

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

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

Contact details: Christopher Blackmore

Email: cgodfrey@aimpe.asn.au

Tel: (08) 9317 6446

FWA contact officer: Carolyn Moloney

Email: carolyn.moloney@fwc.gov.au

Tel: Not Provided

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/181

RULES

Rules used for the election: [009V: Incorporates alterations of 03/12/2014 in matter R2013/22]

Model Rule reference (if any): N/A

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.

ROLL OF VOTERS

Total number of voters on the Roll: 592

Number of apparent workplace addresses: 2

Number of non-current addresses: 0

Other matters pertaining to the roll of voters: Nil

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 Offices or Uncontested Offices



Simon Bulloch
Returning Officer
22 January 2016

The Australian Institute of Marine and Power Engineers Western Australian Branch Election

Declaration of Results for Contested and Uncontested Offices

E2015/181

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	592
Ballot papers issued	592
Replacement ballot papers issued	0
Total Ballot Papers Issued	592
Ballot papers / envelopes returned for scrutiny	123
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	120
Percentage of ballot papers returned to number issued	20
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	467

Ordinary Member of Federal Council

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
HARTREE, John	52	52
JONES, Mark	67	67
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	119	119
Formal ballot papers	119	119
Informal ballot papers	1	1

I declare Mark Jones elected.

Branch President

Candidates

JONES, Mark

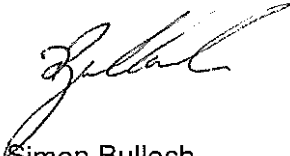
I declare Mark Jones elected.

Branch Treasurer

Candidates

No nomination was received

No candidates elected.



Simon Bulloch
Returning Officer
Australian Electoral Commission

22 January 2016





Copy of Signed Decision

Title of Matter: Application/Notification by The Australian Institute of Marine and Power Engineers - West Australia Branch
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2015/181

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.

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

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

Contact: Mr Christopher Blackmore of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

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

1 JULY 2015



Copy of Signed Decision

Title of Matter: The Application/Notification by Australian Institute of Marine and Power Engineers - West Australia Branch

Section: s.189(1) RO Act - Notification of elections for office

Subject:

Matter Number(s): E2015/181

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney
Phone: 02 8374 6510, email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

1 JULY 2015



DECISION

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

The Australian Institute of Marine and Power Engineers (E2015/181)

MR ENRIGHT

MELBOURNE, 1 JULY 2015

Arrangement for conduct of election.

[1] On 28 May 2015 the Western Australian Branch (the 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 offices:

Western Australian Branch

Branch President	(1)
Branch Treasurer	(1)
Ordinary Member of Federal Council	(1)

[2] The prescribed information was not lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] On 25 June 2015 Mr Christopher Blackmore, the Branch Secretary of AIMPE made a request for an extension of time for lodgement of the prescribed information. The request provided that the delay in lodgement was an error of the Branch and that greater care would be exercised in these matters in the future.

[4] The prescribed information provided that nominations would open on 22 June 2015. Therefore, according to the prescribed information, the first day when a person may become a candidate in the election is 22 June 2015. Given this, the prescribed information was required to be lodged before 22 April 2015.

[5] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr Blackmore. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement.

[6] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act. However the failure of an organisation to lodge prescribed information before the prescribed day contravenes section 189(2) of the *Fair Work (Registered Organisations) Act 2009* and is a civil penalty provision which may be the subject of application by the Fair Work Commission for orders in the Federal Court.

[7] 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 GENERAL MANAGER

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AUSTRALIAN INSTITUTE OF MARINE & POWER ENGINEERS
Western Australian Branch

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

23rd June 2015

Carolyn Maloney - Assistant Adviser
Regulatory Compliance Branch
Fair Work Commission
Leven 10, Terrace Tower
80 William Street
East Sydney NSW 2011

Email: orgs@fwc.gov.au

Re: Fair Work Commission File Number: E2015/181

Dear Ms Maloney,

Further to your letter of 17th June 2015, I apologise for the delay in lodging the prescribed information in respect of the proposed election.

This was an error by the Branch, and following discussions and clarification of the procedure with you, the Branch will ensure that greater care is exercised in these matters in the future.

I request an extension of time to conduct the election.

Yours sincerely,

Chris Blackmore
WA Branch Secretary



17 June 2015

Mr Christopher Blackmore
Branch President
West Australia Branch
The Australian Institute of Marine and Power Engineers
169 Stock Road
Palmyra WA 6157

Also by email: [REDACTED]

Short Title: Notification by The Australian Institute of Marine and Power Engineers - West Australia Branch (009V-WA)

Fair Work Commission File Number: E2015/181

Dear Mr Blackmore,

I refer to the prescribed information for a scheduled election of the West Australia Branch of The Australian Institute of Marine and Power Engineers (AIMPE), which was lodged with the Fair Work Commission on 28 May 2015.

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* provides that prescribed information for an election must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* is two months before the first day when a person may become a candidate. You have indicated that nominations open on 22 June 2015. Accordingly, the prescribed day on this occasion is 22 April 2015.

Since s.189(2) is a civil penalty provision and the prescribed information for this election was not lodged before the prescribed day, a formal written request for an extension of time is required, providing reasons why the prescribed information was not lodged before the prescribed day.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6510.

Yours sincerely

Carolyn Moloney
Assistant Adviser
Regulatory Compliance Branch



Copy of Prescribed Information

Title of Matter: Application/Notification by The Australian Institute of Marine and Power Engineers - West Australia Branch
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2015/181

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.

28 MAY 2015

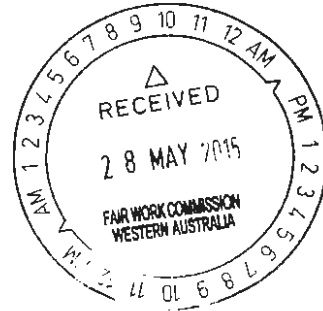


AUSTRALIAN INSTITUTE OF MARINE & POWER ENGINEERS
Western Australian Branch

Branch Secretary: Chris Blackmore – Senior National Organiser: Andrew Williamson
National Organiser: Michael Carroll – National Organiser: Steve Valeriani - Research Assistant: Jackie Parkin

26th May 2015

Fair Work Australia
GPO Box X2206
Perth WA 6001



Re: WA Branch Elections

Dear Sir,

We request your assistance in conducting the above elections.

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

Yours faithfully,

C. Blackmore
WA Branch Secretary

Statement of Prescribed Information for an Election

I, Christopher Blackmore, 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: C. Blackmore.

Dated: 26TH MAY 2015.

Offices/Positions

A	Branch President
B	Branch Treasurer
C	Ordinary Member of Federal Council

Reasons for election:

- Election for offices and positions marked A, B & C is required as the terms of office are 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 June 2015

Nominations close:

- For offices to be elected by direct voting system : 3 August 2015

Cut off date for roll:

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