

Form F68 – Application for consent to the alteration of the eligibility rules of an organisation

Fair Work (Registered Organisations) Act 2009, s.158

Fair Work (Registered Organisations) Regulations 2009, reg. 121

This is an application for consent to alter the eligibility rules of an organisation lodged with the Fair Work Commission in accordance with s.158 of the *Fair Work (Registered Organisations) Act 2009* and reg. 121 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant



These are the details of the organisation making an application for consent to alter its eligibility rules.

Legal name of organisation	Australian Institute of Marine and Power Engineers		
Trading name of organisation	AIMPE		
ABN/ACN	ABN 44398020831		
Contact person	Martin Byrne		
Postal address	52 Buckingham Street		
Suburb	Surry Hills		
State or territory	NSW	Postcode	2010
Phone number	02 93195569	Fax number	n/a
Email address	Mbyrne@aimpe.asn.au		

Note: If you provide a mobile number the Commission may send reminders to you via SMS.



If an application is not made in accordance with the requirements of reg. 121, the General Manager of the Commission must tell an applicant how the application or any statement made fails to comply with that regulation (see reg. 121(3)).

How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

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[] Post

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

[] Yes – Specify language

[x] No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

[] Yes – Please specify the assistance required

[x] No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

[] Yes – Provide representative's details below

[x] No

Applicant's representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	

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Phone number		Fax number	
Email address			

Is the Applicant's representative a lawyer or paid agent?

Yes

No

1. Proposed alteration to the organisation's eligibility rules

1.1 Specify:

- the proposed alteration to the organisation's eligibility rules, and
- the reason for the proposed alteration and
- the effect of that alteration.

You must sufficiently particularise this information so that it may be properly considered by the Commission (RO Regulations, reg. 121(2)(b)(ii)). Using numbered paragraphs, set out your response.

Note: Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~striketrough~~ formatting and new text may be highlighted using underlining or italics (provided there is no ambiguity with the formatting).

"That the existing rule 3 be deleted and replaced with the following:

3 - INDUSTRY

The Institute is registered in or in connection with the maritime industry and power generation industry. Without limiting the foregoing, the term maritime industry shall include the following:

Bulk Ships

Tanker Ships

Container Ships

Roll-on/Roll-off Ships

Passenger Ships

Dredges (Self-Propelled and non Self-Propelled)

Pilot Vessels

Tug Boats

Drill Ships (Self-Propelled)

Support Vessels

Navigational Aids Vessels

Self-Propelled Barges

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Small Ships
Colliers Ships
Research Vessels
Floating Production Facilities (Self-Propelled)
Ferries, Hydrofoils and Hovercraft
General Cargo Ships
Antarctic Vessels including icebreakers
Survey Vessels
Floating Hotel Installations
Fishing Vessels
Sundry Vessels
Oil Rigs (Self-Propelled)
Defence Support vessels
Offshore Wind Industry vessels
Aquaculture vessels
Transhipper vessels
Cruise vessels
Emergency towage and response vessels
Training vessels
Accommodation vessels
Border Force vessels
Bunker vessels
Tourist vessels”

Attach additional pages if necessary.

1.2 Have you attached a copy of the rules that are proposed to be altered?



You must also lodge with the application a copy of the rules that are proposed to be altered (RO Regulations, reg. 121(2)(e)).

Yes – Attach the rules

No

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3 - INDUSTRY

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Tanker Ships
Container Ships
Roll-on/Roll-off Ships
Passenger Ships
Dredges (Self-Propelled and non Self-Propelled)
Pilot Vessels
Tug Boats
Drill Ships (Self-Propelled)
Support Vessels
Navigational Aids Vessels
Self-Propelled Barges
Small Ships
Colliers Ships
Research Vessels
Floating Production Facilities (Self-Propelled)
Ferries, Hydrofoils and Hovercraft
General Cargo Ships
Antarctic Vessels including icebreakers
Survey Vessels
Floating Hotel Installations
Fishing Vessels
Sundry Vessels
Oil Rigs (Self-Propelled)

1.3 Was the alteration made in accordance with the rules of the organisation?



You must attach a declaration that (RO Regulations, reg. 121 (2)(c)):

- specifies if the alteration was made in accordance with the organisation's rules;
- states what action was taken under those rules to make the alteration; and
- verifies the facts stated in the application.

Yes – Attach the declaration.

No

Declaration attached

Attach additional pages if necessary.

1.4 Is there another organisation to which members could more conveniently belong,

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and be more effectively represented by?



If there is any such organisation, please specify if the organisation is prepared to provide the Commission with an undertaking to avoid demarcation disputes potentially arising from an overlap between the eligibility rules of the applicant and another organisation (see RO Act, s.158(4) and (5)).

Note: The Commission may refuse to consent to the alteration if it would give rise to a serious risk of a demarcation dispute which would prevent, obstruct or restrict the performance of work in an industry, or harm the business of an employer.

Using numbered paragraphs, set out your response.

No

Attach additional pages if necessary.

1.5 Please confirm that the proposed alteration to the eligibility rules does not contravene an agreement or understanding (dealing with the organisation’s right to represent the industrial interests of a particular class or group of persons) to which the organisation is a party.



