

## **MOUTEVELIS, Michael**

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**From:** Michael Brierley [Michael.Brierley@aec.gov.au]  
**Sent:** Thursday, 23 October 2014 5:19 PM  
**To:** jparkin@aimpe.asn.au; Orgs  
**Cc:** Simon Bulloch  
**Subject:** Post Election Report E2014-142 [SEC=UNOFFICIAL]  
**Attachments:** img-X23141320-0001.pdf

UNOFFICIAL

Phi

See attached Post Election Report for 1 Ordinary Member of Federal Council.

Regards

Michael Brierley | Divisional Office Manager Division of Moore | WA Australian Electoral Commission  
T: (08) 9300 9355 | M: 0413 271 936 | F: (08) 9300 9344

-----Original Message-----

**From:** [michael.brierley@aec.gov.au](mailto:michael.brierley@aec.gov.au) [<mailto:michael.brierley@aec.gov.au>]  
**Sent:** Thursday, 23 October 2014 2:13 PM  
**To:** Michael Brierley  
**Subject:** FOR OFFICIAL USE ONLY

Sent by: mbrierley [michael.brierley@aec.gov.au] Number of Images: 6 Attachment File Type: PDF

Device Name: PRN0191  
Device Location:

UNOFFICIAL

### **DISCLAIMER:**

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

**Mr Phil Olsen  
Branch Secretary  
The Australian Institute of Marine and Power Engineers  
West Australian Branch  
1/169 Stock Rd  
PALMYRA WA 6157**

**| Post Election Report For: The Australian Institute of Marine and Power Engineers  
Election E No 2014/142**

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.

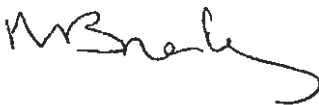
Section 198 of the Act requires that if an organisation or branch is given a Post Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response 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.



Michael Brierley  
Returning Officer  
23 October 2014

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

**Client:** The Australian Institute of Marine and Power Engineers  
**Contact details:** Mr Phil Olsen  
**Email:** [jparkin@aimpe.asn.au](mailto:jparkin@aimpe.asn.au)  
**Tel:** 08 93176446

**FWA contact officer:** Not Provided to the AEC  
**Email:** [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
**Tel:** [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2014/142

**RULES**

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

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: 584

Number of apparent workplace addresses: Nil

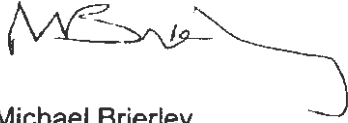
Number of non-current addresses: Three

Other matters pertaining to the roll of voters:

**IRREGULARITIES** Nil

**ATTACHMENTS**

Declaration of Results for Contested Office

A handwritten signature in black ink, appearing to read 'MBrierley', with a long, sweeping horizontal stroke extending to the right.

Michael Brierley  
Returning Officer  
23 October 2014

**The Australian Institute of Marine and Power Engineers  
Ordinary Member of Federal Council**

**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	584
Ballot papers issued	584
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>584</b>
Ballot papers / envelopes returned for scrutiny	179
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	178
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>356</b>
Percentage of ballot papers returned to number issued	30
Ballot papers returned as unclaimed mail	178
Ballot papers not returned	227

**Ordinary Member of Federal Council**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
HARTREE, John William	80	80
WILLIAMSON, Andrew	89	89
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	169	169
Formal ballot papers	347	347
Informal ballot papers	9	9

I declare Andrew Williamson elected.



Michael Brierley  
Returning Officer  
Australian Electoral Commission

23 October 2014



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2014/142)

MR ENRIGHT

MELBOURNE, 23 MAY 2014

*Arrangement for conduct of election.*

[1] On 19 May 2014 the West Australia Branch (**the WA Branch**) of The Australian Institute of Marine and Power Engineers (**AIMPE**) lodged with the Fair Work Commission (**the Commission**) the prescribed information in relation to an election for the following office:

Ordinary Member of Federal Council (1)

[2] On 21 May 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 within such a time frame as to avoid delays in the election. On this occasion the prescribed information had not been lodged within a time frame that would allow the office to be filled in accordance with the rules of the organisation or upon its expiry, and that a request for an extension of time would be required.

[3] On 22 May 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. The WA Branch Secretary apologised for not lodging the prescribed information sooner and stated that the delay in lodgement was due to an oversight related to his change in status from a full time official to an honorary one where he is no longer in daily communication with his office.

[4] I allow for the extension of time up until 19 May 2014 to lodge the prescribed information.

[5] 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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<Price code A, PR550812>

## **MOUVEVELIS, Michael**

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**From:** Phillip Olsen [polsen@iinet.net.au]  
**Sent:** Thursday, 22 May 2014 12:21 PM  
**To:** MOUVEVELIS, Michael; Orgs  
**Cc:** Jackie Parkin  
**Subject:** scheduled election E2014/142 - request for extension of time.  
**Attachments:** Election request for extension of time.pdf; AIMPE WA E2014\_142 ext of time 21052014.pdf

Dear Mr Moutevelis,

Please see attached regarding this matter.

