



# Civil Contractors Federation

*Formerly Australian Earthmovers & Road Contractors Federation*

**ACT BRANCH:**

241 Northbourne Avenue, Lyncham ACT 2602

GPO Box 3022, Canberra, ACT 2601

Telephone: (06) 247 2099. Facsimile: (06) 249 8374.

LRB

24 September 2007

The Industrial Registrar  
Australian Industrial Registry  
GPO Box 1994  
**MELBOURNE VIC 3001**

**Attention:** Mr Iain Stewart

**RE: POST ELECTION REPORT - CIVIL CONTRACTORS FEDERATION –  
ACT BRANCH**

I hereby lodge copies of the AEC Post Election Report for the Federation's ACT Branch Election (E No 2007/170) and the CCF's response to the AEC regarding the 'difficult rules' identified in the report.

I declare that the ACT Branch will provide a copy of the extract from the AEC report and the CCF response to any member who so requests.

Yours sincerely

Michael De Simone  
**ACT Branch President**

Encl.

# Australian Electoral Commission /AEC

Workplace Relations Act 1996 – Schedule 1

## POST ELECTION REPORT

Civil Contractors Federation, ACT Branch

### ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: (eg, E2007/170)

### RULES

Rules used for the election: [267V: Incorporates alterations of 05/06/2006] [R2005/347]

Rules difficult to apply:

1. Unworkable rules:

**Rule 29 (f) (iii) C(1)** relates to the process of excluding candidates and procedure in relation to a situation of tied number of votes:- *"If no candidate has received an absolute majority of first preference votes, ..... The candidate who receives the fewest first preference votes 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 a second ballot conducted in a similar manner to the first ballot 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.

**Rule 50 (e) (iii) C (1)** also relates to the process of excluding candidates and procedure in relation to a situation of tied number of votes:- *"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 them 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 a second count conducted in a similar manner to the first count shall be held to determine which of these candidates shall be first eliminated from the original ballot for that position."*

Again, this is a similar situation to that mentioned above, as per Rule 29 (f) (iii) C(1).

[ Note: To remedy that part of the unworkable rule, remove the underlined part of the rules and instead stipulate that, "the Returning Officer shall conduct a draw by lot" to determine which of the tied candidates is to be eliminated. ]

Model Rule reference (if any): None

### **ROLL OF VOTERS**

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
Other irregularities identified, and action taken:	None

### **ATTACHMENTS**

- 1) Declaration of Results for Uncontested Offices – CCF ACT Branch

Sonny Neoh  
Returning Officer  
Australian Electoral Commission, Canberra

17 August 2007



## CIVIL CONTRACTORS FEDERATION

**National Office:**

Level 1, 210 High Street, Kew VIC 3101

Telephone: (03) 9851 9900 Facsimile: (03) 9851 9999

Web site: [www.civilcontractors.com](http://www.civilcontractors.com) Email: [ccfnat@civilcontractors.com](mailto:ccfnat@civilcontractors.com)

ABN No: 41 639 349 350

10 September 2007

Sonny Neoh  
Industrial Elections Returning Officer  
Australian Electoral Commission  
GPO Box 1824,  
CANBERRA ACT 2601.

Dear Sonny

Re: Post Election Report – Civil Contractors Federation – ACT Branch

In reference to your post-election report of 17 August 2007, identifying Rules 29 (f) (iii) C(1) and Rule 50 (e) (iii) C(1) as "unworkable rules", the ACT Branch of the Federation have requested that National Office advise you of the organisation's intended action.

These rules were identified as "Rules difficult to apply/interpret" in the 2006 CCF South Australian Branch post election report. The CCF National Rules Committee has since reviewed the rules in relation to other issues and has recommended alterations to remedy the unworkable parts of the rules. Specifically the two Rules identified above are recommended for change.

At a meeting held on 10 August 2007, the National Board accepted the Rules Committee's recommendations and in accordance with the Federation's Rules, instructed the CEO (National) to convene a Special General Meeting of Members on October 25 to put forward and vote on the proposed alterations.

Please contact me if you have queries on this matter.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Chris White", is written over a horizontal line.

Chris White  
Chief Executive Officer (National)

cc: Robert Dahan, National President  
Michael De Simone, ACT Branch President  
John Miller, ACT Branch Chief Executive Officer

# Australian Electoral Commission /AEC

## Workplace Relations Act 1996 – Schedule 1

### POST ELECTION REPORT

#### Civil Contractors Federation, ACT Branch

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### **ATTACHMENTS**

- 1) Declaration of Results for Uncontested Offices – CCF ACT Branch

Sonny Neoh  
Returning Officer  
Australian Electoral Commission, Canberra

17 August 2007

Industrial Elections Section  
GPO Box 1824  
Canberra ACT 2601

Level 1, 8-10 Hobart Place  
Canberra City ACT 2601

ABN: 21 133 285 851

**Reference:** N07/ 89

**Contact:** Sonny Neoh  
**Phone:** (02) 6249 7943  
**Facsimile:** (02) 6248 7559  
**E-mail:** sonny.neoh@aec.gov.au

Mr Michael De Simone  
Branch President  
Civil Contractors Federation, ACT Branch  
GPO Box 3022  
Canberra ACT 2601

**[ Attn: Lorraine Brook ]**

Dear Mr De Simone,

**CIVIL CONTRACTORS FEDERATION – ACT BRANCH ELECTIONS 2007.  
DECLARATION OF RESULTS  
E. No. 2007/ 170 REFERS.**

Thank you for your letter (dated 15 August 2007) confirming the eligibility status of nominees and nominators.

