





FILE NOTE

After lengthy discussions with Ian Henry and Laurie McGrath regarding the legal opinion offered by Jim Heard, it was my decision to conduct the ballot using the Standard Preferential System.

Whilst the rules are extremely contradictory, Rule 46(e) (iii) is specific in its instruction that the voting system “will be a preferential system and will be carried according to Rule 28(c)iv).”

Rule 28(c)(iv)(i) provides that “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 each and every candidate 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.”

This, sub-rule together with sub-rules (ii) and (iii) prescribe a Standard Preferential ballot. The method of determining a tied vote described in Rule 28(c)(iv)(iii)(a) is unworkable and will be treated as a procedural defect under s.215 of the Act, and be ignored.

Tied votes will determined by lot as prescribed in Rule 27(l) and Rule 46(e)(xi).

Rule 46(e)(x) may be interpreted in a number of ways including a description of a First Past the Post system of voting, but Jim Heard’s interpretation is accepted as the most likely.

Rule 28(c)(viii)(b) states that a vote is informal if a voter votes for a greater or lesser number of candidates than the number of offices to be filled. This is a complete contradiction of Rule 28(c)(iv)(i) and will be ignored.

Rule 46(e)(vii)(b) also states that a vote is informal if a voter votes for a greater or lesser number of candidates than the number of offices to be filled. This is a complete contradiction of Rule 46(e)(iii) and consequently a complete contradiction of Rule 28(c)(iv)(i) and will be ignored.

16 August 2001

# Civil Contractors Federation New South Wales Branch

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with section 189 of Schedule 1B of the Workplace Relations Act 1996 and the rules of the organisation

E No. 212 of 2003

### Branch President

Candidate

CHERRIE, Glenn

### Branch Vice-President

Candidate

CATO, Joseph Lawrence

### Branch Treasurer

Candidate

BOWEN, Terry

### Branch Committee Members (11)

Candidates

ANTOUN, Robert

BIRD, Alan John

BROWN, Trevor

BURTON, Paul

FORDHAM, Glenn Anthony

GLEESON, Paul Anthony

LEIGH, Brian Michael

SIMPSON, Grahame

SKINNER, Michael

WADE, John

WAUGH, Alan Kent

### National Councillors (2)

Candidates

DAHAN, Robert Peter

SCHULTZ, Mark Philip

### Branch Executive Director

Candidate

LONG, Craig Neil

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

Roy Hill

Returning Officer

5 August 2003

PR933218

**WORKPLACE RELATIONS ACT 1996**  
s189 RAO Schedule - arrangement for conduct of an election

Civil Contractors Federation

(E 2003/212)

T. NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

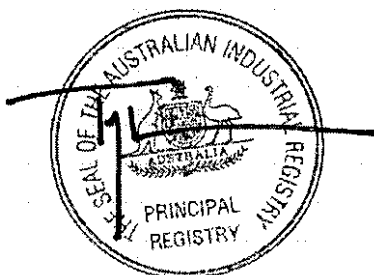
MELBOURNE, 19 JUNE 2003

**DECISION**

On 18 June 2003, the New South Wales Branch of the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

Branch President  
Branch Vice-President  
Branch Treasurer  
Branch Committee Members (11)  
National Councillors (2)  
Branch Executive Director

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



2

**POWELL, Larry**

**From:** POWELL, Larry

**Sent:** Thursday, 19 June 2003 10:34 AM

**To:** 'ccfnsw@civilcontractors.com'

**Subject:** E2003/212 - TO Long, Mr Craig, Civil Contractors Federation-New South Wales  
Branch re Print filed on 19/6/2003

In relation to E2003/212 before Registrar - Deputy Industrial Registrar Nassios, I have attached for your information a copy of Print(s) 933218 which has been filed in the Australian Industrial



2003-212-CCF-  
NSW-Dec.doc

Registry.

**Transmission of Documents initiated in CMS by LP1 on 19/6/2003 at 10:41AM**

<b>Address</b>	<b>Dispatch Method</b>	<b>Document Title</b>
ccfnsw@civilcontractors.com	Email	E2003/212 - TO Long, Mr Craig, Civil Contractors Federation-New South Wales Branch re Print filed on 19/6/2003

**Please note: You should refer to your Outlook account for details of the success or failure of the transmission of each document.**

**POWELL, Larry**  
**From:** POWELL, Larry  
**Sent:** Thursday, 19 June 2003 10:57 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Election decision E2003/212 CCF - NSW Br

Election Decision: E2003/212 - CCF - NSW Branch.

