



6 November 2017

President
Civil Contractors Federation-Tasmanian Branch
ccftas@civilcontractors.com

Dear President,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for Tasmanian Branch [E2017/96]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Civil Contractors Federation-Tasmanian Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and

- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

13 October 2017

Post-election Report

**Civil Contractors Federation
Tasmanian Branch - E2017/96**

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	3
Other Matters.....	3
Attachments	3

Election(s) Covered in this Report

Election Decision No/s: E2017/96

Rules

Rules used for the election: 267V: alterations of 01/01/2014 in matter R2013/109

Rules difficult to apply/interpret: Nil

Roll of Voters

Total number of voters on the Roll: 48

Number of apparent workplace addresses: 43

Number of non-current addresses: 0

Other matters pertaining to the roll of voters: Nil

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Nil

Attachments

1. Declaration of uncontested offices.

Michael Horwood
Returning Officer, Tasmania

13 October 2017

Civil Contractors Federation

Tasmanian Branch Elections

Declaration of Results for Uncontested Offices

E2017/96

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.

Tasmanian Branch

Branch President

Candidates

MASLIN, Hugh

Branch Vice-President

Candidates

HEAZLEWOOD, Simon

Branch Honorary Treasurer

Candidates

GEEVES, Stewart

Branch Board Members (11)

Candidates

ARMSTRONG, Neil
BATCHELOR, Robert
BROMWICH, Lincoln Graham David
BRUNSKILL, Jesse
CAMPBELL, Peter
COOPER, Ashley
GRANGER, Adrian
MCCULLOCH, Alistair
O'MEARA, Camille
PREGNELL, Stephen
SIDNEY, Phillip James

National Board Member

Candidates

GRANGER, Adrian

Alternate National Board Member

Candidates

BATCHELOR, Robert

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



Michael Horwood
Returning Officer

6 September 2017



DECISION

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

Civil Contractors Federation
(E2017/96)

MR ENRIGHT

MELBOURNE, 4 JULY 2017

Arrangement for conduct of election.

[1] On 24 May 2017 the Tasmanian Branch of the Civil Contractors Federation (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

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

[2] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the Fair Work (Registered Organisations) Regulations 2009 (the regulations). The prescribed information should have been lodged by 12 April 2017. In correspondence dated 25 May 2017, the Director of the Branch, Mr Adrian Granger stated the delay was due to the unexpected resignation of the Branch CEO in February 2017 because prior to his departure, the CEO failed to complete or lodge the necessary documents. Mr Granger reported that this failure was overlooked due to annual leave of administrative staff. The Branch subsequently finalised and lodged the prescribed information as a matter of urgency and requested that I allow for an extension of time for lodgement of the information under s. 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] Given the previous CEO resigned in February 2007 and the prescribed information was required to be lodged by 12 April 2017, I have difficulty in accepting that the Branch's non-compliance was due to that unexpected departure notwithstanding that the Branch had relied upon the previous CEO to meet its statutory obligations. I am not persuaded by the additional circumstances that the failure was overlooked because of the annual leave of administrative staff nor can I discern any reason for the Branch's failure to make the application for an extension before the obligation fell due.

[4] I am satisfied however that the Branch strove to rectify the oversight as soon as it was identified and I further note that the Branch has met its obligations in recent elections and that this is the first instance that the prescribed information has been lodged at a later date than prescribed by the regulations.

[4] Taking all of these matters into aggregate account, I have determined that it is appropriate to allow the extension as requested under s.189(2) of the Act.

[5] However, in allowing the extension, I emphasise the importance of registered organisations and their branches lodging the prescribed information for elections before the prescribed day under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations). Regulation 138(3) defines the prescribed day as “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 an election”. I note that the failure of an organisation to lodge the prescribed information before the prescribed day is a civil penalty provision and draw the Branch’s attention to my recent observations upon the subject in *Police Federation of Australia* [2016] FWCD 7891.

[6] Consequently, it is my recommendation to the Branch that it implement procedures to ensure that prescribed information for Branch elections are lodged with the Commission in a timely manner.

[7] 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 COMMISSIONER

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24-05-2017

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

Via email: regorgs@roc.gov.au

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

I, Adrian Granger, being the Director of the Civil Contractors Federation Tasmania make the following statement:

1. I am authorised to sign this statement containing prescribed information for Civil Contractors Federation Tasmania.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.

This statement **IS NOT** lodged at least 2 months before nominations open for the election below.

The reason it is lodged after the prescribed time is:

- Unexpected resignation of CEO in February
- Unknown to Director or staff that this was not completed by former CEO previously, completing upon realisation of urgency.
- Current administration staff on annual leave
- a. An extension of time request was lodged for this election on 26-05-2017

Signed:


Adrian Granger - Director of Civil Contractors Federation Tasmania

Dated:

24-05-2017

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- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>Not less than 50 days before date of the AGM (Rule 29(c) and Rule 50(b)(i))</i>	12/06/2017
Nominations CLOSE	<i>Not less than 30 days before date of AGM (Rule 29 (d) and Rule 50(b)(i))</i>	21/07/2017
Roll of Voters cut-off date	<i>7 days before the day on which nominations open (Rule 28)</i>	05/06/2017