

“That the rules of the Australian Institute of Marine and Power Engineers be amended by adding the following after rule 52:

## Schedule A – COVID-19

### Preamble

This schedule is made in response to the current Covid-19 pandemic.

The pandemic potentially impacts the *Australian Institute of Marine and Power Engineers*’ ability to conduct its affairs in a manner that complies with Commonwealth, State and Territory laws, the health advice and directions of Commonwealth, State and Territory public authorities and these Rules. The schedule is intended to facilitate continued good governance and compliance despite the impacts of Covid-19.

### Part A - Scope

A.1 To the extent of inconsistency this schedule applies to the exclusion of any rule of the *Australian Institute of Marine and Power Engineers* or any of its branches.

A.2 This schedule operates where:

- (a) there are one or more Covid–19 related restrictions which affect movement or assembly in a State or Territory of the Commonwealth; and
- (b) the organisation has a member or members in that State or Territory.

A.3 Part C of this schedule also applies:

- (a) where the Returning Officer has indicated that they are unable for the time being to:
  - (i) conduct an election for an office; or
  - (ii) take a step in relation to the election.

In the manner, or according to the timeframes set out in these rules.

A.4 In this schedule:

- (a) “organisation” means an organisation registered under the *Fair Work (Registered Organisations) Act 2009*;
- (b) “collective body” means the committee of management (Federal Executive or Branch Executive) or a conference, council, committee, panel or other body of or within the organisation or a branch of the organisation;

- (b) a reference to a “branch” includes a reference to a division or other autonomous unit constituted under the rules of the organisation; and
- (c) a reference to an “office” includes a reference to a position other than an office in the organisation, as that expression is used in section 187 of the *Fair Work (Registered Organisations) Act 2009*.
- (d) “scheduled election” means an election that is due because the term of office set out in the rules will shortly end by effluxion of time.
- (e) Returning officer means:
  - the official appointed by the Australian Electoral Commission (AEC) to conduct the election;
- (f) “financial year” has the meaning given by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (g) “reporting unit” has the meaning given by section 242 of the *Fair Work (Registered Organisations) Act 2009*.
- (h) “full report” has the meaning given by section 265 of the *Fair Work (Registered Organisations) Act 2009*.

## Part B - Meetings

- B.1 Meetings of collective bodies or members of the organisation may be held under this rule. Notwithstanding any other provision in these rules, a meeting of collective bodies or members of the organisation may be held in the manner prescribed by this rule. Any meeting so held will be considered to be a valid meeting held in accordance with these rules.
- B.2 A meeting under this rule may be attended:
  - (b) in person;
  - (c) by electronic communication, including via videoconference or teleconference; or
  - (d) by a combination of means set out aboveso long as all participants can communicate freely, hear and be heard by one another.
- B.3 Proxies may not be used except as the rules otherwise permit
- B.4 A meeting held under this rule may be held in more than one place.

- B.5 A meeting under this rule may be held as a series of meetings at different locations. A meeting held as a series of meetings is taken to have occurred at the time of the last of the meetings in the series.
- B.6 Procedural rules that relate to the calling and holding of meetings continue to apply. This includes but is not limited to rules that deal with the giving of notice, the amount of notice given, any required form of notice and accompanying documents, quorum, proxies and who chairs the meeting, save and except that:
- (a) Where a valid email address is held for an attendee, notice of the meeting may be given via email, to the extent not otherwise permitted by these rules.
- B.7 Rules that provide for procedures which apply at meetings apply, with the necessary changes provided:
- (a) the Chair shall determine the manner of voting (noting that the express rules of Part C will apply to any votes relating to an office); and
  - (b) where attendees are present other than in person or by proxy voting shall not be by physical show of hands.
- B.8 The committee of management (Federal Executive) of the organisation may postpone a meeting of:
- (a) a collective body or the organisation; or
  - (b) members of the organisation
- for a period not exceeding six months.
- B.9 The committee of management (Branch Executive) of a branch may postpone a meeting of:
- (a) a collective body or the branch; or
  - (b) members of the branch
- for a period not exceeding six months.

## Part C - Elections and holding office

- C.1 Where the AEC is unable to conduct an election all current officers shall hold over in office until their successor is declared elected.
- C.2 The AEC shall conduct elections for affected offices as soon as practicable.
- C.3 The election shall be conducted under the rules of the organisation and/or branch—as the case may be—with the necessary changes.

- C.4 The successful candidate(s) will take up office immediately once the election is declared.
- C.5 The person declared elected shall hold office until the declaration of their successor in the next scheduled election. For the avoidance of doubt, the term of office for officers elected under this rule is to be shortened by an amount which corresponds to the period of Covid-19 associated delay in holding the election under this rule. The intention of this provision is to ensure that elections in the organisation and its branches revert to their usual cycle at the subsequent scheduled elections.
- C.6 Where a person holding over in office under this rule vacates the office for any reason the relevant collective body may fill the vacancy under the applicable casual vacancy rule, provided:
- (a) the person who fills the vacancy shall hold office for the remainder of the term of office of the person elected at the last scheduled election;
  - (b) a person appointed or elected to fill a casual vacancy shall be entitled to hold over in office until their successor is declared elected; and
- C.7 Where the casual vacancy is required to be filled by election the relevant collective body may appoint someone to act in the vacant office until the election is declared.
- C.8 The returning officer may determine to receive nominations for any vacant office by electronic or postal means (or a combination thereof), where requested to do so by the Committee of Management (Federal Executive or Branch Executive).
- C.9 Where the rules provide for election via attendance ballot, the returning officer may determine to conduct the election by a secret ballot of the eligible voters instead. This may be conducted via postal or electronic means, or a combination thereof. Any secret ballot so conducted may be held at a time proximate to the meeting at which the attendance ballot would have occurred, or according to a different timeframe as determined by the returning officer.
- C.10 Where the returning officer so determines the returning officer shall so far as practicable apply other rules of the organisation or branch—as the case may be—that provide for election to office by postal ballot, with the necessary changes (which may include conducting the secret ballot using electronic means).
- C.11 Where the rules provide for election via non-attendance ballot, the returning officer may conduct the secret ballot via postal or electronic means, or a combination thereof.

## Part D - Other

- D.1 Documents required under the rules or the organisation or branch to be signed may be signed electronically.
- D.2 Where a document is required under the rules to be under seal of the organisation, use of the seal may be dispensed with where the relevant collective body resolves to do so.

- D.3 An organisation or a branch which is a reporting unit may fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:
- (a) by presenting the full report to a meeting of the committee of management of the reporting unit;
  - (b) held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)), provided:
    - (i) If no less than 5% of the reporting unit's members request a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, a general meeting must be called for that purpose
- D.4 Notwithstanding the preceding rule, an organisation or a branch which is a reporting unit may instead fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:
- (a) By causing the full report to be presented to a general meeting of the members of the reporting unit
  - (b) Held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)).
- D.5 In rules D.3 and D.4 "members" refers to all current members of the reporting unit.
- D.6 This schedule may be altered by resolution of the committee of management (Federal Executive) of the organisation
- provided the alteration maintains the intention of the schedule."