Enclosed is a copy of the above decision and a copy of the rules of the organisation.



2003-212-CCF-



CCF -

NSW-Dec.doc ED ((02-09-19

No alterations have been lodged to those rules.

**POWELL, Larry**

**From:** POWELL, Larry

**Sent:** Wednesday, 18 June 2003 12:03 PM

**To:** 'industrial.elections@aec.gov.au'

**Subject:** Election notification E2003-212 CCF - NSW Branch

FYI



2003-212-CCF-  
NSW.tif





## **CIVIL CONTRACTORS FEDERATION**

*Formerly Australian Earthmovers & Road Contractors Federation*

NEW SOUTH WALES:  
30 Oramzi Road Glenside NSW 2145  
Telephone: (02) 9631 8810 Facsimile: (02) 9631 8187 E-mail: ccfnew@ccf.org.au

## **FAX**

**FAX TO:** Mr Clency Lapierre  
**FAX NUMBER** 03 9654 6672  
**FROM:** Robbyn Brown – Executive Assistant  
**DATE:** 18/06/2003  
**SUBJECT:** Civil Contractors Federation NSW 2003 Elections  
**PAGES (including header):** 3

Dear Clency,

Attached are 2 pages re: Section 214 and Regulation 61 Workplace Relations Act for Annual Elections.

I confirm that the original letter will be posted to the following address.

GPO Box 1994s  
Melbourne Vic 3001

Regards,

Robbyn Brown  
Executive Assistant



## **CIVIL CONTRACTORS FEDERATION**

*Formerly Australian Earthmovers & Road Contractors Federation*

ABN 55 645 813 882

**NEW SOUTH WALES:**

30 Cramzi Road Girraween NSW 2145

Telephone: (02) 9631 8810 Facsimile: (02) 9631 8167 E-mail: ccfnew@civilcontractors.com

18 June 2003

Deputy Industrial Registrar  
Australian Industrial Registry  
GPO Box 1994S  
**MELBOURNE VIC 3001**

Attention: Mr Clency Lapierre

Dear Sir,

Application is hereby made pursuant to Section 214 and Regulation 61 of the Workplace Relations Act 1996 to have an election conducted by the Australian Electoral Commission for the election of officers of the NSW Branch of the Civil Contractors Federation.

- The name of each office for which an election is required is:

Branch President  
Branch Vice-President  
Branch Treasurer  
Branch Committee Members (11 to be elected)  
National Councillors (2)  
Branch Executive Director

- The reason for the election being that the term of office for the above offices will expire on 13 September 2003, the date one year since last year's Branch Annual General Meeting.
- The electorate comprises:

Rule 28A(d) "If only the required number of nominations to fill any office or offices is received, the Returning Officer shall by notice addressed to the NSW Branch Executive Director forthwith declare the person or persons so nominated elected unopposed."

Rule 28A(e) "If more than the number of nominations required to fill any office are received, an election shall be taken by secret ballot of all members of the Branch as hereinafter provided."

- The date and time of the commencement and expiration of the period during which nominations of candidates will be called for or may be made under the rules of the Branch in respect of the election is:

**Rule 45A(a) "The Annual General Meeting of the members of each Branch of the Federation shall be held during the month of August or September within 13 months of the previous Branch Annual General Meeting at such times and places as may be determined by the Branch Committee of Management"**

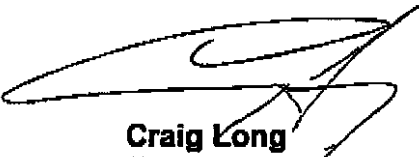
The last Branch Annual General Meeting was held on 13 September 2002.

- The proposed date for the 2003 Branch Annual General Meeting is 9 September 2003.
- The voting system to be employed in the conduct of the election being a direct voting system.

**Statement under Regulation 61(2):**

I, Craig Long, hereby state that the information given above is being lodged as 'prescribed information' in accordance with subsection 214(1) of the Act.

Yours faithfully,



**Craig Long**  
Executive Director



E 2003/218.

# CIVIL CONTRACTORS FEDERATION

Formerly Australian Earthmovers & Road Contractors Federation

ABN 55 645 813 882

**NEW SOUTH WALES:**

30 Oramzi Road Girraween NSW 2145

Telephone: (02) 9631 8610 Facsimile: (02) 9631 8167 E-mail: ccfnew@civilcontractors.com

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Executive Director