



# AIMPE

Australian Institute of  
Marine and Power Engineers  
HEAD OFFICE

## MEMO

TO FEDERAL COUNCILLORS

19<sup>th</sup> September 2019

FROM FEDERAL EXECUTIVE

RE NOTICE of FURTHER RULE CHANGE PROPOSALS

The AIMPE Federal Executive has decided to place a further series of 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 proposed rule changes which are attached. Each separate rule changes appear on a new page to avoid any confusion.

Most of these proposed further rule changes were approved by the Federal Executive at the June meeting. However, two were subject to rescission and further amendment this month. Please accept our apologies for the delay in circulating this notice to you.

A brief explanation for each of the proposed rule changes is included below the proposal.

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

All of these proposed rule changes that are approved by the ballot of Federal Councillors will then be put to a further Special Meeting of members as required under Rule 38. Those changes which are approved by ballot of Federal Councillors and by Special Meetings of members will then be submitted to the Fair Work Commission.

Note: the first round of rule changes previously approved has been filed with the Fair Work Commission and uploaded to the AIMPE website: <https://www.aimpe.asn.au/aimpe-rules.html> . We are awaiting notification of the FWC's final approval.

Many thanks,

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Federal Secretary

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## Second round of AIMPE 2019 rule changes

### Proposed Alteration to Existing Rule 5

**FEX/2019/135** “THAT pursuant to Rule 38 Federal Council amends Rule 5 by deleting it and replacing with the following:

#### ***5 - GOVERNMENT OF THE INSTITUTE***

- (i) Subject to Rule 6, the Institute shall be governed by the Federal Council and the Federal Council shall be guided by the resolution of the Members of the Institute in Annual General Meeting or Special Meeting assembled.
- (ii) The Federal Executive of the Institute shall consist of the Federal President, a Senior Vice President, two Vice Presidents and a Federal Treasurer to be elected by the Federal Council at their annual meeting from amongst their members in accordance with the election provisions contained in these Rules, for a term of one (1) year or until the next Annual Meeting of the Federal Council. It shall be competent for the Federal Council to confirm or disapprove of any resolutions in writing or by, facsimile or email, submitted to them by the Federal Executive.
- (iii) The Federal Executive shall govern and exercise general supervision over the affairs of the Institute and between meetings of the Federal Council; the Federal Executive shall have all the powers of the Federal Council except the power to alter Rules.
- (iv) The Quorum of any meeting of the Federal Executive shall be three (3). It shall be competent for the Federal Executive to confirm or disapprove of any resolution, in writing or by facsimile or email submitted by the Federal President.”

#### **Explanation:**

The proposed rule change inserts Senior Vice President into the rule instead of the old three Vice Presidents, it also removes references to decisions by telegrams which are an outdated form of communication.

Also, the quorum provisions for Federal Executive are proposed to be moved from Rule 18 to be new Rule 5(iv) with no other change except that telegram is removed.

## **Proposed Alteration to Existing Rule 7**

**FEX/2019/225**      “THAT pursuant to Rule 38 Federal Council amends Rule 7 by deleting it and replacing with the following:

### ***7 - FEDERAL COUNCIL***

- (i)            The Federal Council shall consist of the six (6) Branch Secretaries and eleven (11) other ordinary members.
  
- (ii)           Ordinary members shall be elected for a term of two (2) years on the following basis:
  - (1) two (2) members from the Queensland Branch;
  - (2) two (2) members from the Newcastle Branch;
  - (3) one (1) member from the South Australia Branch;
  - (4) two (2) members from the West Australia Branch;
  - (5) two (2) members from the Sydney Branch; and
  - (6) two (2) members from the Victoria/Tasmania Branch.
  
- (iii)          In addition, each Branch shall elect the same number of alternate ordinary members to replace an ordinary member who may be unavailable to attend a meeting of Federal Council. Such alternate ordinary members shall have the full rights of an ordinary member when the Branch Secretary has advised the Federal President in writing that they are representing the Branch at a particular meeting of Federal Council.
  
- (iv)           The Federal Council shall meet at least once a year as soon as is possible after the Annual General Meeting and at such other times as determined by the Federal Executive.
  
- (v)            The place of the Federal Council meeting shall be at the Head Office or such other place as the Federal Council may from time to time determine.”

