

**Ms Jackie Parkin
Research Assistant
The Australian Institute of Marine and Power Engineers WA Branch
1/169 Stock Rd
PALMYRA WA 6157**

**Post-Election Report For:
The Australian Institute of Marine and Power Engineers WA Branch
Election No: E2014/108**

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") 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 website 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.



**Brendon Barlow
Returning Officer
25 November 2014**

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: The Australian Institute of Marine and Power Engineers WA Branch

Contact details: Ms Jackie Parkin

Email: jparkin@aimpe.asn.au
Tel: (08) 9317 6446

FWA contact officer: Kiet Mac

Email: orgs@fwc.gov.au
Tel: (02) 8374 6510

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2014/108

RULES

Rules for Election 009V Incorporates alterations of 26/09/2013 in matter R2013/333

Rules difficult to apply/interpret: Rule 33B(v) – states in part that “The Returning Officer shall, at least fourteen (14) days before the opening of the election caused 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 removable flap or label and a prepaid envelope.”

The difficulty arising from this Rule is that posting out ballot material prior to the actual opening of the ballot could result in ballot papers being completed and returned prior to the commencement of the ballot. Such ballot papers could not be admitted to the scrutiny; however, if they were admitted, it would result in an irregularity occurring in the election.

Model Rule reference (if any): N/A

ROLL OF VOTERS

The roll of voters was supplied by The Australian Institute of Marine and Power Engineers WA Branch and was used to conduct the election.

Total number of voters on the Roll: 615

Number of apparent workplace addresses: Nil

Number of non-current addresses: 7

Other matters pertaining to the roll of voters: N/A

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results for Contested Office

A handwritten signature in blue ink, appearing to read 'B. Barlow', with a horizontal line extending to the right.

Brendon Barlow
Returning Officer
25 November 2014

**The Australian Institute of Marine and Power Engineers
Branch Secretary**

Declaration of Results for Contested Offices

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.

Western Australian Branch

Total number of names on the roll of voters	615
Ballot papers issued	615
Replacement ballot papers issued	0
Total Ballot Papers Issued	615
Ballot papers / envelopes returned for scrutiny	175
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	172
Percentage of ballot papers returned to number issued	28
Ballot papers returned as unclaimed mail	4
Ballot papers not returned	436

Branch Secretary

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BLACKMORE, Chris	68	68
HARTREE, John	57	57
JONES, Mark	45	45
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	170	170
Formal ballot papers	170	170
Informal ballot papers	2	2

I declare Chris Blackmore elected.



Brendon Barlow
Returning Officer
Australian Electoral Commission

11 November 2014



DECISION

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

Australian Institute of Marine and Power Engineers (E2014/108)

MR ENRIGHT

MELBOURNE, 30 JUNE 2014

Arrangement for conduct of election.

[1] On 16 June 2014 the West Australia Branch of The Australian Institute of Marine and Power Engineers (AIMPE's WA Branch) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election for the following office:

Branch Secretary (1)

[2] On 17 June 2014 the Commission wrote to AIMPE's WA Branch to inform them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged prior to the prescribed day and that on this occasion the prescribed information did not appear to have been lodged prior to the prescribed day and as a subsequence, a request for an extension of time would be required.

[3] On 25 June 2014 AIMPE's WA Branch lodged a written request for an extension of time for lodgement in accordance with s.189(2) of the Act. I allow for the extension of time up until 25 June 2014 to lodge the prescribed information.

[4] 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.



DELEGATE OF THE GENERAL MANAGER

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MAC, Kiet

From: MAC, Kiet
Sent: Monday, 30 June 2014 11:24 AM
To: 'Industrial Elections'
Subject: E2014/108 Decision
Attachments: AIMPE E2014_108 WA_Decision 30062014.pdf; AIMPE E2014_108 letter to AEC.doc

Dear AEC

Please find attached a copy of the signed decision for the AIMPE-WA in matter E2014/108.

Yours sincerely

Kiet Mac

Kiet Mac
Regulatory Compliance Branch
Fair Work Commission
Tel: 02 8374 6511
Fax: 02 9380 6990
10/80 William Street, East Sydney, NSW 2011
www.fwc.gov.au



**Australian Institute of Marine & Power Engineers
Western Australian Branch**

24th June 2014

Fair Work Australia
GPO Box X2206,
Perth, 6001

Re: WA Branch Election

Dear Sir,

We request your assistance in conducting the above election.

Attached is the "Prescribed Information" as required under Section 189 [1] of the Fair Work [Registered Organisations Act] 2009.

