

12 December 2018

Australian Institute of Marine and Power  
Engineers  
Scheduled election  
E2018/125

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# Election(s) Covered in this Report

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Organisation: Australian Institute of Marine and Power Engineers  
Election: Scheduled  
Election Decision No/s: E2018/125

## Rules

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Rules used for the election: [009V: Incorporates alterations of 03/12/2014 in matter R2013/22]

Rules difficult to apply/interpret: *Rule 33B(v) .....The Returning Officer shall, at least fourteen (14) days before the opening of the election cause to be sent by prepaid mail to each financial member of the Branch.....*

In order not to disenfranchise voters by having their ballot papers rejected for returning the ballot papers before the ballot is to open. It is suggested to increase the minimum period the ballot is to open to six weeks, thus allowing the members who are away at sea for extended periods to have enough time to receive and return their votes for any election. The minimum period could be longer if the organisation felt that this is required (and substitute the minimum period of six week for example *Seven weeks* or *Eight weeks*).

In order to comply with the current rules of the organisation the Returning Officer posted the ballot papers to the eligible members 14 days before the ballot opened with written instruction not to return the declaration envelope including the ballot papers before the ballot opened on 24 October 2018.

36 voters in this election did not follow these instruction and returned the declaration envelope containing their ballot papers before the 24 October 2018 when the ballot opened. These declaration envelopes containing ballot papers were rejected.

Model Rule reference (if any): N/A

Rules difficult to apply/interpret: *33B(iii) Notice that nominations are required and specifying the opening and closing dates for nominations shall be given by the Returning Officer by publication in the Institute magazine "On Watch" at least one (1) month before the date fixed for the election.*

Clarification for the requirement for advertising for Nominations to indicate 'at least one (1) month before the fixed date of the election'.

Is it the intention of this rule that the notice is to be published in the 'On Watch' one month before the ballot closes, or is the intention of this rule to advise its members that an election period is to commence shortly and when nominations will open and close.

If the later please amend the rule to indicate before the date fixed for nominations to open.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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Total number of voters on the Roll: 400

Number of apparent workplace addresses: 0

Number of non-current addresses: 5

Other matters pertaining to the roll of voters: It is unclear in the organisations rules of the status of Life members of AIMPE with regard to their eligibility to nominate or vote in any election within the organisation.

Clarification is requested to be added to the rules to identify the Life member's eligibility to nominate and vote in elections.

# Irregularities

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Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken:

The Returning Officer was advised by email, that a letter was being distributed to multiple branch members concerning two of the candidates nominated for the current contested election and their previous conduct towards the author of the letter (the letter claimed that the two candidates identified had made defamatory comments about the authors conduct towards a number of AIMPE officials, and was done in order to undermine the authors candidature for a federal position).

Advice was sent to the informant of the potential issue, that the AEC has limited powers under the Fair Work (Registered Organisations) Act 2019 to investigate and is unable to provide legal advice.

## Other Matters

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Returning Officer actions required (Section 193): None

Details: N/A

## Signed

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12 December 2018

## Attachments

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### A. Declaration of Results for Contested Offices and Uncontested Offices – VIC/TAS