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ABN: 21 133 285 851

Reference: 04/ 271

Contact: Sonny Neoh
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Mr David Dawes
Executive Director
Civil Contractors Federation
ACT Branch
GPO Box 3022
Canberra ACT 2601

Dear Mr Dawes,

**CIVIL CONTRACTORS FEDERATION – ACT BRANCH.
ELECTION – E. No. 2004/ 240 REFERS.**

I refer to my letter of 28 July 2004 concerning the arrangements for me to conduct an election for various positions in your Organisation and wish to advise that a ballot will not be necessary.

My declaration of the uncontested positions is attached. In compliance with Rules 46(d) and 28(b), please table the declaration at your annual general meeting.

The ACT Branch elections are now complete.

Yours faithfully

SONNY NEOH
Returning Officer

27 August 2004

cc: All Candidates
Australian Industrial Registry – VIC

**Civil Contractors Federation
Australian Capital Territory Branch**

DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996 and the rules of the organisation.

E No. 2004/ 240 refers.

Branch President

Candidate

DE SIMONE, Michael

Branch Vice-President

Candidate

JONES, David

Branch Honorary Treasurer

Candidate

MIDDLETON, Peter

Branch Committee Members (4)

Candidates

DUNN, Michael

FORDE, Nigel

HEWATT, Geoff

McMILLAN, Daniel Wayne

National Councillors (2)

Candidates

BARRETT, Ross

DE SIMONE, Michael

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

Sonny Neoh
Returning Officer
Australian Electoral Commission, Canberra
27 August 2004

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

<u>Client:</u>	Civil Contractors Federation- Australian Capital Territory Branch		
<u>Contact details:</u>	David Dawes Executive Director Civil Contractors Federation GPO Box 3022 Canberra ACT 2601	<u>Email:</u>	lorraine@mba.org.au
		<u>Tel:</u>	(02) 6247 2099
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<u>AIR contact officer:</u>	Dimitra Doukas	<u>Email:</u>	industrial.elections@air.gov.au
		<u>Tel:</u>	(03) 8661 7993

ELECTIONS COVERED IN THIS REPORT

<u>Election Decision No/s:</u>	E2004/240
<u>Election:</u>	Branch President, Branch Vice-President, Branch Honorary Treasurer, Branch Committee Members (4), National Councillors (2)
<u>Returning Officer:</u>	Sonny Neoh

RULES

<u>Rules used for elections Rule ID</u>	[267V: Incorporates alterations of 05/07/2004] [R2004/345]
<u>Rule/s re eligibility to vote</u>	Rules 28(c)(iii) & 46 (e)(ii): Financial members entitled to vote
<u>Rules difficult to apply:</u>	
<u>1. Contradictory rules</u>	
	Rule 46 relates to Branch Elections. Rule 46(e)(iii) stipulates that where there is a contest in the offices of Branch President, Branch Vice-President, Treasurer & Committee Member, "the voting system will be a preferential voting system and will be carried according to Rule 28(c)(iv)". (Rule 28 relates to the election of National Councillors). The contradiction lies in the following parts of Rule 28.
	Rule 28 (c)(iv)(i) stipulates, "a voter shall record his vote on a ballot paper as follows. He shall place the figures 1,2,3,4, and so on against the names of <u>each and every candidate</u> so as to indicate by such numerical sequence the order of his preference. A consecutive number must be placed in each square commencing with the number '1' otherwise the ballot paper will be rejected as informal."
	However;
	Rule 28 (c)(viii)(b) stipulates that "Any vote in respect of the election of a person to an office shall be informal if: - A voter votes for a greater or lesser number of candidates than the number of offices to be filled".
	One rule requires the complete numbering of every square but the second rule implies that a voter must only number the exact number of squares/offices to be filled, for the vote to be formal.
<u>2. Unworkable rule</u>	
	Rule 28 (c)(iv)(iii) relates to the process of excluding candidates: - "If no candidate has received an absolute majority of first preference votes, The candidate who receives the fewest first preference votes shall be excluded and each voting paper counted to him shall be counted to the candidate next in order of the voters preference provided that where the least number of first preference votes is received by two or more candidates.
	<u>A second ballot conducted in a similar manner to the first ballot</u> shall be held to determine which of these candidates shall be first eliminated from the original ballot for that position."
	The above underlined part of the rule is unworkable. In practice, it is not possible to hold a second postal ballot in the middle of a current postal ballot.
	It is quite likely that the above underlined part of the rule was written for the context of a situation where members are in attendance at a meeting (where an attendance ballot is being held), and is therefore not suitable to be applied in a postal ballot situation.

Action taken under section 193 of RAO Schedule

Nil, fortunately no ballots were required on this occasion.

ROLL OF VOTERS

As a Ballot was not required, therefore a Roll of Voters was not requested

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

IRREGULARITIES IDENTIFIED

Nil (Apart from the Contradictory Rules and the Unworkable Rule already specified)

ATTACHMENTS

Declaration of Results For Uncontested Offices

Sonny Neoh
Returning Officer
27 August 2004

PR949742

Workplace Relations Act 1996
s.189 of Schedule 1B - arrangement for conduct of an election

Civil Contractors Federation
(E2004/240)

T.NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 20 JULY 2004

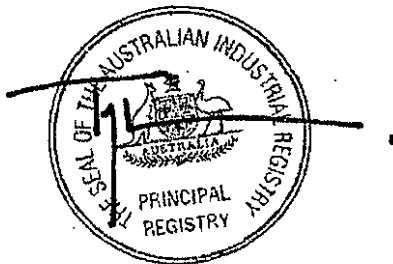
Arrangement for conduct of election.

DECISION

[1] On 19 July 2004, the Australian Capital Territory Branch of the abovementioned organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

Branch President
Branch Vice President
Branch Honorary Treasurer
Branch Committee Members (4)
National Councillors (2)

[2] I am satisfied that an election for the abovementioned offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



E.2004/240

**CIVIL CONTRACTORS FEDERATION
ACT BRANCH**

Statement Prescribed Information in respect of Election Sub-section 214(1) of the Workplace Relations Act 1996.

1. The name of each office in respect of which an election is required:

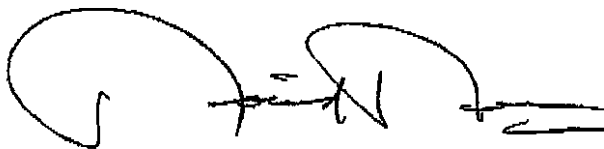
OFFICE BEARERS

Branch President (1)
Branch Vice President (1)
Branch Honorary Treasurer (1)
Committeemen (4)
National Councillors (2)

2. The reason for the election being:

The office bearers shall retire at the Annual Meeting but shall be eligible for re-election.
3. The Returning Officer will call for nominations for the positions on Wednesday 11 August 2004. Nominations and Consents will close at 4.00 p.m. on Wednesday 25 August 2004. The Annual Meeting will be held on Tuesday 5 October 2004.
4. The voting system to be employed in the conduct of this election is Preferential Voting System.

Certified as a true statement of the prescribed information in respect of an election of office bearers of the ACT Branch of Civil Contractors Federation.



David Dawes
Executive Director

15 July 2004