

15 April 2021

Post-election report

**The Australian Institute of Marine and
Power Engineers
South Australia Branch
Scheduled election
E2020/160**

Contents

Election(s) Covered in this Report.....	3
Rules	Error! Bookmark not defined.
Roll of Voters.....	3
Irregularities.....	3
Other Matters.....	4
Signed.....	5
Attachments.....	5
A. Declaration of Results for Uncontested Offices – SA.....	5
B. Declaration of Results for Contested Offices – SA.....	5

Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers - South Australia Branch
Election: Scheduled
Election Decision No/s: E2020/160

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:	110
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

Other irregularities identified, and action taken: 1 ballot paper was 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 occurred in election E2020/197 and E2020/94 where 10 and 4 ballot papers respectively were returned to the AEC before the ballot (period) opened and again in this election E2020/160 where 1 ballot paper was returned to the AEC before the ballot period 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

3. As there is no rule pertaining to the method of lodgement of Nomination, the Returning Officer has applied subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and Nomination forms were instructed to be lodged by way of the AEC's Electoral Event Portal or emailed to IEBnominations@aec.gov.au. The Election Notice provided instructions about how to lodge nomination forms.

[Model Rule](#) reference: Part 1, 4.2.1(g)

For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 02 9375 6331
15 April 2021

Attachments

- A. Declaration of Results for Uncontested Offices – SA

- B. Declaration of Results for Contested Offices – SA

The Australian Institute of Marine and Power Engineers

South Australia Branch

DECLARATION OF RESULTS - E2020/160

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)	110
Number of voters issued with voting material	110
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	111
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	44
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	44
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	65
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	40 %

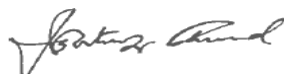
Ordinary Member of Federal Council (1)

<u>Candidates</u>	<u>Final Votes</u>
WILLIAMS, Anthony	31
MOORE, Leslie Painter	13

Total ballot papers admitted for this office	44
Formal Ballot papers	44
Informal Ballot papers	0

I declare the following elected:

- WILLIAMS, Anthony



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: IEEvents@aec.gov.au
25/03/2021

The Australian Institute of Marine and Power Engineers
AIMPE - South Australia Branch
DECLARATION OF RESULTS - E2020/160
Uncontested 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:

President (1)

Candidates

KNIGHT Sean

Treasurer (1)

Candidates

SWINCER Ben

Secretary (1)

Candidates

GOSDEN Graham

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

Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: IEBevents@aec.gov.au
12/01/2021





DECISION

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

The Australian Institute of Marine and Power Engineers (E2020/160)

MR ENRIGHT

MELBOURNE, 1 SEPTEMBER 2020

Arrangement for conduct of election.

[1] On 19 August 2020 the Australian Institute of Marine and Power Engineers - South Australia Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Treasurer	(1)
Ordinary member of Federal Council	(1)
Secretary	(1)

[2] 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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351729

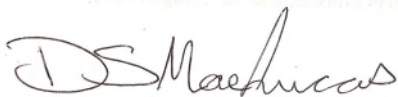
PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Derek MacLucas, being the South Australian / Northern Territory Secretary 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 the South Australian / Northern Territory Branch of the Australian Institute of Marine and Power Engineers [AIMPE]
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. A Brief outline of the proposed rule alterations affecting this election is attached . These rule alterations HAVE NOT been lodged with the fair work commission
5. *[In relation to scheduled elections, if lodged 2 months prior to nominations opening]* This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

NOTE: A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act. Extensions of time should be requested at least two months before nominations open.

