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24<sup>th</sup> December 2019

## Registered Organisation Commission -

Email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

### To Whom it May Concern

I, Christopher Melham being the Chief Executive Officer of the Civil Contractors Federation, declare the following:

1. I am authorised to make this declaration.
2. **NOTIFICATION of Australian Electoral Commission Post-Election Report (E2019/101)**

The Australian Electoral Commission has provided the Civil Contractors Federation with a Post-Election Report, Ref/: E2019/101 ("the Report"). The post-election report identified the following Rules within the Civil Contractors Federation Constitution as being difficult to apply/interpret:

- Rules 21 (m) and 21 (n) as difficult to interpret/apply,
- Rules 25 (c) and 25 (l) as other matters requiring attention.

The CCF responded to the AEC Post Election Report on 20<sup>th</sup> December 2019 advising how it intends to alter its Rules in response to the AEC's Report – please refer to Attachment A) . A copy of the response together with the relevant extract of the report were published in the CCF website on 24<sup>th</sup> December 2019 together with a notice to members that a full copy of the report can be obtained from the Civil Contractors Federation or the Australian Electoral Commission. Please refer to: <https://www.civilcontractors.com/communication/national-news/>

3. I hereby declare that the Civil Contractors Federation will provide a full copy of the Report and a copy of the CCF response to any member who so requests a copy as stated on the CCF website.

Yours faithfully

Christopher Melham  
Civil Contractors Federation  
Chief Executive Officer

## Notification to Members

**Subject: Civil Contractors Federation  
Australian Electoral Commission Post-Election Report (E2019/101)**

The Australian Electoral Commission has provided the Civil Contractors Federation with a Post-Election Report, Ref/: E2019/101 (“the Report”).

The post-election report identified the following Rules within the Civil Contractors Federation Constitution as being difficult to apply/interpret:

- Rules 21 (m) and 21 (n) as difficult to interpret/apply,
- Rules 25 (c) and 25 (l) as other matters requiring attention.

A full copy of the AEC post-election report is available from the Civil Contractors Federation secretariat, and the Australian Electoral Commission i.e. [Australian Electoral Commission Post-Election Report \(E2019/101\)](#), upon request.

In accordance with Fair Work (*Registered Organisations*) Act 2009 and the regulations, the Civil Contractors Federation has provided a written response to the AEC indicating how it intends to address the concerns raised in the post-election report. The relevant extracts from the AEC report are provided as follows together with the CCF’s response as attached to this notice for the information of members.

**Relevant Extract from the AEC Post Election Report - Rules difficult to apply/interpret:**

*“Rules 21 (m) The result of the ballot must be declared during the Annual General Meeting in an election year by the Returning Officer; and 21 (n) Each person elected to the Board will take up that office immediately their appointment has been declared by the Returning Officer.*

*As the Returning Office needs to notify all National Board members of the upcoming Election of National Office bearers to be held at the Annual General Meeting, the rule should be changed for the Returning Officer to be able to be declare the result before the Annual General Meeting, and the National Board members can take up office either at the Annual General Meeting or when declared.*

*Rule 25 (c) The election shall be conducted by a Returning Officer appointed by the AEC. The rule should also mention that the Returning Officer notify (by Notice) National Board members of the Election of the National Officers Bearers at the Annual General Meeting.*

*Rule 25 (l) (iv) In the case of a tie between candidates for election, the Returning Officer must draw lots. The rule should include from the drawing of the lots who is the successful candidate. (AEC Post Election Report E2019/101).*

**Chris Melham**

Chief Executive Officer  
Civil Contractors Federation

20<sup>th</sup> December 2019



28 November 2019

Chris Melham  
CEO  
Civil Contractors Federation  
Sent via email: ccfnat@civilcontractors.com

Dear Chris Melham

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/101**

On 26/11/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/101. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 21(m) and 21(n). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Christine Hibberd**  
**Registered Organisations Commission**



28 November 2019

Chris Melham  
CEO  
Civil Contractors Federation  
Sent via email: ccfnat@civilcontractors.com

