov.au](mailto:Rosie.Bolingbroke@aec.gov.au)>; 'Carol Godfrey' <[cgodfrey@aimpe.asn.au](mailto:cgodfrey@aimpe.asn.au)>  
**Subject:** DECLARATION AND POST ELECTION REPORTS - E2016/198 AIMPE Scheduled Elections [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Hello Mr MacLucas,

Please find attached a letter to accompany the Declaration of Results for the AIMPE Branch positions scheduled election. I have also attached the Declaration of Results Report and the Post-Election Report.

A letter with the Declaration of Results has been posted to all of the candidates for this election.

Thank you for your assistance with this process.

Regards

**Paul Langtry | Elections Officer | AEC Coaching Champion**

Industrial and Commercial Elections Team -SA

Australian Electoral Commission

T: (08) 8237 6522 | F: (08) 8237 6581



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**UNCLASSIFIED**

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Reference: S2016/081

Derek MacLucas  
Secretary  
South Australian Branch & Northern Territory Sub-Branch  
Australian Institute of Marine & Power Engineers  
PO Box 2267  
PORT ADELAIDE SA 5015

Dear Mr MacLucas

**Post-Election Report for: Australian Institute of Marine and Power Engineers  
Election E2016/198**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 Fair Work (Registered Organisations) Act 2009 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](mailto: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) Act 2009 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.



Paul Langtry  
Returning Officer

17 January 2017



# - The Australian Institute of Marine and Power Engineers Scheduled Vacancy AIMPE SA Branch E2016/198

## 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

#### Branch President

##### Candidates

CHEESMAN, Paul Andrew

#### Branch Secretary

##### Candidates

MACLUCAS, Derek Scott

#### Branch Treasurer

##### Candidates

SWINCER, Ben

#### 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.



Paul Langtry  
Returning Officer

16 January 2017



Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**  
**The Australian Institute of Marine and Power Engineers**  
**Scheduled Vacancy AIMPE SA Branch E2016/198**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: *E2016/198*

**RULES**

Rules used for the election: [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**

Number of names on Roll of Voters **120**

Other matters pertaining to the roll of voters:

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results is attached



Paul Langtry  
Returning Officer

17 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** (E2016/198)

MR ENRIGHT

MELBOURNE, 26 SEPTEMBER 2016

*Arrangement for conduct of election.*

[1] On 23 August 2016, the South Australia Branch (the SA Branch) of The Australian Institute of Marine and Power Engineers lodged with the Fair Work Commission (the Commission) prescribed information in relation to an election.

[2] On 12 September 2016, staff from the Commission wrote to the SA Branch of the abovementioned organisation and informed the Branch that amended prescribed information would be required.

[3] On 19 September 2016, the SA Branch of the abovementioned organisation lodged with the Commission amended prescribed information in relation to an election for the following offices:

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

[4] 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

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

19/9/16

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:**  
Anthony Williams

Mr David Vale  
Principal Advisor, Regulatory Compliance Branch, NSW

Fair Work Commission

By email: [David.VALE@fwc.gov.au](mailto:David.VALE@fwc.gov.au)  
By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
By email; [Michael.moutevelis@fwc.gov.au](mailto:Michael.moutevelis@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(ii) of the AIMPE Rules to make all necessary arrangements for the appointment of a Returning Officer to conduct elections for Branch offices. Accordingly I hereby request the Fair Work Commission to approve this request for the Australian Electoral Commission to conduct the election for the offices listed below.

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:

Branch President [1]

Branch Treasurer [1]

Branch Secretary [1]

Ordinary Member of Federal Council [1]

**REASON FOR ELECTION:**

The terms of office for the President and Treasurer and ordinary member of federal council, will expire in January 2017.

The office of Secretary will expire in April 2017 and I would like to realign the election times.

**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 October edition deadline for articles/notices is 8<sup>th</sup> of October and the edition would be in the members, hands by end of October. Nominations could therefore open on Friday 11<sup>th</sup> November 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 23<sup>th</sup> December 2016.

**CUT OFF DATE FOR ROLL:**

As per rule 33B[xii] *"the roll of voters shall be closed 7 days before the opening of nominations "*. ie the cut off date for the roll will be Friday the 4<sup>th</sup> of November 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 initial "D".

19/9/16

**Derek Maclucas**  
**Secretary**  
**South Australian Branch**  
**AIMPE.**  
0422 523 198



1 August 2016

Mr Derek MacLucas  
SA Branch Secretary  
Australian Institute of Marine and Power Engineers, The-South Australia Branch  
By email: [derekmacl@hotmail.com](mailto:derekmacl@hotmail.com)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Mr MacLucas,

### **Courtesy Letter - Election for offices [E2016/198]**

The rules of the South Australia Branch of the Australian Institute of Marine and Power Engineers indicate that an election for offices within the branch is due to commence shortly. It appears that nominations for the election open on the first Monday in November this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election under your rules, please let the Commission 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 any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/fact-sheets-templates-webinars>.

The prescribed information should be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If your branch 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 within the month 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.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/198]

Should you seek any clarification in relation to the above, please contact the Commission on [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely,

Anastasia Kyriakidis  
Regulatory Compliance Branch