



16 November 2016

Mr Ian McAllister  
Branch Secretary  
Victoria/Tasmania Branch  
The Australian Institute of Marine and Power Engineers  
(by email)

Dear Mr McAllister,

cc: M Byrne – Federal Treasurer

### **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 of uncontested offices in the Victoria/Tasmania Branch [E2016/151]. 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-Victoria/Tasmania 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. 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

Carolyn Moloney  
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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
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
...						

Mr Ian McAllister  
Branch Secretary  
The Australian Institute of Marine and Power Engineers  
236 Clarendon Street  
SOUTH MELBOURNE VIC 3205

**Post Election Report For: The Australian Institute of Marine and Power Engineers  
Election E2016/151**

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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) 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.



Ann Dougan  
Returning Officer

2 November 2016

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**  
**The Australian Institute of Marine and Power Engineers**  
**Victoria / Tasmania Branch**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2016/151

**RULES**

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.....*

Clarification to wording above, before the closing of the election. – it is unusual for the ballot material to be posted to the voter significantly before the ballot is open.

Also to increase the minimum time that ballot is to be open to *at least twenty one (21) days*, due to the extended delivery times with Australia Post.

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: Ballot not required

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: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results – Uncontested Branch Officers and Federal Council members

A handwritten signature in black ink, appearing to read 'Ann Dougan', with a stylized flourish at the end.

Ann Dougan  
Returning Officer

2 November 2016



# The Australian Institute of Marine and Power Engineers Branch Officers and Federal Council Members

## Declaration of Results for Uncontested Offices

E2016/151

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.

### Victoria/Tasmania Branch

#### Branch President

Candidates

IRELAND, Edwin

#### Branch Secretary

Candidates

McALLISTER, Ian Kenneth

#### Branch Treasurer

Candidates

TROTTER, Gary

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

Candidates

WALSH, Peter Joseph

WOOLLEY, Montgomery William

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



Ann Dougan  
Returning Officer

2 November 2016



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2016/151)

MR ENRIGHT

MELBOURNE, 19 JULY 2016

*Arrangement for conduct of election.*

[1] On 12 July 2016 the Victoria / Tasmania Branch of The Australian Institute of Marine and Power Engineers lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

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

[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 GENERAL MANAGER

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# Copy of Signed Decision

**Title of Matter:** Application/Notification by Australian Institute of Marine and Power Engineers, The-Victoria/Tasmania Branch  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Branch Secretary, Branch President, Branch Treasurer, Federal Council member (2)  
**Matter Number(s):** E2016/151

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

**Dear The Australian Institute of Marine and Power Engineers - Victoria/Tasmania Branch,**

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

**Dear Australian Electoral Commissioner via the Electoral Officer,**

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

**Contact:** Mr Ian McAllister of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Fair Work Commission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**Inquiries:**

Any inquiries relating to this matter are to be directed to Carolyn Moloney through [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**19 JULY 2016**



## Copy of Prescribed Information

**Title of Matter:** Application/Notification by Australian Institute of Marine and Power Engineers, The-Victoria/Tasmania Branch  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Branch Secretary, Branch President, Branch Treasurer, Federal Council member (2)  
**Matter Number(s):** E2016/151

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

### Inquiries:

Any inquiries relating to this are to be directed to: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**14 JULY 2016**

**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, Ian Kenneth McAllister, being the Branch Secretary of the Victoria / Tasmania AIMPE make the following statement:



1. I am authorised to sign this statement containing prescribed information for Victoria / Tasmania 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.

This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:

Dated: 1<sup>st</sup> July 2016

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

## ANNEXURE A

- Elections that are required [insert as many pages as required]:

Branch	Name of Office	Number	Voting System <i>Direct voting system:</i>	Reason for Election <i>Scheduled;</i>	Electorate
<i>Vic/Tas</i>	<i>Branch Secretary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of VIC / TAS Branch (rule 33)</i>
<i>Vic/Tas</i>	<i>Branch President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of VIC / TAS Branch (rule 33)</i>
<i>Vic/Tas</i>	<i>Branch Treasurer</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of VIC / TAS Branch (rule 33)</i>
<i>Vic/Tas</i>	<i>Federal Council member</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of VIC / TAS Branch (rule 33)</i>
<i>Vic/Tas</i>	<i>Federal Council member</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of VIC / TAS Branch (rule 33)</i>
...					
Branch	Name of Office			Position Expiry Date:	Period of Term
<i>Vic/Tas</i>	<i>Branch Secretary</i>			<i>4 March 2017</i>	<i>4 Years</i>
<i>Vic/Tas</i>	<i>Branch President</i>			<i>9 January 2017</i>	<i>2 Years</i>
<i>Vic/Tas</i>	<i>Branch Treasurer</i>			<i>9 January 2017</i>	<i>2 Years</i>
<i>Vic/Tas</i>	<i>Federal Council member</i>			<i>9 January 2017</i>	<i>2 Years</i>
<i>Vic/Tas</i>	<i>Federal Council member</i>			<i>9 January 2017</i>	<i>2 Years</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>To be determined by Returning Officer</i>	
<b>Nominations CLOSE</b>	<i>To be determined by Returning Officer</i>	
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (rule 33)</i>	<i>7 days prior to nominations opening (rule 33)</i>

Please note: that 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'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.



2 June 2016

Mr Ian McAllister  
Branch Secretary  
Australian Institute of Marine and Power Engineers – the-Victoria/Tasmania Branch  
By email: [REDACTED]

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

Dear Mr McAllister,

**Courtesy Letter - Election for offices [E2016/151]**

The rules of the Victoria/Tasmania 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 in September 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') by 25 July 2016. 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/overview/registered-organisations-fact-sheets>.

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 [E2016/151]

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