



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2020/5)

MR ENRIGHT

MELBOURNE, 7 APRIL 2020

*Arrangement for conduct of election.*

[1] On 19 February 2020 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

President	(1)
Senior Vice President (pursuant to rule 10)	(1)
Vice President	(3)
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.



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DELEGATE OF THE COMMISSIONER

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PR351615

**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 President and Federal Secretary of the Australian Institute of Marine and Power Engineers (AIMPE) make the following statement:

1. I am authorised to sign this statement containing prescribed information for AIMPE.
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. A brief outline of the proposed rule alterations affecting this election is attached. These rule alterations HAVE NOT been lodged with the Fair Work Commission.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

**NOTE:** A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act. Extensions of time should be requested at least two months before nominations open.

Signed:

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

Dated: 19<sup>th</sup> February 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](mailto:regorgs@roc.gov.au).

**Annexure A**

## Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
National	President	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>
National	Vice President	3	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>
National	Treasurer	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) &amp; rule 33A)</i>
National	Senior Vice President (elected from among the 3 Vice Presidents)	1	Collegiate electoral system	Scheduled	<i>Federal Council (Rule 10)</i>

- Important dates:

		<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>		<i>Estimated 2<sup>nd</sup> June 2020 at a time fixed by the Returning Officer (rule 33A (iii))</i>
<b>Nominations CLOSE</b>		<i>9<sup>th</sup> June 2020 at a time fixed by the Returning Officer (rule 33A (iii))</i>
<b>Roll of Voters cut off date</b>		<i>9<sup>th</sup> June 2020 at a time fixed by the Returning Officer (rule 33A (iii))</i>

**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](#)

The following Proposed RULE CHANGE 1 was circulated to members of Federal Council on 4<sup>th</sup> March 2019 giving 60 days of notice in accordance with rule 38 Alteration or rescission of rules [Rule 38 (iii)]

“That Rule 33 A (i) and (ii) be deleted and replaced with the following:

- “(i) At least two months prior to the date set for the opening of the Federal Council, the Federal President shall lodge with the Registered Organisations Commission (ROC), the prescribed information relating to the Federal Executive election as required by section 189(1) of the Fair Work (Registered Organisations) Act 2009 & regulation 138 of the Regulations. The Commissioner shall, when satisfied that an election is due to be held, make arrangements for the conduct of the election by the Australian Electoral Commission (AEC). The AEC shall appoint a Returning Officer who will conduct the elections for Federal Executive positions.
  
- (ii) The members of the Federal Council shall elect a Federal Executive, from amongst their own number, consisting of a Federal President, a Federal Treasurer & three (3) Vice Presidents, for a term of one (1) year or until the next Annual Meeting of the Federal Council. Federal Council shall also elect a Senior Vice President from amongst the three newly elected Vice Presidents.”

The Rule changes was subsequently approved by the ballot of Federal Councillors and presented to special meeting of members [in several locations around Australia]. The application for approval of the rule change was filed in August 2019. FWC advised AIMPE in November 2019 that FWC had concerns about the quorum provisions relating to special meeting. AIMPE provided a response to FWC concerns in December 2019.

**As at time of filing this notice, AIMPE is awaiting a final response from the Fair Work Commission to the rule change application.**