### **Explanation**

The creation of new alternate ordinary members of Federal Council in the proposed new 7(iii) is intended to assist in maintaining Branch representation at Federal Council when seagoing members are away at sea.

The old 7(iii) is deleted as it conflicts with the Election rule dealing with casual vacancies – Rule 33C.

The transfer of 14(ii) to proposed new Rule 7(vi) bring the rule relating to the location of Federal Council meetings into the rule which deals with other Federal Council matters whereas Rule 14 identifies the AIMPE Registered Head Office.

## **Proposed Alteration to Existing Rule 8**

“THAT pursuant to Rule 38 Federal Council amends Rule 8 by deleting Rule 8 replacing with the following:

**8 - POWERS AND DUTIES OF THE FEDERAL COUNCIL**

The Federal Council shall, subject to control by the members in accordance with these Rules, be the supreme governing body of the Institute and have the management and control of the affairs of the Institute and, without limiting the generality of the foregoing, shall in particular have power to:-

- (i) determine and direct the policy of the Institute in all industrial, financial and administrative matters;
- (ii) make, add to, amend and rescind these Rules, subject to Rule 38;
- (iii) fix salaries and allowances and terms and conditions of employment for the office holders of the Institute;
- (iv) appoint and remove such industrial officers, research officers, organisers and administrative officers as it deems necessary and to assign all or any of them to any Branch under such terms and conditions as it may determine from time to time;
- (v) appoint an Auditor of the Institute and to fix the remuneration to be paid to such Auditor;
- (vi) invest the funds of the Institute in any security authorised by the laws of any State for the investment of Trust funds and may delegate responsibility for carrying out such transactions to nominated officials and/or staff;
- (vii) dispose of or transfer any of the funds of the Institute, or any securities in which the funds of the Union have been invested and may delegate responsibility for carrying out such transactions to nominated officials and/or staff;
- (v) enter into negotiations for the making of Agreements and Awards and may delegate responsibility for such negotiations to nominated officials and/or staff;
- (vi) submit industrial disputes or questions for conciliation or arbitration under the Fair Work Act 2009 and may delegate responsibility for such proceedings to nominated officials and/or staff.”

**Explanation**

The proposed amendment to Rule 8(i) provides a clear basis for the financial and administrative policies that AIMPE has adopted in recent years e.g. purchasing policy, credit card policy and expenses policy

The proposed amendment to Rule 8(vi) will allow the Federal Council to retain the power to invest and add the power to delegate responsibility for carrying out transactions.

Rule 8(vii) would be brought into line with actual practice if the proposed amendment adding a delegation power is adopted.

Rule 8(viii) would be brought into line with existing practice if the proposed amendment adding a delegation power is adopted.

Rule 8(ix) would be brought into line with existing practice if the proposed amendment adding a delegation power is adopted.

## **Proposed Alteration to Existing Rule 9**

**FEX/2019/141**

“THAT pursuant to Rule 38 Federal Council amends Rule 9 by deleting Rule 9 and replacing with the following:

### ***9 - DUTIES OF FEDERAL PRESIDENT AS REGISTERED OFFICER***

- (i) The Federal President shall be the registered officer of the Institute, and the Federal President shall be the person to sue or be sued on behalf of the Institute.
- (ii) The Federal President shall cause notice to be given to the members of the Federal Council and to the Secretaries of all Branches of all meetings of the Federal Council and shall attend all such meetings and cause Minutes of all proceedings to be taken and shall forward to the Branches a report of the business transacted at such meetings.
- (iii) The Federal President shall ensure that staff keep a register of the names, occupations and addresses of the officers and members of the Institute. Such register shall be kept at the Head Office and Branch Offices of the Institute and shall be open at any time for inspection by the Registered Organisations Commission, or any person appointed by the Registered Organisations Commission.
- (iii) The Federal President shall ensure that staff prepare and shall furnish to the Registered Organisations Commission all returns required by or under the Fair Work Act 2009, the Fair Work (Registered Organisations ) Act 2009 or Regulations made thereunder.
- (v) The Federal President shall ensure that staff receive and answer all correspondence and place the same before the Federal Council, take copies of all important letters, and perform such other duties as may be necessary to carry out the objects and Rules of the Institute.
- (vi) Three months before the Annual Meeting of the Federal Council the Federal President shall notify all Branch Secretaries thereof and call for any business desired by the Branches to be placed before the Federal Council.
- (vii) The Federal President shall submit to the Federal Council at its Annual Meeting in each year a report of AIMPE’s operations.
- (viii) The Federal President shall approve of the engagements of such clerical or other assistance as may be necessary for the proper functioning of the Institute.
- (ix) The Federal President shall ensure that officials and staff receive all monies from members and elsewhere and shall issue receipts therefor.

