

12 January 2021

Post-election report

The Australian Institute of Marine and Power Engineers (AIMPE)

Victoria/Tasmania Branch

Scheduled election

E2020/94

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- B. Declaration of Results for Contested Offices – VIC/TAS Branch

Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers - Victoria/Tasmania Branch
Election: Scheduled
Election Decision No/s: E2020/94

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 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: 249

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

Potential irregularities identified, and action taken to avoid the irregularity: 4 ballot papers were 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):

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 where 10 ballot papers were returned to the AEC before the ballot (period) opened and again in this election E2020/94 where 4 ballot papers were 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

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
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12 January 2021

Attachments

- A. Declaration of Results for Uncontested Offices – VIC/TAS Branch
- B. Declaration of Results for Contested Offices – VIC/TAS Branch

The Australian Institute of Marine and Power Engineers
Victoria /Tasmania Branch
DECLARATION OF RESULTS - E2020/94
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:

Financial Members of AIMPE VIC/TAS Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	249
Number of voters issued with voting material	249
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	250
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	99
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	99
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	146
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	39.75 %

Branch Secretary (1)

Candidates

BEAN, Geoff	49
MCALLISTER, Ian Kenneth	49

Total ballot papers admitted for this office	99
Formal Ballot papers	98
Informal Ballot papers	1

Note:

Rule 33.b (xiv) of the Organisation states that in the event of an equality of votes the

Returning Officer shall determine the issue by lot.

Accordingly, the Returning Officer followed the rule and Mr Ian Kenneth McAllister was elected by lot.

I declare the following elected:

- MCALLISTER, Ian Kenneth

Ordinary Member of Federal Council (2)

Candidates

PEBERDY, David	60
WALSH, Peter Joseph	54
WOOLLEY, Montgomery	50

Total ballot papers admitted for this office **99**

Formal Ballot papers	98
Informal Ballot papers	1

I declare the following elected:

- PEBERDY, David
- WALSH, Peter Joseph



Ishtiaq Ahmed
Returning Officer
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16/12/2020

The Australian Institute of Marine and Power Engineers
Victoria/Tasmania Branch
DECLARATION OF RESULTS - E2020/94
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:

Branch President (1)

Candidates

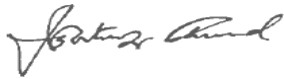
RICKARDS Russell

Branch Treasurer (1)

Candidates

TROTTER Garry John

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
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16/12/2020





DECISION

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

The Australian Institute of Marine and Power Engineers
(E2020/94)

MR ENRIGHT

MELBOURNE, 13 MAY 2020

Arrangement for conduct of election.

[1] On 23 April 2020 the Australian Institute of Marine and Power Engineers Victoria/Tasmania Branch lodged with the Registered Organisations Commission prescribed information for an election to fill 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 COMMISSIONER

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PR351647

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 Victoria / Tasmania Branch Secretary of the Australian Institute of Marine and Power Engineers (AIMPE) make the following statement:

1. I am authorised to sign this statement containing prescribed information for Victoria-Tasmania Branch of 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 number of rule changes have been submitted to the ROC and are yet to be approved, none of the rule changes submitted would affect the branch elections rules.

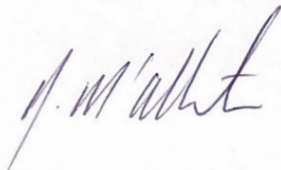
Therefore;

No rule alterations are pending that will impact the election.

5. 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:



Ian McAllister

Victoria /Tasmania Branch Secretary / Federal Treasurer (Honorary)

Dated: 23rd April 2020

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

Branch	Name of Office	Number required	Voting System <i>Direct voting system;</i>	Reason for Election <i>Scheduled;</i>	Electorate
Victoria / Tasmania	Branch President	1	Direct Voting System	Scheduled	<i>All financial members of Vic/Tas Branch - rule 33 B. (i)</i>
Victoria / Tasmania	Branch Secretary	1	Direct Voting System	Scheduled	<i>All financial members of Vic/Tas Branch - rule 33 B. (i)</i>
Victoria / Tasmania	Branch Treasurer	1	Direct Voting System	Scheduled	<i>All financial members of Vic/Tas Branch - rule 33 B. (i)</i>
Victoria / Tasmania	Ordinary Member of Federal Council	2	Direct Voting System	Scheduled	<i>All financial members of Vic/Tas Branch - rule 33 B. (i)</i>
Branch	Name of Office			Position Expiry Date:	Period of Term
Victoria / Tasmania	Branch President			14 th November 2020	2 Years
Victoria / Tasmania	Branch Secretary			2 nd November 2020	4 Years note: Rule 33 B. (i)
Victoria / Tasmania	Branch Treasurer			14 th November 2020	2 Years
Victoria / Tasmania	Ordinary Member of Federal Council			14 th November 2020	2 Years

- Important dates:

Direct Voting System		
Nominations OPEN	"To be determined by returning officer"	Preferred timeline below – allowing compliance with Rule 33 B. (iii) publication of nomination and voting schedule in "On Watch"
Nominations CLOSE	"To be determined by returning officer"	Preferred timeline below - allowing 6-week period – As members maybe away at sea?
Roll of Voters cut off date	21 st July 2020	Date from Preferred timeline below – allowing compliance with Rule 33 B. (xii)

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](#).

PI to ROC by	AEC Schedule	to Editor "On Watch"	"On Watch" edition	Nominations from (open)	Nominations by (close)	Statements by	Ballot OPEN	Ballot CLOSE	Declaration	Total Days
	32	7	24	31	42	7	14	42	1 to 14 days	136
		check date [deadline]	On watch delivered							
24/04/2020	26/05/2020	2/06/2020	26/06/2020	27/07/2020	7/09/2020	14/09/2020	28/09/2020	9/11/2020		