



26 September 2017

Mr Ian McAllister
Branch Secretary
Australian Institute of Marine and Power Engineers -Victoria/Tasmania
Branch
imcallister@aimpe.asn.au

Cc: AIMPE@aimpe.asn.au

Dear Mr McAllister

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/138

On 22/09/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/138 dated 22/09/2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 33B(v). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
-
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

22 September 2017

Post-election Report

E2017/138 Australian Institute of Marine and Power Engineers

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	4
Other Matters.....	4
Attachments	4

Election(s) Covered in this Report

Election Decision No/s: E2017/138

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 a ballot paper
Module Rule reference (if any)	16.2.1 On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.
Recommendation	<p>Increase the period the ballot is open to a minimum of 35 or 42 days to allow for additional time for members to receive and return the ballot material as members may be absent from home for extended periods of time while working on board ships.</p> <p>At present if a declaration envelope containing ballot papers was returned before the ballot opened it would need to be rejected as it was received before the ballot opened.</p>

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: Nil

Other irregularities identified, and action taken: Nil

Other Matters

Attachments

- 1) Declaration of Results for Uncontested Offices – Branch President – VIC



Ann Dougan
Returning Officer

22 September 2017



11 September 2017

Mr Ian McAllister
Branch Secretary
Australian Institute of Marine and Power Engineers-Victoria/Tasmania Branch
imcallister@aimpe.asn.au

Dear Mr McAllister,

cc: AIMPE@aimpe.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for Victoria/Tasmania Branch [E2017/138]. 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

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

Christine Hibberd
Registered Organisations Commission

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

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)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

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
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

The Australian Institute of Marine and Power Engineers

Victoria / Tasmania Branch

Branch President

Declaration of Results for Uncontested Offices

E2017/138

Below are the results of the election for the following office, 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

RICKARDS, Russell

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

7 September 2017



Reference: V17/205

Mr Ian McAllister
Branch Secretary
The Australian Institute of Marine and Power Engineers
202/20 Convention Centre Place
SOUTH WHARF VIC 3006

Dear Mr McAllister,

The Australian Institute of Marine and Power Engineers
Branch President
E2017/138

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Ann Dougan
Returning Officer

7 September 2017

cc all candidates



Copy of Signed Decision

Title of Matter: Application/Notification by Australian Institute of The Marine and Power Engineers – Victoria / Tasmania Branch
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: Branch President – Victoria / Tasmania Branch
Matter Number(s): E2017/138

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

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

Dear Australian Institute of Marine and Power Engineers, The-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 Registered Organisations 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 Registered Organisations Commission at regorgs@roc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through regorgs@roc.gov.au.

7 JUNE 2017



DECISION

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

The Australian Institute of Marine and Power Engineers (E2017/138)

MR ENRIGHT

MELBOURNE, 7 JUNE 2017

Arrangement for conduct of election.

[1] On 16 May 2017 the Victoria / Tasmania Branch of The Australian Institute of Marine and Power Engineers lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Branch President

(1)

[2] 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.

[3]



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer
<Price code A, PR350640>



AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS
202, 20 CONVENTION CENTRE PLACE, SOUTH WHARF 3006
PHONE: 03 9690 0506, FACSIMILE: 03 9690 0153, EMAIL: imcallister@aimpe.asn.au

Tuesday, May 16, 2017

Registered Organisations Commission
Level 4, 414 LaTrobe Street
Melbourne 3001

Dear Sir / Madam,

Conduct of Elections – A.I.M.P.E. - Victoria / Tasmania Branch

We request your assistance in conducting the above election.

Please find enclosed the prescribed information required in accordance with subsection 189(1) of the Fair Work [Registered Organisations Act] 2009.

The undersigned may be contacted in relation to this matter.

Yours faithfully,

Ian Mc Allister
Branch Secretary

Regulation 138

PREScribed INFORMATION IN RESPECT OF ELECTION – SUBSECTION 189(1) OF THE ACT

I am an officer of the Australian Institute of Marine and Power Engineers, Victoria Tasmania Branch and am authorized to sign this statement which is lodged in accordance with subsection 189(1) of the Act.

1. The offices in respect of which the elections are required are:

BRANCH PRESIDENT

2. The reasons for which the elections are required are:

A casual vacancy due to the death of the incumbent office holder.

3. The electorate for the election is:

The membership of the Victoria / Tasmania Branch of AIMPE.

4. The dates and times that nominations open and close are:

To be advised by the Australian Electoral Commission.

5. The voting system to be used in the conduct of the election is:

Direct Voting.


..... (signed)

**Ian Mc Allister
Branch Secretary
Victoria / Tasmania Branch**

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 McAllister, being the Branch Secretary of the Victoria/Tasmania Branch, 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
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.

[delete as appropriate]

4. *[If there is a Casual Vacancy]*

Casual Vacancy due to the Death of the incumbent office holder.

NOTE: this is civil penalty provision and a failure to lodge on time can lead to penalties under the RO Act. Extensions of time should be requested at least 2 months before nominations open.

Signed:



Dated: 16th may 2017

[PLEASE 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.]

