



24 April 2019

Branch Secretary

Australian Institute of Marine and Power Engineers - West Australia Branch

Sent via email: mcarroll@aimpe.asn.au

cc: Federal President, AIMPE@aimpe.asn.au

Dear Branch Secretary

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/76**

On 16/04/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/76. 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 this case the AEC suggests that the rules regarding the day the ballot papers are sent out be amended. 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 ROC 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 ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Christine Hibberd**  
**Registered Organisations Commission**



24 April 2019

Branch Secretary  
Australian Institute of Marine and Power Engineers - West Australia Branch  
Sent via email: mcarroll@aimpe.asn.au

cc: Federal President, AIMPE@aimpe.asn.au

Dear Branch Secretary,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested offices in matter E2018/76. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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. 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 are provided for in the RO Act.

#### 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;
  - 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.

Yours faithfully,

**Christine Hibberd**  
**Registered Organisations Commission**

16 April 2019

# Post-election report

**Australian Institute of Marine and  
Power Engineers**

West Australia Branch

Scheduled election

E2018/76

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# Election(s) Covered in this Report

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Organisation: West Australia Branch  
Election: Scheduled  
Election Decision No/s: E2018/76

## Rules

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

Rules difficult to apply/interpret: Yes – See below

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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Total number of voters on the Roll: 336

Number of apparent workplace addresses: 0

Number of non-current addresses: 3

Other matters pertaining to the roll of voters: 0

## Irregularities

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

Other irregularities identified, and action taken: NA

## Other Matters

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Returning Officer actions required (Section 193): Yes

S193 used to allow ballot materials received prior to the ballot opening to be counted. The organisations rules state that the ballot papers must be sent out 14 days prior to the ballot opening. It has been suggested to the organisation to update their rules to allow the ballot papers to go out on the same day the ballot opens.

## Signed



Amber Cooper  
Returning Officer  
Australian Electoral Commission  
E: waelections@aec.gov.au  
P: 0438 191 195  
16 April 2019

## Attachments

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### A. Declaration of Results for Contested Offices – WA



**Australian Institute of Marine and Power Engineers**  
**West Australia Branch Scheduled Election**  
**DECLARATION OF RESULTS - E2018/76**  
**Contested Offices**

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:

**West Australia Branch**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	336
Number of voters issued with voting material	336
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>336</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	96
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	95

<u>Candidates</u>	<u>Final Votes</u>
JONES, Mark Evan	59
WILLIAMSON, Andrew	36
<b>Total ballot papers admitted for this office</b>	<b>96</b>
Formal Ballot papers	95
Informal Ballot papers	1

I declare the following elected:

- JONES, Mark Evan

*A Cooper*

Amber Cooper  
Returning Officer  
Telephone: 08 6363 8011  
Email: waelections@aec.gov.au  
01/04/2019



## DECISION

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

**Australian Institute of Marine and Power Engineers, The-West Australia  
Branch**  
(E2018/76)

MR ENRIGHT

MELBOURNE, 14 SEPTEMBER 2018

*Arrangement for conduct of election.*

[1] On 21 August 2018 the West Australia Branch of The Australian Institute of Marine and Power Engineers (AIMPE) lodged with the Registered Organisations Commission prescribed information for an election to fill the following office:

Branch Secretary (1)

[2] I note that rule 33B(iii) of the rulebook of AIMPE, in relation to Branch elections, does not set out the dates for nominations opening and closing but rather, specifies that the opening and closing dates for nominations shall be given by the Returning Officer. In order to remove any potential ambiguity and ensure compliance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009*, I recommend AIMPE consider amending its rules to specify the opening and closing dates for nominations.

[3] 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 COMMISSIONER

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**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, Christopher Blackmoore, being the Branch Secretary of the Western Australian Branch of the Australian Institute of Marine and Power Engineers, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Western Australian Branch of the Australian Institute of Marine and Power Engineers.
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. This statement is lodged at least 2 months before nominations open for the election below.

Signed: C. Blackmoore

Christopher Blackmoore  
WA Branch Secretary  
AIMPE

Dated: 20<sup>TH</sup> AUGUST 2018

*[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to .]*

