

Anushan Jayaratne  
Civil Contractors Federation  
Level 1  
322 Glenferrie Road  
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**Post Election Report For: Civil Contractors Federation, Victorian Branch  
Election E2015/168**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 Schedule 1 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) Act 2009 requires an organisation or branch to publish a notice on its web site 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.

Michael Pryor  
Returning Officer

28 July 2015

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Civil Contractors Federation, Victorian Branch**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No: E2015/168

**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: None

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: Ballot not required

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

1. Declaration of Results

Michael Pryor  
Returning Officer

28 July 2015

# Civil Contractors Federation

## Victorian Branch

### Declaration of Results

#### E2015/168

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

##### Candidate

DE-FAZIO, Domenic

#### Branch Vice-President

##### Candidate

BROWN, Sophie

#### Branch Honorary Treasurer

##### Candidate

PLUMRIDGE, John Alan

#### Branch Board Members (9)

##### Candidates

BECK, Robert

MAHAR, Andrew

MILLER, Jason Anthony

RODRIGUES, Peter

SMITH, Clifford Robert

TRAICEVSKI, Steve

TREBILCO, Robert John

No further nominations were accepted

**National Board Member**

Candidate

MAHAR, Andrew

**Alternate National Board Member**

Candidate

PLUMRIDGE, John Alan

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



Michael Pryor  
Returning Officer

24 July 2015



## DECISION

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

### **Civil Contractors Federation** (E2015/168)

MR ENRIGHT

MELBOURNE, 4 JUNE 2015

*Arrangement for conduct of election.*

[1] On 18 May 2015 the Victorian Branch of the Civil Contractors Federation 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 (9)
- National Board Member
- Alternate National Board Member

[2] Mr Dominic De-Fazio, Victorian Branch President of the Civil Contractors Federation, requested an extension of time for lodgement of the prescribed information. The request provides that the delay in lodgement arose due to a late change in the scheduling of the Branch Annual General Meeting.

[3] Rules 29(c) and 50(b)(i) of the rules of the organisation provide that nominations for the relevant offices are called for not less than 50 days before the Branch Annual General Meeting. The prescribed information provides that the Branch Annual General Meeting is scheduled for 3 September 2015 and that nominations shall open prior to 15 July 2015. Therefore, according to the rules of the organisation, and the prescribed information, the first day when a person may become a candidate in the election is 15 July 2015. Accordingly, the prescribed information was required to be lodged before 15 May 2015. The prescribed information was lodged on 18 May 2015, three days late.

[4] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr De-Fazio. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to the governance arrangements formulated by organisations themselves, I allow a later day for lodgement.

[5] While I have allowed a later day for lodgement in the circumstances of this application, the failure of an organisation to lodge prescribed information before the prescribed day contravenes section 189(2) of the Act and is a civil penalty provision which may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[6] 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

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

Via Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

**RE: Request for Extension of Time for Lodgement of Prescribed Information and Confirmation of the Number of Board Members**

We have been advised that the lodgement as detailed above was received on the 18<sup>th</sup> of May resulting in a delay of 3 days. We very much regret the late lodgement and wish to explain the reasons for that occurrence.

The AGM was scheduled for the 25<sup>th</sup> of September by the Branch. Due to a change in the scheduling of the National AGM, the date had to be advanced to the 3<sup>rd</sup> of September. This change was advised with very short notice, and while we finalised the lodgement on the 15<sup>th</sup> May, in spite of every possible attempt being made, we were unable to obtain the necessary signatures on the same day which delayed the lodgement until Monday, 18<sup>th</sup> May.

We ask that you will take the above mentioned circumstances into consideration and consider granting us an extension in order to schedule the elections as per the lodgement.

Further to our correspondence of 15<sup>th</sup> May 2015 in relation to the election of positions to the Branch Board of the Civil Contractors Federation Victoria Branch, I wish to confirm that formal determination has been made by the Board to reduce the number of "Branch Board Members" to 9 (nine).

The full Branch Board will consist of 12 sitting Members and the details are as follows:

**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 (9)

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

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



Arthur J. Gallagher  
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We trust this clarifies the matter. However, should further information be required, please contact the Branch Executive Officer or the undersigned.

Signed:

A handwritten signature in black ink, appearing to read 'D. De Fazio', with a stylized flourish at the end.

Name: Domenic De-Fazio  
Branch President  
Date: 26/05/2015





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15<sup>th</sup> May 2015

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

Via Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

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

I, Domenic De-Fazio, being the Branch President of the Civil Contractors Federation (Victoria Branch) make the following statement:

I am the Branch President of the Civil Contractors Federation (Victoria Branch).

I am authorised to lodge the following prescribed information concerning the forthcoming elections in the (Victorian Branch) of the Civil Contractors Federation; and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisation) Act 2009.

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 [Victoria] 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 (9)

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

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



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*(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 (09)

[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 [Victoria].

*(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 [3/09/2015], therefore nominations must be called prior to [15/07/2015].*

(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 [3/09/2015], therefore the closing date for nominations is [8/07/2015].*

*(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 [3/09/2015] and nominations open on [15/07/2015], the roll of voters is to be closed on [08/07/2015].*



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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: Domenic De-Fazio

Branch President

Date: 15/05/2015



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