- (x) The Federal President shall cause all accounts to be endorsed for payment. The Federal President shall not hold the funds of the Institute but shall bank the same in the name of the Institute with such bank as the Federal Council may direct except for an amount as determined from time to time by the Federal Council which shall be kept on hand for current expenses.
- (xi) When requiring funds for the payment of accounts the Federal President shall sign an authorisation for the amount required and shall obtain any other necessary signature to the same. The processing of authorised transactions may be carried out by officials and/or staff who have been formally authorised by decision of the Federal Executive.
- (xii) The Federal President shall ensure that staff keep a correct account of all income and expenditure and submit a properly audited balance sheet showing the receipts and expenditure of the Institute for the twelve months ending June in each year.
- (xiii) The Federal President shall to the best of his/her ability assist the Auditor in carrying out the Auditor's duties.
- (xiv) The Federal President shall ensure that all officials and staff produce all books, vouchers, or other documents for inspection at Federal Council Meetings or to the Auditor when requested.
- (xv) The Federal President shall promptly notify all Branches of any amendment to the Fair Work (Registered Organisations) Act 2009, the Navigation Act, or any Award in which members of the Institute are interested.
- (xvi) The Federal President shall, jointly with the Federal Treasurer, hold in trust for the Institute, all real property, chattels and moneys belonging to the Institute. The Federal President shall, with the Federal Treasurer sign leases for the tenancy of buildings owned or leased by the Institute as approved by the Federal Executive. The Federal President shall arrange for the investment of the funds of the Institute and realise such investments in such manner, in such securities and for such purposes and on such terms and for such periods as the Federal Council of the Institute may from time to time decide."

### **Explanation**

The proposed changes to Rule 9 are to allow the Federal President to delegate to officials or staff many of the day to day tasks which are actually carried out by them currently.

## **Proposed Alteration to Existing Rule 10**

**FEX/2019/142**

“THAT pursuant to Rule 38 Federal Council amends Rule 10 by deleting Rule 10 and replacing with the following:

### ***10 - DUTIES OF FEDERAL PRESIDENT AND VICE-PRESIDENTS***

- (i) The President shall preside at all meetings of the Federal Council and preserve order so that business may be conducted in due form and with propriety, and upon the minutes being confirmed, shall sign the Minute Book in the presence of the Meeting and the Federal President shall perform the duties of Registered Officer as described in Rule 9.
- (ii) The Senior Vice-President shall preside in the absence of the President with full powers and duties of President and in the event of the office becoming vacant, the Senior Vice-President shall fill the office of President for the remainder of the term.
- (iii) In the absence of both the President and the Senior Vice-President the remaining members of the Federal Executive shall appoint one of their number to chair the meeting.”

### **Explanation**

The proposed change numbers the paragraphs in Rule 10 [previously not numbered] and removes the reference to the election of the Senior Vice President which is to be covered in Rule 33A. It also clarifies (iii) by limiting the remaining members of the Federal Executive to appointing one of them to chair the meeting [rather than the current “perform the duties of the President”].

