

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, Martin Byrne of 52 Buckingham Street, Surry Hills NSW 2010 am the Federal President of the Australian Institute of Marine and Power Engineers and am authorised to give this notice of particulars of alterations to the rules of Australian Institute of Marine and Power Engineers and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Australian Institute of Marine and Power Engineers.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) On 8th January 2019 the Federal Executive considered seven proposed rule changes to respond to criticism by the Australian Electoral Commission in post-election reports following a number of election processes and to deal with other outdated elements of the AIMPE Rules. The Federal Executive adopted each of the seven proposed rule changes;
 - (b) Subsequently, on 4th March 2019, I sent to each member of the Federal Council by email a copy of each of the seven proposed rule changes and gave 60 days' notice in accordance with Rule 38 (iii) Alteration or Rescission of Rules of a postal vote to confirm or disapprove of the proposed rule changes. A copy of the notice attached to this declaration and labelled 'Schedule B';
 - (c) Subsequently on 6th May 2019 I sent a request by email to each member of the Federal Council requesting that they submit their votes on the seven proposed rule changes;
 - (d) On 23rd May 2019 I advised by email all members of the Federal Council that the results of the voting on the seven proposed rule changes were that six of the seven proposed rule changes had been endorsed by a majority of Federal Councillors (with 12 Councillors voting in favour and 0 Councillors voting against out of a total of 17 Federal Councillors – 2 Councillors formally abstained while 3 Councillors did not exercise their votes). The proposed rule change 2 was not supported by a majority of Federal Councillors;
 - (e) As Federal President I ensured that notice of a Special Meeting of members of AIMPE (as required by Rule 38 (i) (a) and Rule 19 (iii)) was posted on the AIMPE website on 24th May 2019 together with a copy of the proposed rule changes, a copy of which is attached to this declaration and labelled 'Schedule C';

- (f) As Federal President I also gave notice of a Special Meeting of members of AIMPE (as required by Rule 38 (i) (a) and Rule 19 (iii)) - by advertisement placed in the Weekend Australian published 25th May 2019, a copy of which is attached to this declaration and labelled 'Schedule D';
 - (g) The Special Meeting was held in the specified locations on the 28th May 2019 (except for the Port Adelaide meeting which was held on 30th May as notified). A majority of members in attendance voted in favour of the six rule change resolutions which had been approved by the Federal Councillors although the members in two locations did not vote on the proposed rule changes.
 - (h) 60 members attended the Special Meetings in six locations. Each meeting had a quorum of at least 7 members in attendance. At the Brisbane meeting no voting occurred.
 - (i) 35 members voted in support of and 14 voted against Rule change 1,
34 members voted in favour of and 14 voted against Rule change 3,
50 members voted in favour of and 0 voted against Rule change 4,
36 members voted in favour of and 14 voted against Rule change 5,
36 members voted in favour of and 14 voted against Rule change 6,
36 members voted in favour of and 14 voted against Rule change 7.
4. I seek leave to file this notice of alteration of rules out of time due to a number of factors including:
- i) the process has been a lengthy one due to the notice requirements under AIMPE Rules which are in turn due to the fact that AIMPE members [including elected honorary officials] can be away at sea for extended periods of time;
 - ii) the long-term illness of a senior staff member between April and July which has both reduced my support and increased my workload; and
 - iii) a period of five weeks of annual leave which I took during June and July.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



Martin Byrne
Federal President

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to ros@fwc.gov.au. If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

Schedule A - Particulars of Rule Changes

RULE CHANGE 1

RULE CHANGE 1 re Rule 33A

“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.”

RULE CHANGE 2

Note – Rule Change 2 was disapproved by the majority of Federal Councillors.

RULE CHANGE 3

RULE CHANGE 3 re Rule 12

“That in Rule 12 (i) the words “169 Stock Road Palmyra WA 6157” be deleted and replaced

with the following:

“1 High Street Fremantle WA 6160” ”

RULE CHANGE 4

RULE CHANGE 4 re Rule 9

“That Rule 9 paragraph (iii) and paragraph (iv) be deleted and replaced with the following:

- “(iii) The Federal President shall keep a register of the names, occupations and addresses of the officers and members of the Institute. Such register shall be kept at the Branch Offices of the Institute and shall be open at any time for inspection by the Registered Organisations Commission.
- (iv) The Federal President shall prepare and submit all returns required by or under the Fair Work (Registered Organisations) Act, 2009 or Regulations made thereunder.” ”

RULE CHANGE 5

RULE CHANGE 5 re Rule 15

“That Rule 15 paragraph (i)(b) be deleted and replaced with the following:

- “(b) Newcastle Branch - all that part of the Commonwealth of Australia within the boundaries of the Commonwealth Electoral Divisions of Richmond, Page, Cowper, New England, Lyne, Paterson, Parkes, Hunter, Newcastle, Shortland, Dobell and Robertson.” ”

RULE CHANGE 6

RULE CHANGE 6 re Rule 30

“That Rule 30 be amended by adding the following paragraphs:

- “(vii) Life Members of the AIMPE shall be accorded the rights of financial members.
- (viii) Life Members shall not be required to pay either levies or annual contributions.” ”

RULE CHANGE 7

RULE CHANGE 7 re Rule 40

“That Rule 40 be amended by deleting Part B Transitional Provisions”

Schedule B Notice of rule changes



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

MEMO

TO FEDERAL COUNCILLORS

4th March 2019

FROM FEDERAL EXECUTIVE

RE NOTICE of RULE CHANGE PROPOSALS

The AIMPE Federal Executive has decided to place seven rule change proposals before Federal Councillors for a postal vote in accordance with Rule 38(iii). Accordingly, this is to give you 60-days notice of the seven proposed rule changes which are attached.

