

29 June 2021

Post-election report

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

West Australia Branch

Scheduled election

E2020/200

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Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers - West Australia Branch

Election: Scheduled

Election Decision No/s: E2020/200

Rules

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

Rules difficult to apply/interpret: Rule 33B(v) The Returning Officer shall, at least fourteen (14) days before the opening of the election cause 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 removal flap or label and a prepaid envelope.

Roll of Voters

Total number of voters on the Roll:	280
Number of apparent workplace addresses:	Nil
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: 20 ballot papers were returned before the ballot opened. The remedial action to admit them to the scrutiny is set out below.

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

1. The requirement in rule 33B(v) to despatch postal vote packs to voters well ahead of the ballot opening risks a number of irregularities by voters returning ballots before the ballot has opened.

Despite the AEC giving appropriate instructions to the voters as to the correct timeframe in which the postal votes are to be returned, the risk remains that voters unintentionally returning the postal vote early gives rise to an irregularity that would disenfranchise the voter because the vote must be rejected. This occurred in election E2020/197, E2020/94, E2020/160 and E2020/119 where 10, 4, 1 and 5 ballot papers respectively were returned to the AEC before the ballot (period) opened and again in this election E2020/200 where 20 ballot papers were returned to the AEC before the ballot period opened.

The Returning Officer exercised the power provided by subparagraph 193(b)(ii) of the *Fair Work (Registered Organisations) Act 2009* (the 'FW(RO) Act') to remedy the procedural defect that appears to exist in the AIMPE Rules mentioned above by deciding to admit postal votes returned prior to the ballot opening to the scrutiny.

The AEC's concern centres on the undesirability of resorting to exercising the remedial power provided by subparagraph 193(b)(ii) of the FW(RO) Act because timeframe for opening of the ballot is unnecessarily restrictive. The AEC understands that the early despatch of postal votes is intended to ensure voters have the fullest opportunity to receive their ballot papers, cast their vote and return their postal vote before the ballot closing time. The AEC believes that amending the AIMPE Rules to extend the ballot period by 14 days is the appropriate way to give effect to the intention behind.

[Model Rule](#) reference (if any) : Part 2, 6

2. As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer has applied subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of nomination and the withdrawal period was aligned with the close of the nomination period.

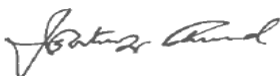
[Model Rule](#) reference: Part 2, 10 and Part 3, 23

3. As there is no rule pertaining to the closing time for the submission of the Resume, the Returning Officer applied subparagraph 193(1) (b)(ii) of the Act to fix a closing time for the submission of the Resume and the closing period was aligned with the close of the nomination period.

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

(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
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P: 02 9375 6331
29 June 2021

Attachments

A. Declaration of Results for Contested Offices

The Australian Institute of Marine and Power Engineers

West Australia Branch

DECLARATION OF RESULTS - E2020/200

Contested Offices

Scheduled Election

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:

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	280
Number of voters issued with voting material	280
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	282
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	98
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	98
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	182
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	35 %

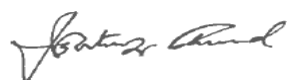
Ordinary Member, Federal Council (1)

<u>Candidates</u>	<u>Final Votes</u>
HARTREE, John William	57
McKENZIE, Heath	41

Total ballot papers admitted for this office	98
Formal Ballot papers	98
Informal Ballot papers	0

I declare the following elected:

- HARTREE, John William



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
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08/06/2021



DECISION

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

The Australian Institute of Marine and Power Engineers (E2020/200)

MR STEENSON

SYDNEY, 19 NOVEMBER 2020

Arrangement for conduct of election.

[1] On 11 November 2020 the Australian Institute of Marine and Power Engineers - West Australia Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following office:

Ordinary Member, Federal Council

(1)

[2] 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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PR351790

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, Mark Jones, being the Honorary Western Australian Branch Secretary 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 WA 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.

No rule alterations are pending that will impact this election.

4. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 11/11/2020

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
WA Branch	Ordinary Member of Federal Council	One	Direct Voting System	Scheduled	<i>Financial members of the Branch.</i> Rule 33.B (i)
Insert branch name	Insert name of office	Insert number of offices	Select relevant voting system	Select reason for election	State the electorate and reference the relevant rule
Insert branch name	Insert name of office	Insert number of offices	Select relevant voting system	Select reason for election	State the electorate and reference the relevant rule

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer, Rule 33B (iii)	Insert date and reference the relevant rule; or ‘To be determined by returning officer’ if the rules provide
Nominations CLOSE	To be determined by the returning officer, Rule 33B (iii) Preference is 6 weeks after the nominations open	Insert date and reference the relevant rule; or ‘To be determined by returning officer’ if the rules provide
Roll of Voters cut off date	as per rule 33B(xii) “7 days before the opening of nominations.” Please note cut-off date for placement of notices for the January ‘On Watch’ is 5/01/2021.	Insert date and reference the relevant rule

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).