



DECISION

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

The Australian Institute of Marine and Power Engineers (E2020/160)

MR ENRIGHT

MELBOURNE, 1 SEPTEMBER 2020

Arrangement for conduct of election.

[1] On 19 August 2020 the Australian Institute of Marine and Power Engineers - South Australia Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

| | |
|------------------------------------|-----|
| President | (1) |
| Treasurer | (1) |
| Ordinary member of Federal Council | (1) |
| Secretary | (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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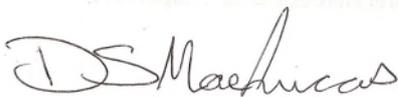
PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Derek MacLucas, being the South Australian / Northern Territory 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 the South Australian / Northern Territory Branch of the Australian Institute of Marine and Power Engineers [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. *[In relation to scheduled elections, if lodged 2 months prior to nominations opening]* 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:



Derek MacLucas

South Australia / Northern Territory Secretary AIMPE

Dated: 19/8/20

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 |
|---|------------------------------------|-----------------|---|---|---|
| South Australia/ Northern Territory | President | 1 | Direct Voting system | Scheduled | All financial Members of SA/NT Branch – rule 33 B [i] |
| South Australia / Northern Territory | Treasurer | 1 | Direct Voting system | Scheduled | All Financial members of SA/NT Branch – rule 33 B [i] |
| South Australia / Northern Territory | Ordinary member of Federal council | 1 | Direct Voting system | Scheduled | All financial members of SA/NT Branch – rule 33 B [i] |
| South Australia / Northern Territory | Secretary | 1 | Direct Voting system | Scheduled | All financial members of SA/NT Branch – rule 33 B [i] |

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- Important dates:

| | Direct Voting System | |
|-------------------------|---|--|
| Nominations OPEN | <p>To be determined by the returning officer – propose 3rd November 2020</p> <p>Please note - AEC Notice of election will need to be published in our journal “On watch “ whose edition deadline for articles/notices is the 9th of October 2020 there by being in our members hands by the end of October 2020</p> | |

| | | |
|------------------------------------|---|--|
| Nominations CLOSE | To be determined by the returning officer – propose 15 th December 2020 | |
| Roll of Voters cut off date | To be determined by the returning officer – propose 30 th October 2020 | |

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 4th March 2019 giving 60 days of notice in accordance with rule 38 Alteration or rescission of rules [Rule 38 (iii)]. Voting will take place on or after 4th May 2019. This is intended to clarify issues observed made In post-election reports that the existing rule is difficult to interpret or apply.

Proposed RULE CHANGE 2 re Rule 33 B

“Rules 33 B (ii) (iii) (iv) and (v) be deleted and replaced with the following☐Then Renumber existing Rules 33 B (vi) to (xiv) as (viii) to (xvi) and delete current (xv)

“(ii)

••

•••••

“ (iii)

At least six months before the term of office(s) expires, the Branch Secretary shall lodge with the Registered Organisations Commission (ROC), the prescribed information relating to the election, as required by section 189(1) of the Fair Work (Registered Organisations) Act & regulation 138(3) 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 prescribed information shall include:

the name and numbers of each office or position for which an election is due the reason for the election, being either:

- scheduled - the term of office has expired or is due to expire in the normal course of events; or
- casual vacancy;

or 0 insufficient nominations - an office or position was not filled at a previous election; or 0 a new office or position has been created.

the electorate for the ballot 0 the dates and times for the opening and closing of nominations 0 the day provided for in the rules on which the roll of voters is to be closed 0 the voting system to be used (direct voting system or collegiate electoral system), and any non-office positions for which an election is requested (section 187).”

Notice that nominations are required and specifying the opening and closing dates for nominations shall be given by the Returning Officer by publication in the Institute magazine “On Watch” and on the AIMPE website or by direct mailing to members’ postal address at least one (1) month

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Prescribed Information for the election of officers

“(iv) “(v)

“(vi)

before the date on which nominations open. The Nominations Period shall be for a period of six (6) weeks and the Voting Period shall also be, for a period of six (6) weeks. “

Each candidate shall complete and submit, a Nomination Form, available from either the AIMPE Branch, AIMPE website or the AEC.”

Each candidate may submit a candidate statement, not exceeding 300 words, for inclusion with their ballot paper, should such ballot be held. The candidate statement shall be forwarded to the Returning Officer, no later than

seven (7) days prior to the date set for the commencement of the Voting Period.”

Upon the closing of nominations, the Returning Officer shall determine whether and if so, which, of such nominations are in order and if more than the required number of nominations have been received and are in order, the Returning Officer shall conduct a secret postal ballot of the members of the Branch. Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified. Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination. Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.”

The Returning Officer shall cause a ballot paper to be prepared, containing in alphabetical order, the names of the candidates so nominated and such directions as the Returning Officer shall deem fit, as to the marking of the votes. The ballot shall be regarded as open, as soon as the Returning Officer causes 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. Both envelopes must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009. The Returning Officer shall also provide facilities for the return of completed ballot papers by the voter without expense to the voter.” ”

“(vii)

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SAMPLE