Dear Chris Melham,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2019/101. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Civil Contractors Federation must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours faithfully,

**Christine Hibberd**  
**Registered Organisations Commission**

26 November 2019

# Post-election report

Civil Contractors Federation  
Scheduled election  
E2019/101



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# Election(s) Covered in this Report

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Organisation: Civil Contractors Federation  
Election: Scheduled  
Election Decision No/s: E2019/101

## Rules

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Rules used for the election: [267V: Incorporates alterations certified on 31/12/2018 in matter R2018/292] (replaces version of 01/01/2014 [R2013/109])

Rules difficult to apply/interpret: Rules 21 (m) The result of the ballot must be declared during the Annual General Meeting in an election year by the Returning Officer; and 21 (n) Each person elected to the Board will take up that office immediately their appointment has been declared by the Returning Officer.

As the Returning Office needs to notify all National Board members of the upcoming Election of National Office bearers to be held at the Annual General Meeting, the rule should be changed for the Returning Officer to be able to be declare the result before the Annual General Meeting, and the National Board members can take up office either at the Annual General Meeting or when declared.

Model Rule reference (if any): Rules 18 & 19.

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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As there were no contested offices, no Roll of Voters was required.

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details: Reword the following for the Organisation The rule in regards to withdrawal of nominations is silent. The Returning Officer has determined the withdrawal of nominations will close at the same time as the calling for the close of nominations for that position is closed.

Rule 25 (c) The election shall be conducted by a Returning Officer appointed by the AEC. The rule should also mention that the Returning Officer notify (by Notice) National Board members of the Election of the National Officers Bearers at the Annual General Meeting.

Rule 25 (l) (iv) In the case of a tie between candidates for election, the Returning Officer must draw lots. The rule should include from the drawing of the lots who is the successful candidate.

## Signed

---



Anthony Carey  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6361  
26 November 2019

## Attachments

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- A. Declaration of Results for Uncontested Offices – National Board Members
- B. Declaration of Results for Uncontested Offices – National Office Bearers

**Civil Contractors Federation**  
**DECLARATION OF RESULTS - E2019/101 - Stage 2**  
**Uncontested Offices**

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**Scheduled Election**

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

**National Board Member**

**President (1)**

Candidates

UNGER Michael

**Vice President (1)**

Candidates

KENDALL Peter

**Treasurer (1)**

Candidates

ZARDO Nick

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Anthony Carey  
Returning Officer  
Telephone: 02 9375 6361  
Email: nswelections@aec.gov.au  
22/11/2019

---



14 October 2019

Chris Melham  
CEO  
Civil Contractors Federation  
Sent via email: ccfnat@civilcontractors.com

Dear Chris Melham,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2019/101. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Civil Contractors Federation must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours faithfully,

**Christine Hibberd**  
**Registered Organisations Commission**

**Civil Contractors Federation**  
**DECLARATION OF RESULTS - E2019/101**  
**Uncontested Offices**

---

**Scheduled Election**

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

**Contractor Members**

**National Board Members (9)**

Candidates

ABBOTT Bill

CULL Michael

DAVISON Paul

DELLA BONA David

FAHEY Lee

KENDALL Peter

TRAICEVSKI Steve

UNGER Mick

ZARDO Nick

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Anthony Carey  
Returning Officer  
Telephone: 02 9375 6361  
Email: nswelections@aec.gov.au  
04/10/2019



## AMENDING DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

**Civil Contractors Federation**  
(E2019/101)

MR ENRIGHT

MELBOURNE, 15 AUGUST 2019

*Arrangement for conduct of election.*

[1] On 16 July 2019 the Civil Contractors Federation (CCF) lodged with the Registered Organisations Commission prescribed information for an election to fill the offices of President, Vice President, Treasurer and National Board Members.

[2] On 8 August 2019, the decision issued by the Delegate of the Registered Organisations Commissioner ([2019] ROCD 149) arranged for the election of President, Vice President and Treasurer.

