



# AIMPE

Australian Institute of  
Marine and Power Engineers  
HEAD OFFICE

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 19<sup>th</sup> 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 7<sup>th</sup> November 2023 I gave 60 days' notice of a ballot by email for the ten proposed rule changes to the members of the AIMPE Federal Council pursuant to Rule 38 (iii);
- (c) On 9<sup>th</sup> January 2024 as AIMPE Federal President I asked the members of the Federal Council to submit their votes on the ten proposed rule changes;
- (d) The AIMPE Federal Council members approved of the ten proposed rule changes and the voting results are attached to this declaration and labelled 'Schedule B';
- (e) On 14<sup>th</sup> February 2024 the AIMPE Federal Executive authorised nine of the ten proposed rule changes to be put to a Special meeting of AIMPE members noting that, due to an administrative error, an incorrect, unamended, version of one proposed rule change had been circulated to AIMPE Federal Council members;
- (f) On 20<sup>th</sup> February 2024 details of the nine proposed rule changes and notice of the Special meeting of AIMPE members were uploaded to the AIMPE website on the webpage titled AIMPE Rules;

- (g) On 23<sup>rd</sup> February 2024 a notice appeared in The Australian newspaper advertising the Special meeting of AIMPE members to be held to consider the nine rule changes approved by the ballot of Federal Council members;
- (h) On 27<sup>th</sup> 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 22<sup>nd</sup> March 2024 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 nine proposed rule changes approved by the ballot of Federal Council members;
- (j) On 26<sup>th</sup> March 2024 Special Meetings were held in Queensland and South Australia Branches however in West Australia the nine proposed rule changes were not put to the meeting for voting due to concerns about lack of information;
- (k) On 30<sup>th</sup> April 2024 the West Australia Branch conducted the Special meeting and voted on the nine proposed rule changes thus concluding the Special meeting process in accordance with the AIMPE rules;
- (l) The Special meeting of AIMPE members approved each of the nine proposed rule changes and the voting results are attached to this declaration and labelled 'Schedule C';
- (m) One of the proposed rule changes relates to Rule 3 and is a change to an eligibility rule and as such is not included in this declaration but is the subject of a separate application.

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  
24<sup>th</sup> 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 are the details of the rule changes. It can be submitted to [regorgs@fwc.gov.au](mailto: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.]*

## Schedule A

### Rule changes

#### Rule 12 Branches

“That the existing rule 12 be deleted and replaced with the following:

##### **12 - BRANCHES**

The Registered Offices of the Branches of the Institute shall be as follows:-

South Australia:	22 Divett Street Port Adelaide, SA 5015
Victoria/Tasmania:	Suite 202, 20 Convention Centre Place, South Wharf, Melbourne 3006
Sydney:	52 Buckingham Street, Surry Hills, NSW 2010
Newcastle:	148 Hannell Street, Wickham, NSW 2293
Queensland:	Suite 14, 'Rockton', 40 Brookes Street, Bowen Hills, QLD, 4006
West Australia:	1 High Street, Fremantle WA 6160”

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#### Rule 13 Branch Meetings

“That the existing rule 13 be deleted and replaced with the following:

##### **13 - BRANCH MEETINGS**

- (i) Branch, General and Special Meetings shall be held at the registered offices prescribed in Rule 12 unless the Branch Executive determines otherwise, giving the members of the branch at least 7 days notice of any change in venue.
- (ii) The Monthly Meeting of each Branch of the Institute shall commence between 0900 & 1200 on the last Tuesday of each calendar month or on such other day as may from time to time be decided upon by the Federal Executive.
- (iii) All Seagoing Members are encouraged, whenever possible to attend the Branch Meeting in the port where they are being held.
- (iv) All Members attending Monthly Meetings shall sign the attendance book and clearly indicate therein the Branch to which they belong, their financial standing as Institute Members and the vessel on which they are then serving. In the case of members attending via electronic communications, the Secretary shall ensure that the names of these members are entered into the attendance book. All names entered in the attendance book shall be transferred onto the minutes of the meeting as the official record of attendance.
- (v) The quorum for a Monthly Meeting shall be seven (7) financial members, which can include Life Members.
- (vi) The Branch President shall chair the meeting, however in the absence of the Branch President the meeting shall elect another member to chair the meeting. The Branch Secretary shall take the minutes of the meeting, however in the absence of the Branch

Secretary the meeting shall elect another member to act as the Secretary who shall take the minutes of the meeting. The President and Secretary of such meeting can be an honorary member and need not be a financial member, but the requirement of the quorum remains as per 13 (v).

