



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

General Manager,
Fair Work Commission
By email ros@fwc.gov.au

21st August 2020

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 10th August 2020 the Federal Executive considered and approved the proposed rule change in Appendix A. This was in response to the observation by the Fair Work Commission in correspondence relating to a set of proposed rule changes whereby the FWC identified the lack of a quorum rule for special meetings as an impediment to FWC approval of any rule changes;
 - (b) Subsequently, on 12th August 2020, I sent to each member of the Federal Council by email a copy of the proposed rule change to be voted on in accordance with Rule 38 (i)(d) Alteration or Rescission of Rules of a postal vote to confirm or disapprove of the proposed rule change required to ensure compliance with the Fair Work (Registered Organisations) Act 2009. A copy of the email attached to this declaration and labelled 'Schedule B';
 - (c) On 21st August 2020 I advised all members of the Federal Council by email that the result of the voting on the proposed rule change was that the proposed rule change had been endorsed by a

majority of Federal Councillors (with 14 Councillors voting in favour and 0 Councillors voting against out of a total of 17 Federal Councillors –3 Councillors did not exercise their votes).

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

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

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

“To delete the current Rule 19 and insert instead the new Rule 19 as follows with the new, additional words underlined:

19 - THE MANNER OF SUMMONING MEETINGS AND QUORUM REQUIREMENTS

(i) Meetings of the Federal Council and/or Federal Executive shall be summoned by the Federal President or a deputy sending to each member thereof a notice of the date of the holding of such a meeting by post facsimile, email or telegram, in sufficient time to enable the member to reach the place at which the meeting is to be held.

(ii) Special Meetings of a Branch or Branches may be summoned by the Branch Secretary by post, facsimile, email or by inserting in a newspaper circulating within the boundaries of the Branch in which the meeting is to be held a notice of such meeting at least three (3) days before the meeting and by advising every workplace within the boundaries of the Branch including every ship in port on the day of the meeting and where practicable by posting such notices in every workplace.

(ia) Quorum for a Special Meeting of a Branch shall be the same as that specified for Monthly Meetings under clause 13(iv).

(iii) Special Meetings of the members of the Institute, or a section or sections of the members, may be summoned by the Federal President by inserting in a newspaper circulating in the State or States in which the Meeting is to be held a notice of such Meeting at least three (3) days before the Meeting and by advising every relevant workplace in the State including, where necessary, every ship in port on the day of the Meeting and where practicable by posting such notices in every workplace.

(iia) Quorum for a Special Meeting of the members of the Institute shall be constituted by the attendance of at least the persons referred to in clause 13(iv) from each Branch of the Institute. Such meeting shall occur and shall be deemed to have occurred when the last of a series of Monthly Meetings under Rule 13 concludes.

(iv) Meetings of a Branch Executive shall be summoned by the Branch Secretary or his/her deputy.”

Schedule B Proposal of rule changes

Dear Federal Councillors,

As you will recall Brad Ready picked up on an error in the resolution to amend the rules in relation to the issue of special meeting quorum requirements.

Because of this the Federal Executive has by email ballot rescinded FEX2020/181.

Subsequently the Federal Executive has approved a substitute rule change proposal which is in the same terms as FEX2020/181 with the addition of 19(iv) which was inadvertently omitted from the previous proposal.

Accordingly Federal Executive now seeks your approval to make an amendment to the AIMPE Rules in accordance with the procedure in Rule 38(i) (d) – as recommended by the Fair Work Commission.

The proposed rule change is:

“To delete the current Rule 19 and insert instead the new Rule 19 as follows with the new, additional words underlined:

19 - THE MANNER OF SUMMONING MEETINGS AND QUORUM REQUIREMENTS

(i) Meetings of the Federal Council and/or Federal Executive shall be summoned by the Federal President or a deputy sending to each member thereof a notice of the date of the holding of such a meeting by post facsimile, email or telegram, in sufficient time to enable the member to reach the place at which the meeting is to be held.

(ii) Special Meetings of a Branch or Branches may be summoned by the Branch Secretary by post, facsimile, email or by inserting in a newspaper circulating within the boundaries of the Branch in which the meeting is to be held a notice of such meeting at least three (3) days before the meeting and by advising every workplace within the boundaries of the Branch including every ship in port on the day of the meeting and where practicable by posting such notices in every workplace.

(iia) Quorum for a Special Meeting of a Branch shall be the same as that specified for Monthly Meetings under clause 13(iv).

(iii) Special Meetings of the members of the Institute, or a section or sections of the members, may be summoned by the Federal President by inserting in a newspaper circulating in the State or States in which the Meeting is to be held a notice of such Meeting at least three (3) days before the Meeting and by advising every relevant workplace in the State including, where necessary, every ship in port on the day of the Meeting and where practicable by posting such notices in every workplace.

(iiia) Quorum for a Special Meeting of the members of the Institute shall be constituted by the attendance of at least the persons referred to in clause 13(iv) from each Branch of the Institute. Such meeting shall occur and shall be deemed to have occurred when the last of a series of Monthly Meetings under Rule 13 concludes.

(iv) Meetings of a Branch Executive shall be summoned by the Branch Secretary or his/her deputy.”

Can you please indicate by return email if you confirm or disapprove of the amended proposal.

Regards,

Martin Byrne
Federal President
AIMPE
0419 243 263



Rebuild Australian Shipping

Martin Byrne
Federal Secretary