

POST ELECTION REPORT

Client: The National Electrical Contractors' Association (NECA)

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ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/252

RULES

Rules Used for the election: [233V: Incorporates alterations of 5 April 2011 (R2010/3)]
Replaces rulebook dated 30 March 2007

Rules difficult to apply/interpret:

Rules regarding Eligibility of persons nominating to be Chapter Secretary are difficult to apply.

Rule 26 is silent on eligibility to hold office. The 'financiality' requirement as found in Rule 42 would require a person to be a financial member. However, there are rule references which infer a different approach.

There is an expectation within Rule 5 (a) that there will be people who are eligible for membership by having been or becoming an elected officer, and not because they are from within the industry.

Rules 27 and 28 appear to exempt the Chapter Secretary from the normal financiality provisions.

While none of the rules clearly state that a candidate for Chapter Secretary may come from outside the organisation, there are sufficient inferences that this could be the case. The RO therefore took a broader 'inclusive' interpretation of the rules to allow a person to be a candidate.

The RO also sent nomination forms and Notice of election to all Chapter members. The rules are clear on who can be a nominator (Chapter Committee member only) but not on who can be a candidate for Chapter Secretary.

Model Rule reference (if any):

None

ROLL OF VOTERS – As per attachments

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A
Other irregularities identified, and action taken: N/A

ATTACHMENTS

- A NECA National Declaration of Results Stage 3
- B VIC Declaration Stage 1
- C VIC Declaration Stage 2 Uncontested
- D SA Declaration of Results Stage1 2012
- E NECA Stage 2 Declaration SA
- F NECA Stage 3 Declaration SA
- G ACT Declaration of Results Stage 1
- H ACT Declaration of Results Contested Offices NECA S2
- H NSW Stage 1 Declaration of Results for contested & Uncontested Offices
- I NSW Declaration of Results Stage 2
- J TAS Uncontested S1 adj
- K TAS Uncontested Offices Stage 2
- L TAS Uncontested Offices Stage 2
- M WA E2012-252 Contested Declaration Results Part 1
- N WA E2012-252 Contested Declaration Results Part 1
- O QLD Stage 1 Declaration Results
- P QLD Declaration Stage 2 NECA 2012
- Q E2012-252 Post Election Report WA
- R PER NECA 2012 SA

A. Madan

Noopur Madan
National Returning Officer

18 September 2012



National Electrical Contractors Association SA Chapter Executive Stage 2

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/E252

Chapter Committee

President

Candidate

HODBY, Greg

Vice-President

Candidate

THORPE, Andrew

Treasurer

Candidate

CROSS, Andrew

National Councillor (2)

Candidates

HODBY, Greg
THORPE, Andrew

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



Gerry Williams
Returning Officer

24 July 2012

National Electrical Contractors Association SA Chapter Management Committee Stage 1

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2012/E252

South Australia Chapter

Total number of persons on the roll of voters	464
Ballot papers issued	464
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	464
Ballot papers / envelopes returned for scrutiny	70
Less ballot papers / envelopes rejected at preliminary scrutiny	2
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	68
Percentage of ballot papers returned to number issued	14.7%
Ballot papers returned as unclaimed mail	0
Envelopes not returned	394

Management Committee Member (4)

<u>Candidates</u>	<u>First Preference Votes</u>
CROSS, Andrew	48
DAVIES, Merv	31
KERR, Michael Shane	39
McDOUGALL, Gary	42
THORPE, Andrew	41
Total votes	201
Formal ballot papers	67
Informal ballot papers	1

I declare Andrew Cross, Gary McDougall and Andrew Thorpe elected.

Gerry Williams
Returning Officer
Australian Electoral Commission
13 June 2012

National Electrical Contractors Association Stage 2 – Chapter Office Bearers & Executive

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/252

Victorian Chapter

President

Candidate

MCKNIGHT, Wes

Vice President

Candidate

TOBIN, Paul

Treasurer

Candidate

GRAHAM, Michael

National Councillor (2)

Candidates

MCKNIGHT, Wes

TOBIN, Paul

National Executive Member

Candidate

MCKNIGHT, Wes

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



Jack Thomson
Returning Officer

19 June 2012

National Electrical Contractors Association Stage 1 -Chapter Councillors

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/252

Victorian Chapter

Chapter Councillor (5)

Candidates

CHATFIELD, Russell
CUTLER, John Ronald
PURNELL, Michael
SPICER, Dean
TOBIN, Paul

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



Jack Thomson
Returning Officer

14/05/2012

National Electrical Contractors Association National Office Bearers Election

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/252

National Council

National President

Candidate

MCKNIGHT, Wes

National Vice President

Candidate

GREEN, Michael

National Treasurer

Candidate

HEEREY, James

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

Noopur Madan
Returning Officer

3 September 2012

National Electrical Contractors Association

ACT Chapter - Stage 1 Elections

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

E2012/252

ACT Chapter - 1st Stage

Total number of persons on the roll of voters	99
Ballot papers issued	99
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	99
Ballot papers / envelopes returned for scrutiny	25
Less ballot papers / envelopes rejected at preliminary	0
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	25
Percentage of ballot papers returned to number issued	25%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	74

Councillors (6)

<u>Candidates</u>	<u>Votes</u>
BAWDEN, Grant	21
BUCKLEY, Stephen John	21
PATTRICK, Steven	21
HART, Peter	19
O'MALLEY, Justin	19
DONNELLY, Robert	21
SKINNER, Barry Alan	17

Total votes	139
Formal ballot papers	24
Informal ballot papers	1

I declare Grant Bawden, Stephen John Buckley, Robert Donnelly, Peter Hart, Justin O'Malley and Steven Patrick elected.