## **Proposed Alteration to Existing Rule 13**

**FEX/2019/227**

“THAT pursuant to Rule 38 Federal Council amends Rule 13 by deleting Rule 13 and replacing with the following:

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

- (i) The Monthly Meeting of each Branch of the Institute shall be held between the hours 9 a.m. and 12 noon on the last Tuesday in each calendar month or on such other day as may from time to time be decided upon by the Federal Executive.
- (ii) All Seagoing Members shall whenever possible attend the Monthly Meeting being held in the port where they then are.
- (iii) 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.
- (iv) The quorum for a Monthly Meeting shall be five financial members. Life Members may form up to two parts of the quorum.
- (v) National Organisers shall, whenever possible, attend the Monthly meeting of their respective Branch to report to the meeting and to assist the Branch Secretary.
- (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 and take part in discussion and vote upon any question at any meeting of a Branch.
- (ix) All Life Members of the Institute shall have the right to speak, take part in discussions and vote upon any question at any meeting of a Branch.
- (x) All Honorary Members of the Institute shall have the right to speak and take part in discussions, but not vote upon any question at any Monthly Meeting of a Branch.
- (xi) Branch, General and Special Meetings shall be held at the registered offices prescribed in Rule 12 unless the Branch Executive decides otherwise.

- (xii) Any resolution affecting members of the Institute generally shall not be effective unless confirmed by a majority of the Branches of the Institute.
- (xiii) 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 financial 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.
- (xiv) The plebiscite vote shall be taken within a period of three (3) months after the receipt of the application by the Branch Secretary who 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 with the relevant section of Rule 33.”

**Explanation**

The changes proposed are in (iv) and reduce the quorum to 5 and clarify that a Life Members can make up two parts of the quorum. This is to deal with recent problems of declining attendances at Monthly Meetings and the frustration of having 5 or 6 Members and Life Members in attendance but the meeting cannot proceed.

**Proposed Alteration to Existing Rule 14**

**FEX/2019/145**

“THAT pursuant to Rule 38 Federal Council amends Rule 14 by deleting Rule 14(ii)”

**Explanation**

This deletion mirrors the transfer of the old 14(ii) to new rule 7(vi)

## **Proposed Alteration to Existing Rule 16**

**FEX/2019/147**

“THAT pursuant to Rule 38 Federal Council amends Rule 16 by deleting Rule 16 and replacing with the following:

### ***16 - ANNUAL GENERAL MEETING OF THE INSTITUTE***

- (i) The Annual General Meeting of the members of the Institute shall be held on the last Tuesday of the month of May each year or at such other Monthly Meeting as near as practicable thereto as may be decided on by the Federal Council.
- (ii) The business dealt with at such General Meeting shall be confined to business on the agenda. The agenda for such General Meeting shall provide for the following:-
  - (a) The general yearly report of the Federal Council.
  - (b) A financial summary prepared by the Federal Treasurer showing the position of the Institute.
  - (c) Motions by members notice of which has been given in writing to the Federal President at least fourteen (14) days prior to the date of such General Meeting.
- (iii) Such General Meeting of the Institute shall be conducted in the manner following:-
  - (a) On the day appointed for the holding of such General Meeting there shall be held meetings of the members in the ports of Brisbane, Newcastle, Sydney, Melbourne, Port Adelaide, Fremantle, and in such other locations as determined by Federal Executive, respectively.
  - (b) At each such meeting each of the items on the agenda shall be submitted to the members present by way of motion. The members present at each such meeting shall vote on each motion so submitted. The vote of the members at each such meeting against each motion shall be aggregated. The result of the voting on each motion shall be determined upon the aggregate of the number of votes for the motion exceeding the aggregate of the number of votes against the motion or vice-versa.
  - (c) The results of the voting at the meeting held at the above - mentioned ports shall be forwarded by the Branch Secretary to the Federal President for the purpose of aggregating the votes for and against.

- (iv) Notice of the time and place of such General Meeting shall be given to members at the preceding Monthly Meeting and posted in the office of each Branch.
  
- (iv) The December meeting of members, held in all the same locations as set out in (iii) (a) above, shall for the purposes of the Fair Work (Registered Organisations) Act 2009, be a supplementary general meeting of the members of the Institute in that its normal Agenda shall include that the audited general purpose financial report (in full form) referred to in Rule 22 shall be presented to members for approval with voting for this motion being immediately and aggregated as per (iii) (b) above.”

**Explanation**

The proposed rule change amends 16(ii)(b) by inserting the Federal Treasurer into the paragraph referring to the financial summary. For over twenty years the Federal Treasurer has prepared a Treasurers Report which has been part of the Annual General Meeting Agenda. Also, AGMs are no longer held at Devonport so 16(iii)(a) has been updated by deleting Devonport while retaining the power to hold AGMs elsewhere as determined.