Using numbered paragraphs, set out your response.

1. The proposed alteration does not contravene any existing agreements or understandings to which AIMPE is a party.

Attach additional pages if necessary.

1.6 Please confirm that the alteration to the eligibility rules of the organisation do not change the effect of an order made by the Commission about the organisation’s right to represent the industrial interests of a particular class or group of employees?



Using numbered paragraphs, set out your response.

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1. The alteration does not change any order made by the Commission about AIMPE’s right to represent the industrial interests of a particular class or group of employees.

Attach additional pages if necessary.

1.7 Have arrangements been made to publish a notice of this application on the organisation’s website?



The organisation must publish on its website, if it has one, a notice that it has lodged with the Commission the application for consent to change its eligibility rules (RO Regulations, reg. 121(4)).

Yes

No


1. Yes a copy of this application has been published on the AIMPE website at <https://www.aimpe.asn.au/aimpe-rules.html>

Attach additional pages if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature or common seal	
Name	Martin Byrne
Date	21 st May 2024
Capacity/Position	Federal President



The application lodged with the Commission must be under the common seal of the organisation or signed by a person authorised to sign it (see RO Regulations, reg. 13). Where this form is being completed and signed by a representative of the Applicant, include

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the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

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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 the 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*.

I declare that the alterations were made in accordance with the rules of the Australian Institute of Marine and Power Engineers (AIMPE).

The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.

The actions taken under the rules to make this alteration were as follows:

- (a) The AIMPE Federal Executive on 19th September 2023 approved that ten proposed rule changes be submitted to the members of the AIMPE Federal Council for a ballot by email;
- (b) As AIMPE Federal President on 7th November 2023 I gave 60 days' notice of a ballot by email for the proposed rule change (together with nine other proposed rule changes) to the members of the AIMPE Federal Council pursuant to Rule 38 (iii);
- (c) On 9th January 2024 as AIMPE Federal President I asked the members of the Federal Council to submit their votes on the proposed rule change;
- (d) The AIMPE Federal Council members approved of the proposed rule changes and the voting results are attached to this declaration and labelled 'Schedule B';
- (e) On 14th February 2024 the AIMPE Federal Executive authorised the proposed rule change to be put to a Special meeting of AIMPE members (together with eight other proposed rule changes);
- (f) On 20th February 2024 details of the proposed rule change (together with the other proposed rule changes) and notice of the Special meeting of AIMPE

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members were uploaded to the AIMPE website on the webpage titled AIMPE Rules;

- (g) On 23rd February 2024 I arranged for a notice appeared in The Australian newspaper advertising the Special meeting of AIMPE members to be held to consider the proposed rule changes approved by the ballot of Federal Council members;
- (h) On 27th February 2024 Special meetings were held in Newcastle, Sydney and Victoria/Tasmania Branches however the Queensland and West Australia Branches did not achieve meeting quorum requirements;
- (i) On 22nd March 2024 I arranged for a further notice appeared in The Australian newspaper advertising the Special meeting of AIMPE members in Queensland, South Australia and West Australia Branches to be held to consider the proposed rule change approved by the ballot of Federal Council members;
- (j) On 26th March 2024 Special Meetings were held in Queensland and South Australia Branches however in West Australia the proposed rule change was not put to the meeting for voting due to concerns about lack of information;
- (k) On 30th April 2024 the West Australia Branch conducted the Special meeting and voted on the proposed rule change thus concluding the Special meeting process in accordance with the AIMPE rules;
- (l) The Special meeting of AIMPE members approved the proposed rule change and the voting results are attached to this declaration and labelled 'Schedule C';

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

Signed and dated by an officer.



Martin Byrne
Federal President
24th May 2024

*[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*

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are the details of the rule changes. It can be submitted to regorgs@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.]

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Schedule A

Rule changes

Rule 3 additional vessel types

“That the existing rule 3 be deleted and replaced with the following:

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Self-Propelled Barges

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Colliers Ships

Research Vessels

Floating Production Facilities (Self-Propelled)

Ferries, Hydrofoils and Hovercraft

General Cargo Ships

Antarctic Vessels including icebreakers

Survey Vessels

Floating Hotel Installations

Fishing Vessels

Sundry Vessels

Oil Rigs (Self-Propelled)

Defence Support vessels

Offshore Wind Industry vessels

Aquaculture vessels

Transhipper vessels

Cruise vessels

Emergency towage and response vessels

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Training vessels

Accommodation vessels

Border Force vessels

Bunker vessels

Tourist vessels”

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Schedule B

Federal Council email ballot voting results

	For	Against	Abstained/no vote received	Result
Rule 3	12	1	3	carried

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Schedule C

Special Meeting of AIMPE members voting results

Rule 3	Eligibility rule - Additional Vessels				
Branch	Present	For	Against	Abstained	Motion
Newcastle	7	7	0	0	CU
Queensland	8	7	0	1	Carried
South Australia	9	9	0	0	CU
Sydney	10	10	0	0	CU
Vic/Tas	10	10	0	0	CU
West Australia	7	7	0	0	CU
Total	51	50	0	1	
Motion:					Carried

Note: CU – carried unanimously