I refer to my letter of 19 June 2007 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 50(d) and 29(e), please table the declaration at your annual general meeting.

The ACT Branch elections is now complete.

Yours sincerely

**SONNY NEOH**  
Returning Officer

17 August 2007

cc: All Candidates  
Australian Industrial Registry – VIC  
National RO

**Civil Contractors Federation  
Australian Capital Territory Branch**

**DECLARATION OF RESULTS**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E.No. 2007/ 170 refers.

**Branch President**

Candidate

DE SIMONE, Michael

**Branch Vice-President**

Candidate

MIDDLETON, Peter

**Branch Honorary Treasurer**

Candidate

REILLY, Graham

**Branch Board Members (4)**

Candidates

DEEBLE, David

FORDE, Nigel

HEWATT, Geoff

JONES, David

**Board Member**

Candidate

BARRETT, Ross

**Alternate Board Member**

Candidate

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

17 August 2007



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

**Civil Contractors Federation**  
(E2007/170)

T. NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 7 MAY 2007

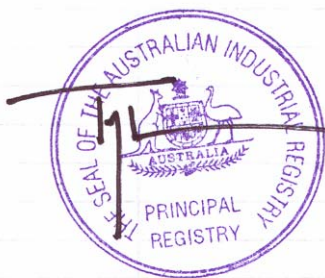
*Arrangement for conduct of election.*

**DECISION**

[1] On 4 May 2007, 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 Board Members (4)  
Board Member  
Alternate Board Member

[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 1 of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





# Civil Contractors Federation

Formerly Australian Earthmovers & Road Contractors Federation

**ACT BRANCH:**

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Telephone: (06) 247 2099. Facsimile: (06) 249 8374.

LRB

24 April 2007

The Industrial Registrar  
Australian Industrial Registry  
GPO Box 1994  
**MELBOURNE VIC. 3001**

**Attention:** Mr. Iain Stewart

Dear Mr. Stewart

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

Pursuant to Section 189 of Schedule 1 of the Workplace Relations Act 1996, I hereby lodge in the Industrial Registry, the "prescribed information" specified in Regulation 138 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations* in relation to the Civil Contractors Federation ACT Branch election to be conducted by the AEC:

**Prescribed information**

**(a) the name of each office or position for which an election is required;**

- (i) Board Member (1)
- (ii) Alternate Board Member (1)
- (iii) Branch President (1)
- (iv) Branch Vice President (1)
- (v) Branch Honorary Treasurer (1)
- (vi) Branch Board Member (4)

**(b) the reason for the election is that:**

The terms of office are due to expire in the normal course of events under the rules of the organisation.

**(c) if more than one of the offices or positions for which an election is required has the same name, and the number of offices or positions can, under the rules of the relevant organisation or branch, be determined before the prescribed day - the number of those offices or positions;**

(i) Branch Board Member (4)

**(d) if the electorate comprises only members of a branch, section or other division of an organisation - the name of the branch, section or division;**

Members of the Civil Contractors Federation ACT Branch.

**(e) the date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made under the rules of the organisation or branch in relation to the election;**

(i) Nominations shall be called for not less than fifty days in advance of the date fixed for the Annual General Meeting [see Rule 29(b) and Rule 50(a)(i)]

*NB. The date fixed for the Annual General Meeting of the Branch is Tuesday 2 October 2007 therefore nominations must be called prior to 9 August 2007.*

(ii) The closing date for nominations shall be not less than thirty days before the date of the Annual General Meeting. [see Rule 29(c) and Rule 50(a)(i)]

*NB. The proposed date for the Branch Annual General Meeting is 2 October 2007, therefore the closing date for nominations is 14 August 2007.*

**(f) the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;**

The roll of voters for any ballot shall close 7 days before the day on which nominations for the election open [see Rule 28].

*NB. As the date fixed for the Annual General Meeting of the Branch is 2 October 2006 and nominations open on 31 July 2007, the roll of voters is to be closed on 24 July 2007.*

**(g) the kind of voting system to be used in the conduct of the election is:**

A direct voting system [see Rule 29(f)(iii) and Rule 50(e)(iii)]

Would you kindly make the necessary arrangements for the conduct of the election by the AEC.

Signed:



Name:

Michael De Simone

Title of Office held:

Branch President

Date:

24 April 2007