



17 January 2017

Mr Christopher Blackmore
Branch Secretary
West Australia Branch
The Australian Institute of Marine and Power Engineers
Fax: (08) 9317 6450

Dear Mr Blackmore

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/222

On 16 January 2017 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/222 dated 16 January 2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 33B(v). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must 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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch



17 January 2017

Mr Christopher Blackmore
Branch Secretary
The Australian Institute of Marine and Power Engineers - West Australia Branch
Fax: (08) 9317 6450

Dear Mr Blackmore,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/222]. 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 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 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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. A list of approved training providers is attached.

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 should be provided for in your organisation's rules.

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-West Australia 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;

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

Telephone: (02) 8374 6666
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- 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

Michael Moutevelis

Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

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]*
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

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)

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
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

From: Simon Bulloch <Simon.Bulloch@aec.gov.au>
Sent: Monday, 16 January 2017 5:16 PM
To: AIMPE WA Branch Admin; Orgs; Industrial Elections
Subject: AIMPE WA Branch Election- Uncontested Declaration and PER
[SEC=UNCLASSIFIED]
Attachments: E2016.222 AIMPE WA Branch Election- Uncontested Declaration.pdf;
E2016-222 AIMPE WA Branch Election - Post Election Report.pdf

UNCLASSIFIED

Chris,

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.

Regards,

Simon Bulloch | Manager
Election Services | WA State Office
Australian Electoral Commission
T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052



Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

UNCLASSIFIED

DISCLAIMER:

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

Declaration of Results for Uncontested Offices

E2016/222

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

Ordinary Member of Federal Council

Candidates

WILLIAMSON, Andrew Fraser

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidate elected.



Simon Bulloch
Returning Officer

16 January 2017

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

The Australian Institute of Marine and Power Engineers Western Australian Branch

Client:

Contact details: Christopher Blackmore

Email: wabbranchadmin@aimpe.asn.au

Tel: (08) 9317 6446

FWA contact officer: Michael Moutevelis

Email: michael.moutevelis@fwc.gov.au

Tel: Not Provided

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:

E2016/222

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

The roll of voters was supplied by the Organisation. As there was not a contest the roll was not used.

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 Uncontested Offices



Simon Bulloch
Returning Officer
16 January 2017



DECISION

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

The Australian Institute of Marine and Power Engineers (E2016/222)

MR ENRIGHT

MELBOURNE, 29 SEPTEMBER 2016

Arrangement for conduct of election.

[1] On 7 September 2016, the West Australia Branch (the Branch) of The Australian Institute of Marine and Power Engineers 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] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The prescribed information should have been lodged by 23 August 2016. In its correspondence dated 21 September 2016, the Branch Secretary Mr Blackmore stated the delay was due to some recent internal re-organisation of the Branch which has witnessed the retirement of a long serving staff member who typically had oversight of arranging notification of Branch elections.

[3] I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation, nor is it clear to me that the Branch appreciates the seriousness or potential implications of continuing to contravene its statutory obligations.

[4] In a Decision I issued on 1 July 2015 ([2015] FWCD 4057; PR568405) relating to the abovementioned Branch, I refused a request for an extension of time following a similar request from Mr Blackmore made on 25 June 2015. In his correspondence of 25 June 2015, Mr Blackmore specifically undertook that the Branch would ensure that greater care is exercised in these matters in the future. I accepted the undertaking by the Branch Secretary although it is not now clear to me that the greater care referred to has actually occurred.

[5] In all the circumstances, having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement.

[6] The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act. The Commission is committed to ensuring high levels of compliance by registered organisations with their statutory obligations and it should come as no surprise to the Branch that continued contravention of the Act will be met with a proportionate regulatory response.

[7] 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.

[8] 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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From: Andrew Williamson <awilliamson@aimpe.asn.au>
Sent: Thursday, 22 September 2016 11:19 AM
To: Orgs
Subject: Extension of Time
Attachments: Ordinary Member Federal Council WA Election_Extension of Time.pdf

Dear Madam/Sir,

Please find the attached correspondence regarding previously notified election Ordinary Member WA AIMPE.

With Best Regards

Andrew Williamson
Assistant Federal Secretary
Australian Institute of Marine
& Power Engineers
169 Stock Road
Palmyra WA
Mobile: 0417 686 040
Phone: 08 9317 6446
Fax: 08 9317 6450
Web: www.aimpe.asn.au





AUSTRALIAN INSTITUTE OF MARINE & POWER ENGINEERS
Western Australian Branch

Honorary Secretary: Chris Blackmore–Assistant Federal Secretary: Andrew Williamson
National Organiser: Michael Carroll – National Organiser: Steve Valeriani

21 September 2016

Fair Work Commission
Perth Registry
111 St Georges Terrace
Perth WA
6000

Dear Madam/Sir,

WA Ordinary Member of Federal Council Election: Extension of Time

We refer to our correspondence dated 7 September 2016 advising of the term of office for the abovementioned position expiring on 23 October 2016.

Rule 33 B (iii) of the Rules of AIMPE stipulate 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 for publication in the AIMPE journal *On Watch*.

As the next *On Watch* is not scheduled for publication until late October 2016 we write seeking an extension of time for the conduct of the election.

This oversight on our part reflects some recent internal re-organisation of the WA Branch which has witnessed the retirement of a long serving staff member of the Branch who typically had oversight of arranging notification of Branch elections.

We thank you in anticipation of your forbearance on this occasion.

Yours faithfully

Chris Blackmore
Branch Secretary

Tel: 08 93176446
Fax: 08 9317 6450

169 Stock Road, Palmyra WA 6157

Email: awilliamson@aimpe.asn.au

svc-adlib5

From: Perth Registry
Sent: Wednesday, 7 September 2016 4:21 PM
To: Orgs
Subject: FW: Notification to FWC of an Election
Attachments: Election Notification FWC.pdf; Election Prescribed Information.pdf

Categories: RIA

From: Andrew Williamson [<mailto:awilliamson@aimpe.asn.au>]
Sent: Wednesday, 7 September 2016 1:48 PM
To: Perth Registry
Subject: Notification to FWC of an Election

Dear Madam/Sir,

Please find the attached notification of an election for Ordinary Member of AIMPE Federal Council WA Branch and the prescribed information in attachment two.

With Best Regards

Andrew Williamson
Assistant Federal Secretary
Australian Institute of Marine
& Power Engineers
169 Stock Road
Palmyra WA
Mobile: 0417 686 040
Phone: 08 9317 6446
Fax: 08 9317 6450
Web: www.aimpe.asn.au