Yours faithfully,

PC Olsen
WA Branch Secretary

Statement of Prescribed Information for an Election

I, Phillip Charles Olsen, being the Branch Secretary of the Western Australian Branch of the Australian Institute of Marine & Power Engineers, make the following statement:

I am the Branch Secretary of the Western Australian Branch of the Australian Institute of Marine & Power Engineers.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Western Australian Branch of Australian Institute of Marine & Power Engineers, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Signed: 

Dated: 24 JUNE 2014

Offices/Positions

A	Branch Secretary
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Reasons for election:

- Election for office and position marked A is required as the term of office is due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the direct voting system is the whole of the Branch.

Nominations open:

- For offices to be elected by direct voting system :22 July 2014

Nominations close:

- For offices to be elected by direct voting system : 2 September 2014

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations - rule 22(g).



FAIR WORK
COMMISSION

17 June 2014

Mr Phillip Charles Olsen
Branch Secretary
Western Australian Branch
The Australian Institute of Marine and Power Engineers
1/169 Stock Road
Palmyra WA 6157

Also by facsimile: (08) 9317 6450 and email: jparkin@aimpe.asn.au

Dear Mr Olsen

Scheduled Election - The Australian Institute of Marine and Power Engineers - Western Australian Branch (E2014/108)

I refer to the prescribed information dated 13 June 2014 which was lodged with the Fair Work Commission on 16 June 2014, for a scheduled election of the office of Secretary for the Western Australian Branch of The Australian Institute of Marine and Power Engineers (AIMPE).

The prescribed information included a request for an election of a Branch Secretary in accordance with rule 32 of the AIMPE rulebook but did not provide any dates for nominations opening and closing as required by regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* (the regulations). Rule 33B(iii) of the AIMPE rulebook provides that notice specifying opening and closing dates for nominations are to be given by the Returning Officer at least one month prior to the date fixed for the election. Accordingly, could you provide an amended application which includes opening and closing dates for nominations.

Furthermore, section 189(2) of the *Fair Work (Registered Organisations) Act 2009* requires prescribed information to be lodged before the prescribed day, which under regulation 138(3) of the regulations is two months before the first day when a person may become a candidate. While I acknowledge that there is as yet no date for nominations to open or close, the intention of regulation 138(3) is to encourage prescribed information to be lodged early enough to avoid delays in the conduct of elections. Accordingly, if the prescribed information has been lodged after the prescribed day, would you include in your amended prescribed information a request for an extension to lodge the prescribed information.

Do not hesitate to contact me on (02) 8374 6511 or at orgs@fwc.gov.au if you have any questions in respect to this correspondence.

Yours sincerely

Kiet Mac
Regulatory Compliance Branch, NSW
Fair Work Commission

MAC, Kiet

From: MAC, Kiet
Sent: Monday, 16 June 2014 1:51 PM
To: 'Industrial Elections'
Subject: E2014/108 - PI of AIMPE - WA branch election
Attachments: E2014_108.pdf; 009v.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election of Australian Institute of Marine and Power Engineers – Western Australian Branch (E2014/108).

Regards

Kiet

Kiet Mac
Regulatory Compliance Branch
Fair Work Commission
Tel: 02 8374 6511
Fax: 02 9380 6990
10/80 William Street, East Sydney, NSW 2011
www.fwc.gov.au



**Australian Institute of Marine & Power Engineers
Western Australian Branch**

13th June 2014

Fair Work Australia
GPO Box X2206,
Perth, 6001



Re: WA Branch Election

Dear Sir,

We request your assistance in conducting the above election.

Attached is the "Prescribed Information" as required under Section 189 [1] of the Fair Work [Registered Organisations Act] 2009.

Yours faithfully,

PC Olsen
WA Branch Secretary

Statement of Prescribed Information for an Election

I, Phillip Charles Olsen, being the Branch Secretary of the Western Australian Branch of the Australian Institute of Marine & Power Engineers, make the following statement:

I am the Branch Secretary of the Western Australian Branch of the Australian Institute of Marine & Power Engineers.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Western Australian Branch of Australian Institute of Marine & Power Engineers, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Signed: 

Dated: 13 JUNE 2014

Offices/Positions

A	Branch Secretary
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Reasons for election:

- Election for office and position marked A is required as the term of office is due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the direct voting system is the whole of the Branch.

Nominations open:

- For offices to be elected by direct voting system :

Nominations close:

- For offices to be elected by direct voting system :

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations - rule 22(g).