Some of these are Rule changes which the Executive regards as priority matters because AIMPE has been asked to address shortcomings by the Australian Electoral Commission. Others have become necessary as some rules have simply become out of date. The Federal Executive anticipates that these proposals will not be regarded as contentious and will receive the support of the majority of Federal Councillors

Rule change 1 is presented to Federal Councillors in response to an adverse Post Election Report submitted by the Australian Electoral Commission. The AEC has identified a problem in the interpretation and or application of Rule 33A our Federal Executive election rules provisions and recommended that these provisions be clarified. One aspect is that the AIMPE rules currently state that the Federal Council shall appoint a Returning Officer. Under the law AIMPE now has to apply to the Registered Organisations Commission to authorise the Australian Electoral Commission to conduct the election. The AEC then appoints the Returning Officer. (The other alternative under the law is for AIMPE to apply for an exemption and seek to conduct our own ballots.) Proposed rule change 1 also brings into this rule the election of the Senior Vice President by Federal Council.

Rule change 2 is also presented to Federal Councillors in response to adverse Post Election Reports submitted by the Australian Electoral Commission. The AEC has identified problems in the interpretation and or application of aspects of our Branch election rules provisions and recommended that these provisions be clarified. These include lack of clarity regarding the time periods of each stage of the election process. The proposed rule change sets out 6 week periods for nominations and for the ballot and also resolves the problem of the 14 days before opening of the election.

Acknowledgement is due to Life Member Mr Jim Smith for the work that he did on these election rule issues.

Rule change 3 is intended to update the rules in relation to the relocation of the WA Branch office from Palmyra to Fremantle.

Rule change 4 has the effect of removing references to outdated institutions (Industrial Registrar) and laws (Workplace Relations Act) and replacing the references with the correct current institutions (Registered Organisations Commission) and laws (Fair Work Act).

Rule change 5 is to remove from the Rules an electorate (Charlton) which no longer exists following the last Commonwealth redistribution of electoral boundaries in NSW.

Rule change 6 is to clarify the rights of Life Members of AIMPE.

Rule change 7 is to remove temporary transitional provisions which are now obsolete.

Once the 60-days notice period has elapsed you are asked to vote on each separate proposed Rule change indicating whether you confirm or disapprove of the proposed rule change.

Many thanks,

Martin Byrne
Federal Secretary

Schedule C AIMPE Website notice of rule changes

<https://www.aimpe.asn.au/aimpe-rules.html>

AIMPE rule changes - special meeting

(updated 24 05 19)

The AIMPE Federal Councillors have approved changes to six of the rules of the AIMPE - now it is up to members to endorse the rule changes.

Special meetings will be held next Tuesday 28th May in Brisbane, Newcastle, Sydney, Melbourne and Fremantle at the usual Branch monthly meeting venues.

The meeting in Port Adelaide will be held on 30th May in conjunction with the monthly meeting previously advised to SA Branch members.

Some of the Rule changes are priority matters because AIMPE has been asked to address shortcomings by the Australian Electoral Commission.

Others have become necessary as some rules have simply become out of date.

Members are advised that the AIMPE Federal Councillors did not approve one of the proposed rule changes (Proposed Rule Change 2).

Here is the explanation that was provided to the Federal Councillors in March when they were given the required 2 months notice of the proposed changes:

 [Notice of proposed Rule changes 2019.pdf](#) (98.01 KB Fri May 24 09:58:24 2019)

The first rule change approved is below:

 [Approved RULE CHANGE 1 re 33A i and ii.pdf](#) (81.11 KB Fri May 24 10:01:14 2019)

The second rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 3 re Rule 12.pdf](#) (77.95 KB Fri May 24 10:02:05 2019)

The third rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 4 re Rule 9.pdf](#) (78.19 KB Fri May 24 10:02:55 2019)

The fourth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 5 re Rule 15.pdf](#) (76.07 KB Fri May 24 10:03:52 2019)

The fifth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 6 re Rule 30.pdf](#) (75.24 KB Fri May 24 10:04:37 2019)

The sixth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 7 re Rule 40.pdf](#) (73.43 KB Fri May 24 10:06:03 2019)

Schedule D - Notice in The Weekend Australian 25th May 2019

Notice of AIMPE Special Meeting

Members of the Australian Institute of Marine and Power Engineers are invited to attend a Special Meeting of the union from 9.00 am on **Tuesday 28th May** at the usual Branch venues in Brisbane, Newcastle, Sydney, Melbourne and Fremantle.

Members in South Australia are invited to attend the meeting in Port Adelaide on Thursday 30th May.

Members are reminded that these meetings will also be the Annual General Meeting for 2019.

The Special Meetings will consider rule changes recently approved by the AIMPE Federal Council members.

Details of the rule changes are available on the AIMPE website **www.aimpe.asn.au**

Martin Byrne
Federal President

Issue Date	Publication	Booking	Order Number	Insertion ID
2019-05-25	The Australian	20559488		47761064

Tearsheet: http://tearsheets.news.com.au/publish/20190525/AD_47761064.pdf