**Proposed Alteration to Existing Rule 17**

“THAT pursuant to Rule 38 Federal Council amends Rule 17 by deleting Rule 17(ii) and Rule 17(iii) and replacing with the following:

- (ii) Any request or direction shall specify fully the reasons for calling such meetings and the business to be dealt with at such meeting. The Federal Council shall only deal with such business unless determined otherwise by a majority of the members of the Federal Council.
- (iii) The Federal Executive shall determine the venue of any such Special Meeting.
- (iv) Special Meetings shall be held within three (3) months of the receipt of the request or direction for such a meeting.”

**Explanation**

The proposed rule change restructures the existing rule without adding any new words. The proposals splits the existing paragraph (ii) into the new (ii) and (iii) and renumbers the existing (iii) as (iv).

**Proposed Alteration to Existing Rule 18**

**FEX/2019/149**

“THAT pursuant to Rule 38 Federal Council amends Rule 18 by deleting Rule 18 and replacing with the following:

***18 - QUORUM AT MEETING OF THE FEDERAL COUNCIL AND FEDERAL EXECUTIVE***

- (i) The Quorum of any meeting of the Federal Council shall be nine (9).
- (ii) The Quorum of any meeting of the Federal Executive shall be three (3).”

**Explanation**

The proposed change removes the reference to Executive ‘postal’ voting which has been transferred to Rule 5(v) and leaves Rule 18 just to deal with quorum issues.

**10/5/12 Proposed Alteration to Existing Rule 20**

**FEX/2019/151**

“THAT pursuant to Rule 38 Federal Council amends Rule 20 by deleting Rule 20 and replacing with the following:

**20 - FEDERAL FUNDS**

- (i) The Federal 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 paid by members to the Head Office;
  - (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 sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated in accordance with the Rules relating to the Institute as a whole for the benefit of its members;
  - (f) Any property acquired wholly or mainly by expenditure of the moneys of the Federal Fund or derived from other assets from the Federal Fund; and
  - (g) The proceeds of any disposal of parts of the Fund.
- (ii) (a) The Federal Council will approve an annual budget at its meeting in June each year for the financial year commencing 1<sup>st</sup> July.
- (iii) (a) All payments authorised by Federal Council in the annual budget shall be made by cheque or Electronic Funds Transfer (EFT) on such account and such cheques or EFT shall be signed or electronically approved by any two members of the Federal Executive.
  - (b) Payments of less than \$5,000 may also be signed or electronically approved by either the Assistant Federal Treasurer appointed by Federal Council or the Head Office Manager in conjunction with one member of the Federal Executive.
- c) The signatories referred to in part (a) and part (b) 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

expenses authorised by Federal Council in the annual budget or in payments of accounts and/or expenditure authorised by the Federal Council.

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

**Explanation**

Existing Rule 20(i)(b) reflects an era when members paid their fees at Branch Offices and the Branch then remitted the money to Head Office. That method of collecting member’s fees ceased by around 1984. All members accounts are sent out by Head Office administration staff and payments are made through Head Office administration staff. The proposed new 20(i)(b) reflects the current direct payment method.

The new Rule 20(ii) inserts into the Rules a provision requiring Federal Council to adopt a Budget each year authorising expenditure of members funds. This has been the practice for almost four decades but has not been reflected in the Rules.

The changes to Rule 20(iii) facilitate a more flexible practical way for the payment of authorised expenditure to be processed.

## **Proposed Alteration to Existing Rule 21**

**FEX/2019/153**

“THAT pursuant to Rule 38 Federal Council amends Rule 21 by deleting Rule 21 and replacing 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) Any real or personal property of which the Branch of the Institute, by the Rules or by any established practice not inconsistent with the 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 entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the AIMPE Head Office;
  - (c) Any interest, rents or dividends derived from the investment of the Branch Fund;
  - (d) Any property acquired wholly or mainly by expenditure of the moneys of the Branch Fund or derived from other assets of the Branch Fund;
  - (e) The proceeds of any disposal of parts of the Fund.
- ii)
  - a) All payments made on behalf of the Branch shall be made by cheque or Electronic Funds Transfer (EFT) on such account and such cheques or EFT shall be signed or electronically approved by any two members of the Branch Executive.
  - (b) Each Branch Secretary shall on or before the 10th day of each calendar month forward to the Federal Treasurer a statement containing full particulars of all moneys expended by or on behalf of the Branch Secretary's Branch and the Federal Treasurer shall within seven days of the receipt of such statement remit to the Branch the amount so expended.
  - c) It shall be the duty of the Federal Treasurer to be satisfied that all expenditure incurred by a Branch has been properly incurred in accordance with the Budget approved by Federal Council. In the event that the Federal Treasurer is not so satisfied the Federal Treasurer 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.

