

# The Australian Institute of Marine and Power Engineers Sydney Branch Executive

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

**E2013/102**

**Australian Institute of Marine and Power Engineers Sydney Branch**

**Branch President**

No nomination was received

**Branch Treasurer**

Candidate

SMITH, James William

**Branch Secretary**

No nomination was received

**Ordinary Member of Federal Council (2)**

Candidates

HANDCOCK, Michael Joseph  
SMITH, James William

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



Kathryn Montgomery  
Returning Officer  
10 April 2013



**Fair Work (Registered Organisations) Act 2009**

**POST ELECTION REPORT**

**Client:** Australian Institute of Marine and Power Engineers – Sydney Branch

**Contact details:** Martin Byrne  
Assistant Federal Secretary  
AIMPE Sydney  
52 Buckingham St.,  
SURRY HILLS NSW 2010

**Email:** mbyrne@aimpe.asn.au  
**Tel:** 02 9319 7505

**AIR contact officer:** Stephen Kellett

**Email:** Industrial.elections@fwc.gov.au

**ELECTIONS COVERED IN THIS REPORT**

Election Decision No/s: E2013/102

**RULES**

Rules used for elections Rule ID: [009V: Incorporates alterations of 5/11/2009 in matters R2009/10043 and R2009/1044]

Rules difficult to apply/interpret: None

**ROLL OF VOTERS**

Number of voters on Roll As the election was uncontested no voter roll required

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

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

Other irregularities identified, and action taken: None

**ATTACHMENTS**

Declaration of Result Uncontested Offices

Kathryn Montgomery  
Returning Officer  
11 April 2013



Contact Officer K Montgomery  
Telephone 02 9375 6375  
Facsimile 02 9375 6336  
Email Kathryn.montgomery@aec.gov.au

Level 10  
59 Goulburn St  
HAYMARKET NSW 2000

PO Box 496  
HAYMARKET NSW 1239  
ABN 21 133 285 851

Mr Martin Byrne  
Honorary Branch Secretary  
The Australian Institute of Marine and Power  
Engineers  
52 Buckingham Street  
SURRY HILLS NSW 2010

By Email

Dear Mr Byrne

#### **Scheduled Election E2013/102**

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 the Fair Work Commission 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 the Act 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' 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) Regulations 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.

Yours sincerely

Kathryn Montgomery  
Returning Officer  
11 April 2013



FAIR WORK  
COMMISSION

22 January 2013

Martin Byrne  
Honorary Secretary  
Sydney Branch  
The Australian Institute of Marine and Power Engineers  
52 Buckingham Street  
SURRY HILLS NSW 2010

Also by facsimile: (02) 9319 7505 and email: [mbyrne@aimpe.asn.au](mailto:mbyrne@aimpe.asn.au)

Dear Mr Byrne

**Arrangements for the conduct of an Election (E2013/102)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsections 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

Carolyn Moloney  
Assistant Adviser  
Regulatory Compliance Branch



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2013/102)

LINTON DUFFIN

MELBOURNE, 14 JANUARY 2013

#### *Arrangement for conduct of election.*

[1] On 9 January 2013 the Sydney Branch of The Australian Institute of Marine and Power Engineers ('the organisation') lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

#### **Sydney Branch**

Branch President	(1)
Branch Treasurer	(1)
Branch Secretary	(1)
Ordinary Member of Federal Council	(2)

[2] The prescribed information in respect of the Branch Secretary was lodged later than the prescribed day. The nominal expiry date of the previous term of office was 22 September 2012, being the date four years after its commencement following the previous election in E2008/181. The organisation's rulebook does not specify a fixed date for the opening of nominations, from which a fixed prescribed day can be calculated, but provides that the opening of nominations will be determined by a Returning Officer. However, in the normal course of events prescribed information should have been lodged a sufficient amount of time in advance of the expiry of the previous term that the conduct of the election could have commenced within a reasonable time. The request for the election of a Branch Secretary is therefore overdue by several months.

[3] I consider that the period by which the previous term has been extended is not unreasonably long, considering that the delay will result in a synchronisation of the elections for all the Sydney Branch offices that are now required to be filled. In his email dated 9 January 2013 the Assistant Federal Secretary sought an extension of time for lodgement and, taking into account all relevant considerations, I allow, pursuant to subsection 189(2) of the Act, a later day for lodgement of the prescribed information up to the date of actual lodgement.

