



14 January 2019

Branch Secretary
Australian Institute of Marine and Power Engineers, The-Victoria/Tasmania Branch
imcallister@aimpe.asn.au

Dear Branch Secretary,

cc: Head Office, 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 and contested offices for VIC and TAS Branches [E2018/125]. 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, as soon as practicable after receiving the post-election report, 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

Matthew Indrigo
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>						

12 December 2018

Australian Institute of Marine and Power
Engineers
Scheduled election
E2018/125

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Election(s) Covered in this Report

Organisation: Australian Institute of Marine and Power Engineers
Election: Scheduled
Election Decision No/s: E2018/125

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.....*

In order not to disenfranchise voters by having their ballot papers rejected for returning the ballot papers before the ballot is to open. It is suggested to increase the minimum period the ballot is to open to six weeks, thus allowing the members who are away at sea for extended periods to have enough time to receive and return their votes for any election. The minimum period could be longer if the organisation felt that this is required (and substitute the minimum period of six week for example *Seven weeks* or *Eight weeks*).

In order to comply with the current rules of the organisation the Returning Officer posted the ballot papers to the eligible members 14 days before the ballot opened with written instruction not to return the declaration envelope including the ballot papers before the ballot opened on 24 October 2018.

36 voters in this election did not follow these instruction and returned the declaration envelope containing their ballot papers before the 24 October 2018 when the ballot opened. These declaration envelopes containing ballot papers were rejected.

Model Rule reference (if any): N/A

Rules difficult to apply/interpret: *33B(iii) 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" at least one (1) month before the date fixed for the election.*

Clarification for the requirement for advertising for Nominations to indicate 'at least one (1) month before the fixed date of the election'.

Is it the intention of this rule that the notice is to be published in the 'On Watch' one month before the ballot closes, or is the intention of this rule to advise its members that an election period is to commence shortly and when nominations will open and close.

If the later please amend the rule to indicate before the date fixed for nominations to open.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Total number of voters on the Roll: 400

Number of apparent workplace addresses: 0

Number of non-current addresses: 5

Other matters pertaining to the roll of voters: It is unclear in the organisations rules of the status of Life members of AIMPE with regard to their eligibility to nominate or vote in any election within the organisation.

Clarification is requested to be added to the rules to identify the Life member's eligibility to nominate and vote in elections.

Irregularities

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

Other irregularities identified, and action taken:

The Returning Officer was advised by email, that a letter was being distributed to multiple branch members concerning two of the candidates nominated for the current contested election and their previous conduct towards the author of the letter (the letter claimed that the two candidates identified had made defamatory comments about the authors conduct towards a number of AIMPE officials, and was done in order to undermine the authors candidature for a federal position).

Advice was sent to the informant of the potential issue, that the AEC has limited powers under the Fair Work (Registered Organisations) Act 2019 to investigate and is unable to provide legal advice.

Other Matters

Returning Officer actions required (Section 193): None

Details: N/A

Signed



Ann Dougan
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7161
12 December 2018

Attachments

A. Declaration of Results for Contested Offices and Uncontested Offices – VIC/TAS



Ann Dougan
Returning Officer
Australian Electoral Commission
14 November 2018



21 November 2018

Branch Secretary
Australian Institute of Marine and Power Engineers, Victoria/Tasmania Branch
imcallister@aimpe.asn.au

Dear Branch Secretary,

cc: Australian Institute of Marine and Power Engineers, AIMPE@aimpe.asn.au

Reminder of actions required when persons elected to office

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Regards

Matthew Indrigo
Registered Organisations Commission

Reference: AVAEV V18/237

Mr Ian McAllister
Branch Secretary
Australian Institute of Marine and Power Engineers
52 Buckingham Street
Surry Hills NSW 2010

Dear Mr McAllister

**Australian Institute of Marine and Power Engineers
Scheduled Election
E2018/125**

The declaration of the election for Contested and Uncontested offices is attached.

The election is now complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

14 November 2018

Australian Institute of Marine and Power Engineers
DECLARATION OF RESULTS - E2018/125
Contested and 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:

Victoria/Tasmania Branch

Total number of persons on the roll of voters	400
Ballot Papers Issued	400
Replacement ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	400
Ballot papers/envelopes returned for scrutiny	121
Less ballot papers/envelopes rejected at preliminary scrutiny	37
Adjusting balance	0
TOTAL BALLOT PAPERS	84
Percentage of ballot papers returned to number issued	30%
Ballot papers returned as unclaimed mail by closing date of ballot	6
Ballot papers not returned by voters	279

Federal Council Member (2)

<u>Candidates</u>	<u>Votes</u>
GOULD, Simon	34
WALSH, Pete	46
WOOLLEY, Montgomery	50
WRIGHT, Mathew	34

Total Ballot papers admitted for this office	84
Formal ballot papers	84
Informal ballot papers	0

I declare the following elected:	Order elected
<ul style="list-style-type: none"> • WOOLLEY, Montgomery • WALSH, Pete 	<ul style="list-style-type: none"> 1 2

Branch President (1)

Candidate
RICKARDS, Russell

Branch Treasurer (1)

Candidate
TROTTER, Gary

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
Australian Electoral Commission
14 November 2018



DECISION

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

Australian Institute of Marine and Power Engineers
(E2018/125)

MR ENRIGHT

MELBOURNE, 13 JULY 2018

Arrangement for conduct of election.

[1] On 28 June, 10 July and 11 July 2018 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 the following offices:

Branch President	(1)
Branch Treasurer	(1)
Federal Council Member	(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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<PR351116>

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 (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.
4. Deleted
5. Deleted
6. No rule alterations are pending that will impact the election.
7. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Dated: 11 July 2018

[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.]

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 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 President</i>			2 November 2018	2 Years
<i>Vic/Tas</i>	<i>Branch Treasurer</i>			2 November 2018	2 Years
<i>Vic/Tas</i>	<i>Federal Council member</i>			2 November 2018	2 Years
<i>Vic/Tas</i>	<i>Federal Council member</i>			2 November 2018	2 Years

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by Returning Officer</i>	
Nominations CLOSE	<i>To be determined by Returning Officer</i>	
Roll of Voters cut off date	<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.