Also sent by fax - 02 9380 6990

Kind regards

Phillip Olsen  
WA branch secretary  
Australian Institute of Marine & Power Engineers  
M: 0451 309 354  
[www.aimpe.asn.au](http://www.aimpe.asn.au)

*There are people who fish and those who just trouble the waters.*





**AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS**  
**Western Australia Branch**

Honorary Secretary: Phillip Olsen – Senior National Organiser: Andrew Williamson  
National Organiser: Michael Carroll – National Organiser: Steve Valeriani - Research Assistant: Jackie Parkin

Thursday, 22nd May 2014

Michael Moutevelis  
Assistant Adviser  
Regulatory Compliance Branch  
Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Facsimile: (02) 9380 6990 email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

**Scheduled Election - The Australian Institute of Marine and Power Engineers -  
West Australia Branch (E2014/142)**

Dear Mr Moutevelis,

I refer to your letter dated 21 May 2014, regarding the above captioned.

I apologise for the delay in lodging the prescribed information in respect of the proposed election.

This was an oversight, in part associated with my change in status from full-time Branch Secretary to Honorary Branch Secretary. This change in status means I am no longer in daily communication with my office giving rise to this oversight.

Greater care will be exercised in these matters in the future; again I offer my sincere apology for any inconvenience this oversight has caused and request an extension of time to conduct the election.

Yours sincerely,

Phillip Olsen  
Honorary Branch Secretary

**MOUTEVELIS, Michael**

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**From:** Orgs  
**Sent:** Thursday, 22 May 2014 10:34 AM  
**To:** 'mcarroll@aimpe.asn.au'  
**Subject:** RE: Email No Longer Active  
**Attachments:** AIMPE WA E2014\_142 ext of time 21052014.pdf

Dear Sir/Madame

FYI, please see attached documentation relating to election E2014/142.

Regards

MICHAEL MOUTEVELIS  
Assistant Adviser  
Regulatory Compliance Branch

Fair Work Commission  
Tel: (02) 8374 6614  
Fax: (02) 9380 6990  
Email: [michael.moutevelis@fwc.gov.au](mailto:michael.moutevelis@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street, East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

-----Original Message-----

**From:** [polsen@aimpe.asn.au](mailto:polsen@aimpe.asn.au) [<mailto:polsen@aimpe.asn.au>]  
**Sent:** Wednesday, 21 May 2014 3:33 PM  
**To:** Orgs  
**Subject:** Email No Longer Active

Effective 10 August 2013,

Mr. Phil Olsen has retired from all industrial relations work. Please send all related emails to [mcarroll@aimpe.asn.au](mailto:mcarroll@aimpe.asn.au)

Kind Regards,

AIMPE

## **MOUVEVELIS, Michael**

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**From:** Orgs  
**Sent:** Wednesday, 21 May 2014 3:32 PM  
**To:** 'polsen@aimpe.asn.au'  
**Cc:** 'jparkin@aimpe.asn.au'  
**Subject:** Election E2014/142  
**Attachments:** AIMPE WA E2014\_142 ext of time 21052014.pdf

Dear Mr Olsen

Please see attached correspondence.

Regards

**MICHAEL MOUVEVELIS**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: (02) 8374 6614  
Fax: (02) 9380 6990  
Email: [michael.mouvevelis@fwc.gov.au](mailto:michael.mouvevelis@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street, East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

FAXED



FAIR WORK  
COMMISSION

21 May 2014

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

Also by facsimile & email: (08) 9317 6450; [polson@aimpe.asn.au](mailto:polson@aimpe.asn.au) & [jparkin@aimpe.asn.au](mailto:jparkin@aimpe.asn.au).

**Scheduled Election - The Australian Institute of Marine and Power Engineers - West Australia Branch (E2014/142)**

I refer to the prescribed information dated 16 May 2014 which was lodged with the Fair Work Commission on 19 May 2014, for an election for the office of an Ordinary Member of Federal Council of the West Australia Branch of The Australian Institute of Marine and Power Engineers (the Branch).

An office for Ordinary Member of Federal Council for the Branch was declared elected on 16 April 2012 in matter E2012/206. The current term of office nominally expired on 16 April 2014.

Rule 33B(iii) provides that notice specifying opening and closing dates for nominations is to be given by the Returning Officer at least one month prior to the date fixed for the election. This means that the office will not be able to be filled by the date of expiry.

In addition, section 189(2) of the Act states that prescribed information must 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. Section 189(2) is a civil penalty provision. While I acknowledge that there is as yet no set date for nominations to open, the intention of regulation 138(3) is to encourage prescribed information to be lodged early enough to avoid delays in the conduct of elections. For this reason the Delegate of the General Manager will require a written request for an extension of time providing reasons why the prescribed information was not lodged at least one month prior to the expiry of the term of office.

On receipt of such request, the prescribed information will be forwarded to the Delegate of the General Manager for approval.

Yours sincerely

Michael Moutevelis  
Assistant Adviser  
Regulatory Compliance Branch  
Fair Work Commission



## Copy of Prescribed Information

**Title of Matter:** Application/Notification by Australian Institute of Marine and Power Engineers, The-West Australia Branch  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:**  
**Matter Number(s):** E2014/142

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).

**20 MAY 2014**



**AUSTRALIAN INSTITUTE OF MARINE & POWER ENGINEERS**  
**Western Australian Branch**

Honorary Branch Secretary: Phillip Olsen – Senior National Organiser: Andrew Williamson  
National Organiser: Michael Carroll – National Organiser: Steve Valeriani - Research Assistant: Jackie Parkin

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16<sup>th</sup> May 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: 16 May 2014

### Offices/Positions

A	Ordinary Member of Federal Council
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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).