- (vii) The voting at Monthly Meetings shall be by show of hands unless a division is called for.
- (viii) All financial Members of the Institute shall have the right to speak, take part in and vote upon any question at any meeting of a Branch.
- (ix) Any resolution affecting members of the Institute generally shall not be effective unless confirmed by a majority of the Branches of the Institute.
- (x) Five (5) per centum of the financial Members of a Branch may apply in writing to the Branch Secretary for a plebiscite vote of the members of the Branch to be taken on any question concerning the control of the Branch Executive. The application shall state the nature of the dissatisfaction with the Branch Executive.
- (xi) A plebiscite vote under rule 13 (ix) shall be taken within a period of three (3) months after the receipt of the application by the Branch Secretary. The Branch Secretary shall select a Returning Officer who shall not be eligible for membership of the Institute or an employee of the Institute. The Returning Officer shall submit the question(s) for determination by the financial Members of the Branch in accordance Rule 33 D.”

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#### Rule 14

“That the existing rule 14 be deleted and replaced with the following:

#### 14 - REGISTERED HEAD OFFICE

The registered Head Office of the Institute shall be 52 Buckingham Street, Surry Hills, NSW 2010”

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#### Rule 20 Federal Funds

“That the existing rule 20 be deleted and replaced with the following:

#### 20 – AIMPE FUNDS

- (i) The AIMPE Funds shall be under the control of Federal Council and shall consist of:-
  - (a) Any real or personal property of which the Federal Council or Federal Executive by the Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) The amounts of any payments of any entrance fees, subscriptions, fines, fees or levies payable by members;
  - (c) Any interest, rent, dividends or other income derived from the investment or use of the fund;

(d) Any superannuation or long service leave or other fund operated or controlled in accordance with the Rules relating to the Institute as a whole for the benefit of its officers or employees;

(e) Any property acquired wholly or mainly by expenditure of the moneys of the AIMPE Funds or derived from other assets from the AIMPE Funds; and

(f) The proceeds of any disposal of parts of the Funds.

(ii) The Federal Council shall at its annual meeting in June adopt a budget authorising expenditures for the following financial year commencing 1<sup>st</sup> July.

(iii) The Federal Executive may at its meetings during the course of the financial year authorise additional expenditures over and above the expenditures authorised by the Federal Council in the annual budget.

(iv) (a) All payments made on behalf of the Institute Head Office shall be made by cheque or Electronic Funds Transfer (EFT) on such account and such cheques or EFT shall be signed or electronically approved this being any two of the Federal President and Federal Treasurer and/or a Vice President

(b) The signatories referred to in part (a) of this sub-clause shall not append their signatures either written or electronic to any cheque or EFT excepting those cheques drawn or funds transferred in payment of ordinary administrative expenses or in payments of accounts and/or expenditure authorised by the Federal Council.

(c) The Federal Executive shall develop and implement policies and procedures relating to the expenditure of the Institute.”

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## Rule 21 Branch Funds

“That the existing rule 21 be deleted and replaced with the following:

### **21 - BRANCH FUNDS**

(i) Each Branch shall have a Branch Fund which shall be controlled by the Branch Executive and shall consist of:

(a) all funds transferred to the Branch as authorised by the budget adopted by Federal Council or separately by a decision of the Federal Executive;

(b) Any interest, rents or dividends derived from the investment of the Branch Fund.

(ii) (a) Each Branch Secretary shall on or before the said 10th day of each calendar month forward to the Federal President a statement containing full particulars of all moneys expended by or on behalf of their Branch and the Federal President shall within seven days of the receipt of such statement remit to the Branch the amount so expended.

(b) It shall be the duty of the Federal President to be satisfied that all expenditure incurred by a Branch has been properly incurred. In the event that the Federal President is not so satisfied the Federal President shall nevertheless remit the amount expended to the Branch concerned but shall refer the question whether any expenditure has been properly incurred to the Federal Council for consideration and determination. If the Federal Council is satisfied that any expenditure has not been properly made the amount of such expenditure shall be deducted from the amount to be next remitted to the Branch concerned.