Secretary

Candidate

DAWSON, Barry

I declare Barry Dawson elected.

Noopur Madan
Returning Officer
Australian Electoral Commission

13 June 2012

National Electrical Contractors Association

NSW Chapter Committee Stage 1 Election

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

E2012/252

New South Wales Chapter

Total number of persons on the roll of voters	1381
Ballot papers issued	1381
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	1381
Ballot papers / envelopes returned for scrutiny	202
Less ballot papers / envelopes rejected at preliminary	4
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	198
Percentage of ballot papers returned to number issued	14%
Ballot papers returned as unclaimed mail	5
Ballot papers not returned	1174

Executive Committee Members (4)

<u>Candidates</u>	<u>Votes</u>
CHAPPELOW, Garrie Roy	125
ORR, David	137
BROWN, Alan Christopher	164
DUFF, Bruce	136
MADSON, Christopher	152
Total votes	714
Formal ballot papers	189
Informal ballot papers	9

I declare Alan Christopher Brown, Bruce Duff, Christopher Madson and David Orr elected.

Secretary

Candidates

No nomination was received

No candidates elected.

Noopur Madan
Returning Officer
Australian Electoral Commission

13 June 2012



DECISION

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

The National Electrical Contractors Association
(E2012/252)

T. NASSIOS

MELBOURNE, 30 MARCH 2012

Arrangement for conduct of election.

[1] On 14 and 26 March 2012 The National Electrical Contractors Association lodged with Fair Work Australia the prescribed information in relation to elections for the following offices:

National Councillors (14) comprising of 2 Councillors elected by and from each of the following Chapter Committees:

Victorian Chapter
South Australian Chapter
Australian Capital Territory Chapter
New South Wales Chapter
Tasmanian Chapter
Western Australian Chapter
Queensland Chapter

National President
National Vice-President
National Treasurer
National Executive Member (1) from each of the above Chapters

Victorian Chapter

Councillors (5)
President
Vice-President
Treasurer

South Australian Chapter

Management Committee Members (3)
President
Vice-President
Treasurer

Australian Capital Territory Chapter

Councillors (6)
President
Vice-President
Treasurer
Secretary
Executive Member (1)

New South Wales Chapter

Executive Committee Members (4)
President
Vice-President
Treasurer
Secretary

Tasmanian Chapter

Councillors (7) comprising: Councillor from the Southern Group (1)
Councillor from the Northern Group (1)
Councillor from the North Western Group (1)
Councillors representing the membership of the Chapter as a whole (4)

President
Vice-President
Treasurer

Western Australian Chapter

Councillors (9)
President
Vice-President
Treasurer
Secretary
Executive Members (4)

Queensland Chapter

Councillors (10)
President
Vice-President
Treasurer
Executive Members (4)

[2] I am satisfied that elections for the abovenamed offices are 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 elections by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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WALKER, Christine

From: Wendy Ramjee [wendyr@neca.asn.au]
Sent: Monday, 26 March 2012 1:52 PM
To: LYNCH, Sam
Cc: WALKER, Christine
Subject: Election Notice - NECA (National Office) - E2012/252
Attachments: Annual Return 2012_elections Attach 1.doc

Dear Samuel

As per our telephone conversation this afternoon in relation to our letter dated 8 March 2012 with prescribed information and your reference E2012/252.

Please see attached amended document as discussed. The amendments (as outlined below for ease of reference) relate to "the name of each office for which an election is required (Attachment 1)".

National Secretary – no election required
South Australia Chapter Secretary – no election required
Australian Capital Territory Chapter Secretary – **election required**
Tasmania Chapter Secretary – no election required
Western Australia Chapter Secretary – **election required**
Queensland Chapter Secretary – no election required.

Please let me know if there is anything else that is required.

