

1 December 2017

CCF2017-344

Mr Ishtiaq Ahmed
Australian Electoral Commission
NSW State Office

By email: industrial.elections@aec.gov.au

RE: E2017/99- Post Election Report: Civil Contractors Federation, NSW Branch

Further to the AEC's report E2017/99 the purpose of this letter is to advise the AEC that the Civil Contractors Federation is in the process of altering its Constitution and Rules that will result in the dissolution of all Civil Contractors Federation Branches including the New South Branch which in turn will address and resolve the issues and recommendations contained the Post-Election Report E2017/99 and the issues raised in the previous Post-Election Report E2015/133 for the NSW Branch.

Civil Contractors Federation National is currently dealing with the Fair Work Commission and the Registered Organisation Commission to bring into effect the above mentioned dissolution of the CCF Branches from the CCF Constitution and Rules. Preliminary advice received from the Fair Work Commission indicates that this may occur in the first quarter of 2018 thus eliminating all Rules pertaining to Branch elections from 2018.

Should you wish to discuss please contact me on 02 9009 4000.

Yours sincerely,



David Castledine B.Eng, LL.B
Chief Executive Officer
Civil Contractors Federation NSW



28 November 2017

Mr David Castledine
Chief Executive Officer
Civil Contractors Federation-New South Wales Branch
ccfnsw@ccfnsw.com

Cc: ccfnat@civilcontractors.com

Dear Mr Castledine

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/99

On 28/11/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/99 dated 28/11/2017. 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 29(g)(viii), 50(g) and 29(h). 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.

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 2017

Post-election Report

Civil Contractors Federation – E2017/99

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Election(s) Covered in this Report

Election Decision No/s: E2017/99

Rules

Rules used for the election: [267V: Incorporates alterations of 01/01/2014 certified on 20/12/2013][R2013/109]

Rules difficult to apply/interpret: 1. Rule 29(g)(viii) and rule 50(g) of the Federation indicate that the branch shall retain all ballot papers, envelopes, and other documents used in connection with the election and keep them in safe custody at the registered office of the Federation/branch for a period of one year after the date of the election. This is difficult to apply as according to rule 47 of the Federation, elections for office holder of the Federation and Branches must be conducted by a Returning Officer appointed by Australian Electoral Commission (AEC).

Therefore, the AEC appointed Returning Officer will retain all ballot materials in a secured place which remains under the control of AEC.

2. Rule 29(h) will contravene Sec 144(1) of the Fair Work (Registered Organisations) Act 2009 and cannot be applied to the Conduct of an election by attendance in the event of insufficient nominations to fill the offices of National Board Member and Alternate National board Member.

This issue was also raised in the post-election report related to election reference number E2015/133. It is recommended that this issue be resolved to avoid possible irregularities in future elections.

3. Rule 50(g) of the Federation may contravene Sec 144(1) of Fair Work (Registered Organisations) Act 2009. To remedy the defect, the Federation may include a provision for 're-call' election to be conducted by post.

This issue was also raised in the post-election report related to election reference number E2015/133. It is recommended that this issue be resolved to avoid possible irregularities in future elections.

Model Rule reference (if any) : None

Roll of Voters

Scheduled Election:

Total number of voters on the Roll:	317
Number of apparent workplace addresses:	317
Number of non-current address:	Not provided
Other matters pertaining to the roll of voters:	Nil

Re call Election:

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

Irregularities

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

None

Attachments

- 1) Scheduled Election- Declaration of results for Contested and Uncontested Offices
- 2) Re call Election - Declaration of results for Uncontested Offices

Ishtiaq Ahmed
Returning Officer
28 November 2017



28 November 2017

Mr David Castledine
Chief Executive Officer
Civil Contractors Federation-New South Wales Branch
ccfnsw@ccfnsw.com

Dear Mr Castledine,

cc: ccfnat@civilcontractors.com

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 and contested offices for NSW Branch [E2017/99]. 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 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-New South Wales Branch 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.

Regards

Christine Hibberd
Registered Organisations Commission

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)*
Act 2009 and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

Civil Contractors Federation New South Wales Branch

Re call Election - E2017-99

Declaration of Results for Uncontested Offices

Below are 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.