[4] I am satisfied that an election for the offices referred to in paragraph [1] above 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  
FAIR WORK COMMISSION

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## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Tuesday, 22 January 2013 11:15 AM  
**To:** 'Industrial Elections'  
**Subject:** E2013/102  
**Attachments:** E2013\_102 AIMPE Sydney letter to AEC\_16012013.doc; AIMPE E2013\_102 Sydney\_Decision\_14012013.pdf

Dear AEC

Please find attached a copy of the Decision for the Sydney Branch of The Australian Institute of Marine and Power Engineers for its upcoming scheduled election (E2013/102).

Kind regards,

**CAROLYN MOLONEY**

Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**

Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 8, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

Please be aware that my email address has changed to [carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au) effective 1 January 2013. Please update your records accordingly.

22 January 2013



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

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

**E No 2013/102**

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

Positions:

See Decision

Relevant Information: Scheduled election.

Contact: Martin Byrne, Honorary Secretary, Sydney Branch, The  
Australian Institute of Marine and Power Engineers

Phone: (02) 9698 3999

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@fwa.gov.au](mailto:industrial.elections@fwa.gov.au)

Carolyn Moloney  
Assistant Adviser  
Fair Work Commission

Terrace Towers Telephone: (02) 8374 6666  
80 William Street International: (612) 8374 6666  
East Sydney NSW 2011 Facsimile: (02) 9380 6990  
Email: [sydney@fwa.gov.au](mailto:sydney@fwa.gov.au)



## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Thursday, 10 January 2013 2:07 PM  
**To:** 'Industrial Elections'  
**Subject:** E2013/102  
**Attachments:** Elections - Sydney Branch AIMPE ; 009V\_AIMPE\_R2009\_10043 & 10044\_05112009.pdf

Dear AEC

Please find attached prescribed information and a copy of the current rulebook for an upcoming election of the Sydney Branch of the Australian Institute of Marine and Power Engineers (E2013/102).

Kind regards,

**CAROLYN MOLONEY**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 8, Terrace Tower, 80 William Street  
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# AIMPE

E2013/102  
Australian Institute of  
Marine and Power Engineers  
SYDNEY BRANCH

Fair Work Australia,  
80 William Street,  
East Sydney,  
NSW 2010.

9<sup>th</sup> January 2013

By email: [sydney@fwa.gov.au](mailto:sydney@fwa.gov.au)

Dear Deputy General Manager,

**RE: Request for Decision Regarding Election**

The Australian Institute of Marine and Power Engineers, Sydney Branch hereby requests that you arrange for the conduct of an election by the Australian Electoral Commission in accordance with s.182 of the Fair Work (Registered Organisations) Act 2009.

I, Martin Campion Byrne, Honorary Secretary of the Sydney Branch of the Australian Institute of Marine and Power Engineers make the following statement:

I write on behalf of the Sydney Branch of the AIMPE to request that you make the necessary arrangements for the conduct of Branch Elections.

I am authorised to lodge the attached information covering the Branch elections being sought.

I confirm that the attached information is lodged under subsection s189 (1) of the Act and Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009.

**Yours Faithfully**

**Martin Byrne**  
Honorary Secretary,  
Sydney Branch  
**Australian Institute of Marine & Power Engineers**

*Prescribed information Regulation 138 FW(RO)Regs 2009*

**Reg 138 (1) (a) Name of Positions:**

- A Branch President (1)
- B Branch Treasurer (1)
- C Branch Secretary (1)
- D Ordinary Member of Federal Council (2)

**Reg 138 (1) (b) Reason for Elections:**

The reason for the Election of the officers and positions marked **A**, **B** and **D** above is that the term of each office will expire on 7<sup>th</sup> March 2013.

The reason for the Election of the officer and position marked **C** above is that the term of office expired on 22<sup>nd</sup> September 2012.

**Reg 138 (1) (c) Number of positions:**

The number of Ordinary Members of Federal Council to be elected is two (2).

**Reg 138 (1) (d) The Electorate:**

The electorate is the whole of the branch.

**Reg 138 (1) (e) Nominations Open:**

The nominations should open at least one month before the date fixed for the election (Rule 33 B (iii)).

**Reg 138 (1) (e) Nominations Close:**

Closing of nominations should be as arranged between the Branch Secretary and the Returning Officer ((Rule 33 B (iii)).

**Reg 138 (1) (f) Cut off Date for roll:**

The Rules of the AIMPE are silent as to cut off date.

**Reg 138 (1) (g) Method of Election:**

The direct voting system is the method to be used for these ballots. The Rules of the AIMPE specify that financial members shall elect the Branch officials (Rule 33 B (i)).