Kind regards
Wendy

Wendy Ramjee
Executive Assistant to CEO



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communications
association

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ATTACHMENT 1.
THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

(a) The names of each office in which an election is required in 2012:

1. National Council: Fourteen (14) comprising two (2) National Councillors elected by and from each Chapter committee;
National Executive: One (1) from each Chapter
Office Bearers: President, Vice President, Treasurer elected from the members of the Executive Committee
2. Victoria Chapter
Council: Five (5) members
Office Bearers: President, Vice President, Treasurer
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
3. South Australia
Chapter Management
Committee: Three (3) members
Executive Officers: President, Vice President, Treasurer
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
4. Australian Capital
Territory Chapter
Council: Six (6) members
Executive
Office Bearers: President, Vice President, Treasurer and one member of Council, Secretary.
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
5. New South Wales
Chapter Executive
Committee: Four (4) members
Executive Office
Bearers: President, Vice President, Treasurer, Secretary
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
6. Tasmania Chapter
Council: Seven (7) members comprising one (1) councillor from each of the groups respectively as defined and four (4) councillors representing the membership of the Chapter as a whole.
Executive Office
Bearers: President, Vice President, Treasurer
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

7. Western Australia
Chapter Council: Nine (9) members
Executive: Four (4) members of Council and Office Bearers.
Office Bearers: President, Vice President, Treasurer, Secretary.
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
8. Queensland Chapter
Council: Ten (10) members
Executive: Office Bearers and four (4) members of the Council.
Office Bearers: President, Vice President, Treasurer
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

(b) Reason for the Election

Annual elections as provided in the Rules of the Association

(c) Closure of Roll for Votes

The Roll will close 10 days prior to date nominations for office are invited.

(d) Voting System

The voting system is a collegiate system.



national
electrical and
communications
association

NATIONAL OFFICE

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8 March 2012

Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

Dear Sir/Madam,

**The National Electrical Contractors Association
Section 189, Fair Work (Registered Organisations) Act 2009 (RO Act)–Elections (R 138)**

We herewith submit the prescribed information for the elections for office to the 2012/2013 period.

- (a) The name of each office for which an election is required (Attachment 1)
- (b) The reason for the election (Attachment 1)
- (c) The date and time of the beginning and end of the nominated period (Attachment 2)
- (d) The day on which the roll of voters closed (Attachment 1)
- (e) The kind of voting system (Attachment 1)

Please see Attachment 1 & 2.

I, James Clifford Tinslay state that the information is lodged under RO Act Section 189, of the Fair Work (Registered Organisations) Act 2009 and that I am the person authorised to make that statement.

Yours faithfully

James C Tinslay
Secretary

Attach



ATTACHMENT 1.
THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

(a) The names of each office in which an election is required in 2012:

1. National Council: Fourteen (14) comprising two (2) National Councillors elected by and from each Chapter committee;
National Executive: One (1) from each Chapter
Office Bearers: President, Vice President, Treasurer elected from the members of the Executive Committee, Secretary

2. Victoria Chapter Council: Five (5) members
Office Bearers: President, Vice President, Treasurer
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

3. South Australia Chapter Management Committee: Three (3) members
Executive Officers: President, Vice President, Treasurer, Secretary
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

4. Australian Capital Territory Chapter Council: Six (6) members
Executive Office Bearers: President, Vice President, Treasurer and one member of Council.
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

5. New South Wales Chapter Executive Committee: Four (4) members
Executive Office Bearers: President, Vice President, Treasurer, Secretary
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

6. Tasmania Chapter Council: Seven (7) members comprising one (1) councillor from each of the groups respectively as defined and four (4) councillors representing the membership of the Chapter as a whole.
Executive Office Bearers: President, Vice President, Treasurer, Secretary
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

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Chapter Council: Nine (9) members
Executive: Four (4) members of Council and Office Bearers.
Office Bearers: President, Vice President, Treasurer.
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.
8. Queensland Chapter
Council: Ten (10) members
Executive: Office Bearers and four (4) members of the Council.
Office Bearers: President, Vice President, Treasurer, Secretary
National Officials: Two (2) National Councillors, one of which shall also be the National Executive Member.

(b) Reason for the Election

Annual elections as provided in the Rules of the Association

(c) Closure of Roll for Votes

The Roll will close 10 days prior to date nominations for office are invited.

(d) Voting System

The voting system is a collegiate system.

ATTACHMENT 2.

THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

CONDUCT OF ELECTIONS FOR OFFICE
2012 ELECTION TIMETABLE - REGULATION 61(1)(e)

Chapter Committee Elections			Rule
Tuesday	5 June	Nominations invited	23(a)
Tuesday	19 June	Nominations close	
Tuesday	26 June	If ballot - issue ballot papers	23(g)(i)
Tuesday	10 July	Ballot closes	23(g)(iii)(a)

Chapter Office Bearers

July/August	1st chapter meeting after committee	25(a)
	- Chapter Office Bearers	
	- Chapter Executive	
	- National Councillors	

National Office Bearers and Executive

Tuesday	17 July	Nominations invited	18(a)
Tuesday	31 July	Nominations close	18(c)
Thursday	2 August	If ballot - issue ballot papers	18(f)
Thursday	16 August	Ballot closes	18(f)

Election of Secretaries

National	2015	19
Victoria	2014	26(a)
South Australia	2015	26(a)
New South Wales	2012	26(a)
Australian Capital Territory	2012	26(a)
Tasmania	2015	26(a)
Western Australia	2012	26(a)
Queensland	2015	