New South Wales Branch

National Board Member

Candidates

BOYLE, Michael

Alternate National Board Member

Candidates

FAHEY, Lee Martin

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



Ishtiaq Ahmed
Returning Officer

18 October 2017

Civil Contractors Federation

New South Wales Branch

Scheduled Election – E2017-99

Declaration of Results for Contested and Uncontested Offices

Below are 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.

New South Wales Branch

Total number of names on the roll of voters	318
Ballot papers issued	318
Replacement ballot papers issued	0
Total Ballot Papers Issued	318
Ballot papers / envelopes returned for scrutiny	48
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Total Ballot Papers Admitted to Scrutiny	45
Percentage of ballot papers returned to number issued	15
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	269

Branch Board Members (11)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Total Votes</u>	<u>Status</u>
WARD, Julia	6	23	Elected(4)
FORDHAM, Glenn	5	25	Elected(2)
WADE, John	7	27	Elected(1)
WISE, Paul	1	44	Elected(7)
ANTOUN, Robert	2	24	Elected(5)
BRADY, Tom	4	26	Elected(6)
CONNOLLY, Hanna	2	19	Not Elected
KELLY, Tim	2	0	Not Elected
			-Excluded
CHERRIE, Stephen David	2	23	Elected(8)
LIDDELL, Kim -Louise	1	25	Elected(11)
SCHULTZ, Mark P.	6	23	Elected(3)
FAHEY, Lee	1	29	Elected(9)
WILSON, Rex	5	24	Elected(10)
Total Votes	44		
Formal Ballot Papers	45		
Informal Ballot Papers	1		

I declare Julia Ward, Glenn Fordham, John Wade, Paul Wise, Robert Antoun, Tom Brady, Stephen David Cherrie, Kim-Louise Liddell, Mark P. Schultz, Lee Fahey and Rex Wilson elected.

Branch President

Candidates

BOYLE, Michael Anthony

I declare Michael Anthony Boyle elected.

Branch Vice President

Candidates

SMITH, Craig

I declare Craig Smith elected.

Branch Honorary Treasurer

Candidates

FITZGERALD, Michael

I declare Michael Fitzgerald elected.

National Board Member

Candidates

No nomination was received

No candidates elected.

Alternate National Board Member

Candidates

No nomination was received

No candidates elected.



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission

4 September 2017



DECISION

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

Civil Contractors Federation (E2017/99)

MR ENRIGHT

MELBOURNE, 25 MAY 2017

Arrangement for conduct of election.

[1] On 1 May 2017 the New South Wales Branch of the Civil Contractors Federation lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	
Branch Vice President	
Branch Honorary Treasurer	
Branch Board Members	11
National Board Member	
Alternate National Board Member	

[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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1st May 2017

CCF2017-303

The General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

By email: ros@fwc.gov.au

**RE: LODGEMENT OF PRESCRIBED INFORMATION IN RELATION TO AN
ELECTION FOR OFFICE IN AN ORGANISATION**

I, Mick Boyle, being the President of the Civil Contractors Federation (NSW) Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Civil Contractors Federation (NSW).
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO 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 below.

Signed:



Dated: 1st May 2017



The Voice of the Industry

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			Direct voting system; Collegiate electoral system	Scheduled; Casual vacancy; New office created; Insufficient nominations	
NSW	Branch President	(1)	DVS	Scheduled	Voting members attached to the Branch (Rule 50)
NSW	Branch Vice President	(1)	DVS	Scheduled	Voting members attached to the Branch (Rule 50)
NSW	Branch Honorary Treasurer	(1)	DVS	Scheduled	Voting members attached to the Branch (Rule 50)
NSW	Branch Board Members	(11)	DVS	Scheduled	Voting members attached to the Branch (Rule 50)
NSW	National Board Member	(1)	DVS	Scheduled	Voting members attached to the Branch (Rule 29)
NSW	Alternate National Board Member	(1)	DVS	Scheduled	Voting members attached to the Branch (Rule 29)



The Voice of the Industry

- Important dates:

	Direct Voting System	Date
Annual General Meeting of Branch		Monday 11 th September 2017
Nominations OPEN	<i>Not less than 50 days before date of the AGM (Rule 29(c) and Rule 50(b)(i))</i>	Friday 21 st July 2017
Nominations CLOSE	<i>Not less than 30 days before date of AGM (Rule 29 (d) and Rule 50(b)(i))</i>	Friday 11 th August 2017
Roll of Voters cut-off date	<i>7 days before the day on which nominations open (Rule 28)</i>	Thursday 13 th July 2017