Signed:



Derek MacLucas

South Australia / Northern Territory Secretary AIMPE

Dated: 19/8/20

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required [insert as many pages as 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
South Australia/ Northern Territory	President	1	Direct Voting system	Scheduled	All financial Members of SA/NT Branch – rule 33 B [i]
South Australia / Northern Territory	Treasurer	1	Direct Voting system	Scheduled	All Financial members of SA/NT Branch – rule 33 B [i]
South Australia / Northern Territory	Ordinary member of Federal council	1	Direct Voting system	Scheduled	All financial members of SA/NT Branch – rule 33 B [i]
South Australia / Northern Territory	Secretary	1	Direct Voting system	Scheduled	All financial members of SA/NT Branch – rule 33 B [i]

-
-
- Important dates:

	Direct Voting System	
Nominations OPEN	<p>To be determined by the returning officer – propose 3rd November 2020</p> <p>Please note - AEC Notice of election will need to be published in our journal “On watch “ whose edition deadline for articles/notices is the 9th of October 2020 there by being in our members hands by the end of October 2020</p>	

Nominations CLOSE	To be determined by the returning officer – propose 15 th December 2020	
Roll of Voters cut off date	To be determined by the returning officer – propose 30 th October 2020	

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.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).

The following Proposed RULE CHANGE 1 was circulated to members of Federal Council on 4th March 2019 giving 60 days of notice in accordance with rule 38 Alteration or rescission of rules [Rule 38 (iii)]. Voting will take place on or after 4th May 2019. This is intended to clarify issues observed made In post-election reports that the existing rule is difficult to interpret or apply.

Proposed RULE CHANGE 2 re Rule 33 B

“Rules 33 B (ii) (iii) (iv) and (v) be deleted and replaced with the following☐Then Renumber existing Rules 33 B (vi) to (xiv) as (viii) to (xvi) and delete current (xv)

“(ii)

••

•••••

“ (iii)

At least six months before the term of office(s) expires, the Branch Secretary shall lodge with the Registered Organisations Commission (ROC), the prescribed information relating to the election, as required by section 189(1) of the Fair Work (Registered Organisations) Act & regulation 138(3) of the Regulations. The Commissioner shall, when satisfied that an election is due to be held make arrangements for the conduct of the election by the Australian Electoral Commission (AEC). The prescribed information shall include:

the name and numbers of each office or position for which an election is due the reason for the election, being either:

- scheduled - the term of office has expired or is due to expire in the normal course of events; or
- casual vacancy;

or 0 insufficient nominations - an office or position was not filled at a previous election; or 0 a new office or position has been created.

the electorate for the ballot 0 the dates and times for the opening and closing of nominations 0 the day provided for in the rules on which the roll of voters is to be closed 0 the voting system to be used (direct voting system or collegiate electoral system), and any non-office positions for which an election is requested (section 187).”

Notice that nominations are required and specifying the opening and closing dates for nominations shall be given by the Returning Officer by publication in the Institute magazine “On Watch” and on the AIMPE website or by direct mailing to members’ postal address at least one (1) month

TF 007

Prescribed Information for the election of officers

“(iv) “(v)

“(vi)

before the date on which nominations open. The Nominations Period shall be for a period of six (6) weeks and the Voting Period shall also be, for a period of six (6) weeks. “

Each candidate shall complete and submit, a Nomination Form, available from either the AIMPE Branch, AIMPE website or the AEC.”

Each candidate may submit a candidate statement, not exceeding 300 words, for inclusion with their ballot paper, should such ballot be held. The candidate statement shall be forwarded to the Returning Officer, no later than

seven (7) days prior to the date set for the commencement of the Voting Period.”

Upon the closing of nominations, the Returning Officer shall determine whether and if so, which, of such nominations are in order and if more than the required number of nominations have been received and are in order, the Returning Officer shall conduct a secret postal ballot of the members of the Branch. Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified. Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination. Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.”

The Returning Officer shall cause a ballot paper to be prepared, containing in alphabetical order, the names of the candidates so nominated and such directions as the Returning Officer shall deem fit, as to the marking of the votes. The ballot shall be regarded as open, as soon as the Returning Officer causes 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 removable flap or label and a prepaid envelope. Both envelopes must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009. The Returning Officer shall also provide facilities for the return of completed ballot papers by the voter without expense to the voter.” ”

“(vii)

TF 007