(c) The Branch Executive shall develop and implement policies and procedures relating to the expenditure of the branch.”

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#### Rule 23 Duties of Auditors

“That the existing rule 23 be deleted and replaced with the following:

##### **23 - DUTIES OF AUDITORS**

- (i) (a) The AIMPE Auditor shall be a Registered Auditor appointed annually by the Federal Council;
  - (b) The AIMPE Auditor shall be an approved Auditor within the meaning of the Fair Work (Registered Organisations) Act 2009.
  - (c) The AIMPE Auditor shall perform such duties as are prescribed by the Fair Work (Registered Organisations) Act 2009 and the Regulations and such other functions not inconsistent with the Act and the Regulations as are required by the Federal Council or the Federal Executive;
  - (d) The AIMPE Auditor shall have access to and examine if desired all books, papers, deeds, documents and accounts of the Federal Council, the Federal Executive and of each Branch and be empowered to question any office bearer or officer or employee of the Institute or any Branch thereof with regard to the same and to obtain from any bank or other institution at which the funds of the Institute or any Branch thereof are deposited or invested such information as the Auditor may require; and
  - (e) Have the power to place before the Federal Executive any suggestion the Auditor may desire to make concerning the financial affairs of the Institute or its Branches and before the Branch Executive any suggestion the Auditor may desire to make concerning the financial affairs of that Branch.”
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#### Rule 24 Property of the Institute

“That the existing rule 24 be deleted and replaced with the following:

##### **24 - PROPERTY OF THE INSTITUTE**

All property and moneys belonging to the Institute defined by Rule 20 as AIMPE Funds shall be vested in the Institute. The Federal President and the Federal Treasurer shall act jointly on behalf of the Institute in acquiring, holding, maintaining and disposing of such property under the directions of the Federal Council.”

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## Various rules

“That the following rules be varied by the deletion of the terms “his/her” or “he/she” and the insertion of “their” or “they” as follows:

9 (xiii) The Federal President shall to the best of their ability assist the Auditor in carrying out the Auditor’s duties.

19 (vi) Meetings of a Branch Executive shall be summoned by the Branch Secretary or their deputy.

28 (ix) Nothing in these rules shall prevent or impose a penalty on a member who pays their annual contributions by a payroll deduction scheme approved by the Federal Council.

31 (vi) A member excluded for arrears may rejoin, subject to Rule 27, and shall comply with the provisions of Rule 28 and pay all arrears owing by the member at the date of their exclusion

38 (i) (b) Notice of any proposal for the making of a new Rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing to each member of Federal Council by the Federal President or their Deputy at least thirty (30) days prior to the relevant meeting of the Federal Council provided that any such proposal may be amended when being considered by the relevant meeting of Federal Council.

42 (iii) When any such delegate is so elected they shall forthwith inform the Institute of their election and the Institute shall thereupon inform the Employer concerned of the election of such delegate.

44 No member shall report another to a superintending or supervising Engineer, employer, employer’s representative or the Institute without first having intimated to the other member in writing or in the presence of a member, their intention and reasons for doing same, under a penalty not exceeding Twenty dollars (\$20).

49 (v) Any member of the Institute aggrieved by any decision of their Branch or Branch Executive may appeal against such decision, fine, suspension or expulsion, to the Federal Council.

15 (b) A member of the Institute who has ceased to be normally resident within the Commonwealth of Australia shall be deemed to be a member of the Branch of which they were last a member whilst normally resident within the Commonwealth of Australia.

15 (c) A member of the Institute not resident within the Commonwealth of Australia at the time of joining the Institute shall be deemed to be a member of the Branch through which they joined the Institute.

