

CIVIL CONTRACTORS FEDERATION NSW BRANCH Scheduled Election E2013/200

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.

Branch President

Candidates

WADE, John

Branch Vice-President

Candidates

BOYLE, Mick

Branch Honorary Treasurer

Candidates

FORD, Stuart

Branch Board Members (11)

Candidates

ANTOUN, Robert

BRADY, Tom

CHERRIE, Glenn

DAHAN, Robert

FAHEY, Lee

FITZGERALD, Michael

SCHULTZ, Mark P

SMITH, Craig

No further nominations were accepted

National Board Member (Federation)

Candidates

BOYLE, Mick

Alternate National Board Member (Federation)

Candidates

DAHAN, Robert

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



Kathryn Montgomery
Returning Officer

14 August 2013

Fair Work (Registered Organisations) Act 2009**POST ELECTION REPORT**

Client: The Civil Contractors Federation – NSW Branch
Contact details: John Wade **Email:** crakete@civilcopntractors.com
Branch President **Tel:**
Civil Contactors Federation
NSW Branch
PO Box 7252
BAULKHAM HILLS BC NSW

AIR contact officer: David Vale **Email:** Industrial.elections@fwc.gov.au
David.vale@fwc.gov.au **Tel:** 02 8374 6509

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/200

RULES

Rules used for elections - Rule ID: [267V: Incorporates alterations of 2/3/2011] R2010/129]

Rules difficult to apply/interpret: Rule 29 (h) & 50 (g) (i) ... "If further nominations are received and a ballot required, an election from Members in attendance shall be held at the AGM." The Fair Work (Registered Organisations) Act 2009 provides for elections for office to be by a Direct Voting System conducted by a secret postal ballot, refer Section 143 (1) (a) (i) and Section 144 (1) and (2).

Model Rule reference (if any): None

ROLL OF VOTERS

As the election was uncontested no Roll of Voters required.

ALLEGATIONS OF IRREGULARITIES RECEIVED:

Details of written allegations of irregularities, and action taken by AEC NIL

Other irregularities identified, and action taken NIL

ATTACHMENTS

1. Declaration of Results for Uncontested Offices



Kathryn Montgomery
Returning Officer
28 August 2013



John Wade
Branch President
Civil Contractors Federation
NSW Branch
PO Box 7252
BAULKHAM HILLS BC NSW 2153

Post-Election Report For:

**Civil Contractors Federation
NSW Branch
Scheduled Election E2013/200**

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post-Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take. If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post-Election Report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post-Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Yours sincerely

Kathryn Montgomery
Returning Officer
28 August 2013



DECISION

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

Civil Contractors Federation (E2013/200)

CHRIS ENRIGHT

MELBOURNE, 12 JUNE 2013

Arrangement for conduct of election.

[1] On 6 and 11 June 2013 the Civil Contractors Federation - New South Wales Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

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

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch President has stated that this was due to an administration error and has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reason for late lodgement, I allow lodgement on 6 June 2013 in this instance.

[3] 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 GENERAL MANAGER
FAIR WORK COMMISSION

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<Price code A, PR537766>

11th June 2013

Larry Powell
Fair Work Australia
GPO Box 1994
Melbourne VIC 3001

By email: larry.powell@fwc.gov.au

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

As discussed over the phone today, 11th June 2013, we wish to apply for an extension of time due to an administrative error in lodging the Prescribed Information. We understand that the extension of time for the prescribed information, if permitted will not affect other dates outlined, with the roll of voters to be closed on the 16.7.13.

We also request that the number of Branch Board member positions be amended as per the below.

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

Branch Board [Rule 43 and 50]


- (i) Branch President (1)
- (ii) Branch Vice President (1)
- (iii) Branch Honorary Treasurer (1)
- (iv) Branch Board Member (11)

National Board of the Federation [Rule 25 and Rule 29]

- (v) National Board Member (1)
- (vi) Alternate National Board Member (1)

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

Signed:



Name: John Wade - NSW Branch President

Date: 11th June 2013

6th June 2013

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

By email: orgs@fwa.gov.au

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

Pursuant to Section 189 of the *Fair Work (Registered Organisations) Act 2009*, I hereby lodge with Fair Work Australia, the “*prescribed information*” specified in Regulation 138 of the *Fair Work (Registered Organisation) Regulations 2009* in relation to the Civil Contractors Federation NSW Branch election to be conducted by the AEC:

Prescribed information

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

Branch Board [Rule 43 and 50]

- (i) Branch President (1)
- (ii) Branch Vice President (1)
- (iii) Branch Honorary Treasurer (1)
- (iv) Branch Board Member (10)

National Board of the Federation [Rule 25 and Rule 29]

- (v) National Board Member (1)
- (vi) Alternate National Board Member (1)

(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*



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organisation or branch, be determined before the prescribed day - the number of those offices or positions;

(i) Branch Board Member (10)

[see Rule 43]

(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 NSW 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 Branch Annual General Meeting [see Rule 29(c) and Rule 50(b)(i)]

NB. The date fixed for the Annual General Meeting of the Branch is 11th September 2013; therefore nominations must be called prior to 23rd July 2013.

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

NB. The proposed date for the Branch Annual General Meeting is 11th September 2013; therefore the closing date for nominations is 12th August 2013.

(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 11th September 2013, and nominations open on 23rd July 2013, the roll of voters is to be closed on 16th July 2013.



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

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

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

Signed:

Name: John Wade - NSW Branch President

Date: 6th June 2013