[3] The decision issued on 8 August 2019 is therefore amended to provide for the following additional offices to be elected:

National Board Members

(9)

[4] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER



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## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

**Civil Contractors Federation**  
(E2019/101)

MR ENRIGHT

MELBOURNE, 8 AUGUST 2019

*Arrangement for conduct of election.*

[1] On 16 July 2019 the Civil Contractors Federation lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

|                |     |
|----------------|-----|
| President      | (1) |
| Vice President | (1) |
| Treasurer      | (1) |

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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PR351449



**CIVIL CONTRACTORS  
FEDERATION**

CCF NATIONAL OFFICE

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Barton ACT 2600

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E [ccfnat@civilcontractors.com](mailto:ccfnat@civilcontractors.com)

16<sup>th</sup> July 2019

The Commissioner  
Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001

Via email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

**RE: LODGEMENT OF PRESCRIBED INFORMATION IN RELATION TO AN ELECTION FOR OFFICE  
IN AN ORGANISATION - Reference E2019/101.**

I, Michael Unger being the National President of the Civil Contractors Federation, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the organisation.
2. The following information is lodged under subsection 189(1) and (2) of the Fair Work (Registered Organisations) Act 2009 (the 'Act').
3. The elections that are required are set out in the table in Annexure A.
4. This statement is lodged at least 2 months before nominations open for the election outlined in Annexure A.
5. The Civil Contractors Federation Annual General Meeting is to be held on 22<sup>nd</sup> November 2019.

Yours faithfully,

**Mr Michael Unger**  
National President

## ANNEXURE A

- Elections that are required:

| National Board  | Name of Office        | Number required | Voting System        | Reason for Election | Electorate   |
|-----------------|-----------------------|-----------------|----------------------|---------------------|--|
|                 | National Board Member | (9)             | Direct voting system | Scheduled           |  |
| <i>National</i> | President             | (1)             | Collegiate           | Scheduled           | <i>Immediately after the conclusion of each AGM, the National Board shall hold a meeting to elect the President, Vice President and Treasurer by and from the National Board Members for the next term. (Rule 25b)</i> |
| <i>National</i> | Vice President        | (1)             | Collegiate           | Scheduled           | <i>Immediately after the conclusion of each AGM, the National Board shall hold a meeting to elect the President, Vice President and Treasurer by and from the National Board Members for the next term. (Rule 25b)</i> |
| <i>National</i> | Treasurer             | (1)             | Collegiate           | Scheduled           | <i>Immediately after the conclusion of each AGM, the National Board shall hold a meeting to elect the President, Vice President and Treasurer by and from the National Board Members for the next term. (Rule 25b)</i> |

- Important dates:

|                                    | Direct Voting System  | Collegiate Electoral System  |
|------------------------------------|---|--|
| <b>Nominations OPEN</b>            | <i>Rule 21 (a) (i) Note less than 42 days before the AGM the Returning Officer or delegate must invite nominations for vacant positions on the National Board. Our preference however is for nominations to open on 16<sup>th</sup> September 2019.</i>   | <i>22<sup>nd</sup> November 2019. The Returning Officer shall commence the election by calling for nominations for the office of president. This shall occur immediately after the meeting's formalities have concluded. (Rule 25 (f) ).</i> |
| <b>Nominations CLOSE</b>           | <i>Rule 21 (a) (ii) notify all Contractor Members or their representatives as to the closing time for nominations which must be not less than 14 days after the notice. Our preference therefore is 30<sup>th</sup> September 2019 based on the nominations opening date of 16<sup>th</sup> September 2019.</i> | <i>22<sup>nd</sup> November 2019. Rule is silent.</i>  |
| <b>Roll of Voters cut-off date</b> | <i>Rule 21 (h) The roll of voters for any ballot will close seven days before the day on which nominations for the election open. Our preference therefore being 9<sup>th</sup></i>   | <i>22<sup>nd</sup> November 2019. Rule is silent.</i>  |



CIVIL CONTRACTORS  
FEDERATION

|  |  |  |
|--|--|--|
|  | <i>September 2019 based on the nominations opening date of 16<sup>th</sup> September 2019.</i> |  |
|--|--|--|