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

### **Explanation**

The proposed changes to Rule 21 include the removal of the old 21(i)(d) and 21(i)(e) which are no longer relevant as Branches do not operate their own superannuation funds nor sick leave funds, accident pay funds funeral funds, tool benefit funds or the like.

In proposed Rule 21 (ii)(a) electronic payment method is introduced for the first time in addition to cheque payments. This is an instance of the rule belatedly catching up with reality.

In proposed Rule 21(ii)(b) and 21(ii)(c) the role of the Federal Treasurer is inserted into the rules to clarify the Federal Treasurer’s role in relation to the Branch expenditure in ensuring it is in accordance with the Budget.

## **Proposed Alteration to Existing Rule 22B**

**FEX/2019/154**

“THAT pursuant to Rule 38 Federal Council amends Rule 22B by deleting the Title and replacing the title with the following:

22B - DEFINITIONS FOR RULE 22”

### **Explanation**

The proposed rule change is intended to make it clear that the definitions in Rule 22B apply to the financial rules which were compulsorily inserted into all registered organisations’ rules by an amendment to the Fair Work (Registered Organisations) Act – and not to the whole of the AIMPE Rules.

## **Proposed Alteration to Existing Rule 27**

**FEX/2019/155**

“THAT pursuant to Rule 38 Federal Council amends Rule 27 by deleting Rule 27(iii) and renumbering Rule 27(iv) as 27(iii), and renumbering Rule 27(v) as 27(iv).”

### **Explanation**

Current Rule 27(iii) deals with the issuing by a Branch Secretary of a Permit to Sail. This is an outdated provision which has been inoperative for many years.

## **Proposed Alteration to Existing Rule 28**

**FEX/2019/157**

“THAT pursuant to Rule 38 Federal Council amends Rule 28 by deleting Rule 28 and replacing with the following:

### ***28 - FEES AND CONTRIBUTIONS***

- (i) An applicant for membership shall pay an Entrance Fee of twenty five dollars (\$25).
- (ii) ‘Seagoing Rate’:  
A member covered by an Institute Award or Agreement employed on a vessel, propelled or non-self propelled, shall pay an annual contribution as determined by Federal Council.
- (iii) A member not covered by an Institute Award or Agreement employed on a vessel, propelled or non-self propelled, shall pay an annual contribution equal to one quarter of the Seagoing rate.
- (iv) Power/Surveyor Rate’:  
A member normally employed ashore, covered by an Institute Award or agreement in the power sector or by a port authority or marine regulatory authority, shall pay an annual contribution equal to one quarter of the Seagoing rate.
- (v) Members employed by Port Authorities on dredges confined to harbour limits shall pay one-third of the Seagoing rate.
- (vi) Members employed on vessels of less than 1500 KW, or otherwise requiring under the relevant legislation an Engineer with less than a class 3 Certificate, shall pay one-half of the Seagoing rate.
- (vii) Members who are employed/paid as Trainee Engineers and have not yet achieved the Engineer Watchkeeper Certificate, or equivalent, shall also pay one-half of the Seagoing rate.
- (viii) Honorary Members are not required to pay fees, however, they are not considered to be financial members for the purposes of reporting member numbers to the Registered Organisations Commission nor for the purposes of eligibility to participate in elections.
- (ix) A member other than a member referred to in the preceding sub-clauses of this clause, shall pay an annual contribution equal to one tenth of the Seagoing rate.