30 (v) The Federal Executive shall receive and process nominations. Where a member of the Federal Executive is the nominated person they shall not participate in the selection process. The Federal Executive shall do one of the following:"

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## Schedule B

### Federal Council email ballot voting results

	For	Against	Abstained/no vote received	Result
<b>Rule 3</b>	12	1	3	carried
<b>Rule 12</b>	13	0	3	carried
<b>Rule 13</b>	11	2	3	carried
<b>Rule 14</b>	12	0	4	carried
<b>Rule 20</b>	12	1	3	carried
<b>Rule 21</b>	12	1	3	carried
<b>Rule 23</b>	12	0	4	carried
<b>Rule 24</b>	12	1	3	carried
<b>Rule 27</b>	11	2	3	carried
<b>Various Rules</b>	12	0	4	carried

#### Notes

1. AIMPE Rules provide for 17 members of Federal Council however one position was vacant at the time of the ballot so only 16 votes are recorded in the table above.
2. Rule 3 is an eligibility rule and so is dealt with by a separate application.
3. Due to an administrative error at the time of giving notice to Federal Council members, Rule 27 did not proceed to be submitted to the Special meeting and is not included in this declaration and application.

## Schedule C

### Special Meeting of AIMPE members voting results

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

<b>Rule 12</b>	<b>Branches</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	7	0	0	<b>CU</b>
Queensland	8	7	0	1	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	9	9	0	0	<b>CU</b>
Vic/Tas	12	12	0	0	<b>CU</b>
West Australia	7	7	0	0	<b>CU</b>
<b>Total</b>	<b>52</b>	51	0	1	
<b>Motion:</b>					<b>Carried</b>

<b>Rule 13</b>	<b>Branch Meetings</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	0	7	0	<b>Lost</b>
Queensland	8	0	6	2	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	9	9	0	0	<b>CU</b>
Vic/Tas	11	11	0	0	<b>CU</b>
West Australia	7	7	0	0	<b>CU</b>
<b>Total</b>	<b>51</b>	36	13	2	
<b>Motion:</b>					<b>Carried</b>

<b>Rule 14</b>	<b>Registered Head Office</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	7	0	0	<b>CU</b>
Queensland	8	8	0	0	<b>CU</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	9	9	0	0	<b>CU</b>
Vic/Tas	11	11	0	0	<b>CU</b>
West Australia	7	7	0	0	<b>CU</b>
<b>Total</b>	<b>51</b>	51	0	0	
<b>Motion:</b>					<b>CU</b>

<b>Rule 20</b>	<b>Federal Funds</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	0	7	0	<b>Lost</b>
Queensland	8	7	0	1	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	10	10	0	0	<b>CU</b>
Vic/Tas	10	10	0	0	<b>CU</b>
West Australia	7	7	0	0	<b>CU</b>
<b>Total</b>	<b>51</b>	43	7	1	
<b>Motion:</b>					<b>Carried</b>

<b>Rule 21</b>	<b>Branch Funds</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	0	7	0	<b>Lost</b>
Queensland	8	6	0	2	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	10	10	0	0	<b>CU</b>
Vic/Tas	10	10	0	0	<b>CU</b>
West Australia	7	6	1	0	<b>Carried</b>
<b>Total</b>	<b>51</b>	41	8	2	
<b>Motion:</b>					<b>Carried</b>

<b>Rule 23</b>	<b>Duties of Auditors</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	0	7	0	<b>Lost</b>
Queensland	8	6	0	2	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	9	9	0	0	<b>CU</b>
Vic/Tas	10	10	0	0	<b>CU</b>
West Australia	7	6	0	1	<b>Carried</b>

<b>Total</b>	<b>50</b>	40	7	3	
<b>Motion:</b>					<b>Carried</b>

<b>Rule 24</b>	<b>Property of the Institute</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	0	7	0	<b>Lost</b>
Queensland	8	7	0	1	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	8	8	0	0	<b>CU</b>
Vic/Tas	11	11	0	0	<b>CU</b>
West Australia	7	6	0	1	<b>Carried</b>
<b>Total</b>	<b>50</b>	41	7	2	
<b>Motion:</b>					<b>Carried</b>

	<b>Various Rules</b>				
<b>Branch</b>	<b>Present</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Motion</b>
Newcastle	7	4	2	1	<b>Carried</b>
Queensland	8	7	1	0	<b>Carried</b>
South Australia	9	9	0	0	<b>CU</b>
Sydney	9	9	0	0	<b>CU</b>
Vic/Tas	12	12	0	0	<b>CU</b>
West Australia	7	7	0	0	<b>CU</b>
<b>Total</b>	<b>52</b>	48	3	1	
<b>Motion:</b>					<b>Carried</b>

Note: Rule 3 is an eligibility rule and so is dealt with by a separate application.