



21 August 2018

Mr Martin Byrne  
Federal President  
Australian Institute of Marine and Power Engineers  
mbyrne@aimpe.asn.au

Dear Mr Byrne

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/275**

On 17/08/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/275 dated 17/08/2018. 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 33 A (ii). 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**



21 August 2018

Mr Martin Byrne  
Federal President  
Australian Institute of Marine and Power Engineers  
mbyrne@aimpe.asn.au

Dear Mr Byrne,

### **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 uncontested and contested offices for Federal Executive [E2017/275]. 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 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.

Regards

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

17 August 2018

# Post-election Report

**The Australian Institute of Marine and Power Engineers- E2017/275**



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## Election(s) Covered in this Report

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Election Decision No/s: E2017/275

## 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: Rule 33 A (ii) is difficult to apply as the Returning Officer is appointed by Australian Electoral Commission to conduct the election after receiving the Order from Registered Organisations Commission. It is recommended that this issue be resolved.

Model Rule reference (if any) : None

## Roll of Voters

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Total number of voters on the roll	17
Number of apparent workplace address	Nil
Number of non-current address	Nil

## Irregularities

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

Other irregularities identified, and action taken: None

## Other Matters

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None

# Attachments

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- 1) Declaration of results for contested Offices

Ishtiaq Ahmed  
Returning Officer  
17 August 2018

# The Australian Institute of Marine and Power Engineers

## DECLARATION OF RESULTS - E2017/275

### Contested and Uncontested Offices

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#### 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:

#### Australian Institute of Marine and Power Engineers

Total number of names on the roll of voters	17
Ballot papers issued	17
Replacement ballot papers issued	0
Total Ballot Papers Issued	17
Ballot papers returned for scrutiny	17
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Percentage of ballot papers returned to number issued	100%

#### Federal President (1)

<u>Candidates</u>	<i>Votes</i>
BYRNE, Martin	10
TOOHEY, Peter	7

Formal ballot papers	17
Informal ballot papers	0

I declare Martin Byrne as elected.

#### Vice President (3)

Total number of names on the roll of voters	17
Ballot papers issued	17
Replacement ballot papers issued	0
Total Ballot Papers Issued	17
Ballot papers returned for scrutiny	17
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Percentage of ballot papers returned to number issued	100%

<u>Candidates</u>	<i>Votes</i>
FLETCHER, Malcolm	2
FRANCIS, Sean	10
JONES, Mark	11
MACLUCAS, Derek	11
READY, Bradley	3
TOOHEY, Peter	7
WILLIAMSON, Andrew	7
Formal ballot papers	<b>17</b>
Informal ballot papers	<b>0</b>

I declare Mark Jones, Derek Maclucas and Sean Francis as elected.

### **Federal Treasurer (1)**

Total number of names on the roll of voters	17
Ballot papers issued	17
Replacement ballot papers issued	0
Total Ballot Papers Issued	17
Ballot papers returned for scrutiny	17
Less ballot papers rejected at preliminary scrutiny	0
Percentage of ballot papers returned to number issued	100%

<u>Candidates</u>	<i>Votes</i>
FLETCHER, Malcolm	6
MCALLISTER, Ian	11
Formal ballot papers	<b>17</b>
Informal ballot papers	<b>0</b>

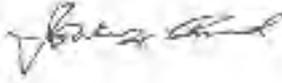
I declare Ian McAllister as elected.

## Senior Vice President (1)

### Candidates

MACLUCAS, Derek Scott

As the number of nominations accepted did not exceed the number of positions to be filled, I declare Derek Scott Maclucas as elected.



Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
18 June 2018



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2017/275)

MR ENRIGHT

MELBOURNE, 17 APRIL 2018

*Arrangement for conduct of election.*

[1] On 8 March 2018 The Australian Institute of Marine and Power Engineers lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

#### **FEDERAL EXECUTIVE**

Federal President	(1)
Vice President	(3)
Senior Vice-President (pursuant to rule 10)	(1)
Federal Treasurer	(1)

[2] 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 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, Martin Byrne, being the Federal Secretary and Federal Treasurer 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 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:

A handwritten signature in black ink, appearing to read 'Martin Byrne', with a long horizontal flourish extending to the right.

Dated: 8<sup>th</sup> March 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 [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

## ANNEXURE A

- Elections that are required

	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
<i>National</i>	<i>Federal President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>
	<i>Federal Vice Presidents</i>	<i>3</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>
	<i>Senior Vice President*</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>Federal Council (rule 10)</i>
	<i>Federal Treasurer</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>

\*elected from among the three Vice Presidents.

- Important dates:

	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>Estimated 18<sup>th</sup> May 2018 at a time fixed by the Returning Officer (rule 33A (iii))</i>
<b>Nominations CLOSE</b>	<i>Estimated 18<sup>th</sup> June 2018 at a time fixed by the Returning Officer (rule 33A (iii))</i>
<b>Roll of Voters cut off date</b>	<i>Estimated 18<sup>th</sup> June 2018 immediately prior to nominations opening (rule 33A (viii))</i>

Please note: that 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’. Casual vacancies must be accompanied by proof of resignation and attached to this statement.



9 January 2018

Mr Martin Byrne  
Federal Treasurer  
Australian Institute of Marine and Power Engineers  
Sent via email: [mbyrne@aimpe.asn.au](mailto:mbyrne@aimpe.asn.au)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Mr Byrne,

**Courtesy Letter - Election for offices [E2017/275]**

The rules of the Australian Institute of Marine and Power Engineers indicate that an election for offices within the organisation is due to commence shortly.

- Federal Executive

It appears that nominations for the election for the above-named offices open in April this year.

**Reminder: prescribed information must be lodged**

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

**If you do NOT agree that an election is due**

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au) as soon as possible.

**If you agree that an election is due**

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). When lodging the prescribed information, please quote [E2017/275]

**If you are unable to lodge the prescribed information on time**

If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

## **Penalties apply**

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

## **Insufficient nominations**

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully,

**Sam Gallichio**  
**Registered Organisations Commission**