- (x) Associate members shall pay an annual contribution equal to the amount specified for the particular section in which they are employed.
- (xi) Contributions shall be assessed and be payable on the 1st July in each year, however members on payroll deductions or other periodic payment arrangements shall be deemed to be Financial. Members three (3) months in arrears shall pay a fine to ten per centum on all arrears; members six months in arrears shall be liable for exclusion by the Branch of which they are a member.
- (xii) Funds may be supplemented by levies as determined by the Federal Council and those members so levied shall be subject to the payment of such levies and liable for exclusion from membership if not paid within six months of being struck.
- (xiii) Nothing in these rules shall prevent or impose a penalty on a member who pays his/her annual contributions by a payroll deduction scheme approved by the Federal Council.”

### **Explanation**

The proposed rule changes to Rule 28 are intended to clarify the rule, to ensure that it covers all of the AIMPE membership groups [including Surveyors] and re-arranges the ordering of the current paragraphs so that they are in a more logical sequence. A new paragraph (viii) is inserted to make it absolutely clear that Honorary Members do not pay fees and are not regarded as financial members for reporting and election purposes.

### **Proposed Alteration to Existing Rules 33B**

**FEX/2019/158**

“THAT pursuant to Rule 38 Federal Council amends Rule 33 B by deleting Rule 33 B (v) and replacing with the following:

- (v) 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, provided that, in the event of the Returning Officer finding a nomination to be defective, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect and, where it is position of Federal President, the Senior Vice-President shall fill the office of President for the remainder of the term.”

### **Explanation**

There has been an error in the preparation of the minutes of the June Federal Executive meeting. As a result, the above resolution does not reflect the intent of the Executive. The above resolution does not make sense when read through. The above wording mistakenly omits large parts of the intended rule change and merges parts of the intended amendment to Rule 33B and part of the intended amendment to Rule 33C. This was a glitch.

It is intended to propose to the September Federal Executive meeting that FEX/2019/158 be rescinded and that the original proposals for amendment to Rule 33B and Rule 33C should be reconsidered. If the Federal Executive approves then the two proposed Rule changes will be circulated to Federal Councillors for email ballot.

### **Proposed Alteration to Existing Rules 33C**

**FEX/2019/159** "THAT pursuant to Rule 38 Federal Council amends Rule 33 C by renumbering Rule 33 C (ii) as Rule 33 C (iii)."

and

**FEX/2019/160** "THAT pursuant to Rule 38 Federal Council amends Rule 33 C by inserting a new Rule 33 C (ii) as follows:

- (ii) Extraordinary vacancies for the positions of Senior Vice President, Vice President and Federal Treasurer shall be filled by election by a postal ballot of the remaining members of the Federal Council. The provisions of this Rule shall apply, mutatis mutandis to such election.

An extraordinary vacancy shall exist when:-

- (a) an officer is removed under Rule 41;
- (b) an officer dies or resigns from office; and
- (c) an officer ceases to be eligible to hold office."

### **Explanation**

Rule 33C deals with casual vacancies. The proposed changes to Rule 33C(ii) is intended to clarify that in the event of a casual vacancy among Federal Executive members [other than the Federal President] then there should be a postal ballot of the remaining members of the Federal Council.

## **Proposed Alteration to Existing Rule 36A**

**FEX/2019/161**

“THAT pursuant to Rule 38 Federal Council amends Rule 36A by deleting Rule 36A and replacing with the following:

### ***36A - DUTIES OF FEDERAL TREASURER***

The duties of the Federal Treasurer shall be as follows:-

- (i) The Federal Treasurer will be available to act conjointly with the Federal President to cause all cheques to be signed and drawn on the bank accounts of and under the control of the Federal Council and shall have access to the accounts and financial records of the Institute
- (ii) The Federal Treasurer shall, jointly with the Federal President, hold in trust for the Institute, all real property, chattels and moneys belonging to the Institute. The Federal Treasurer shall, with the Federal President sign leases for the tenancy of buildings owned or leased by the Institute as approved by the Federal Executive.
- (iii) The Federal Treasurer shall, jointly with the Federal President, arrange for the investment of the funds of the Institute and realize such investments in such manner, in such securities and for such purposes and on such terms and for such periods as the Federal Council of the Institute may from time to time decide.”

### **Explanation**

The proposed rule change to Rule 36A clarifies that the Federal Treasurer when dealing with AIMPE investments shall do so jointly with the Federal President. The proposed rule change also inserts numbering of the paragraphs which are not currently numbered.