



## DECISION

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

### Civil Contractors Federation (E2017/97)

MR ENRIGHT

MELBOURNE, 7 JUNE 2017

*Arrangement for conduct of election.*

[1] On 26 April, 25 May and 2 June 2017 the Queensland Branch of the Civil Contractors Federation (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President  
Vice President  
Honorary Treasurer  
Branch Board Members (6)  
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 prescribed information should have been lodged by 23 April 2017. In its correspondence dated 2 June 2017, Gavin Turner, Acting President, stated the delay was due to recent changes in the Executive Management team, as well as numerous public holidays falling through the period of change.

[3] I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[4] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[5] 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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**CIVIL CONTRACTORS  
FEDERATION**

CCF QUEENSLAND BRANCH  
ABN 24 778 482 952

11 Hi-Tech Court  
Eight Mile Plains QLD 4113

P 07 3360 7933

F 07 3360 7944

E [ccfqld@ccfqld.com](mailto:ccfqld@ccfqld.com)

[www.ccfqld.com](http://www.ccfqld.com)

22nd May 2017

The General Manager  
Fair Work Commission  
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, Gavin Turner, being the Acting President of the Civil Contractors Federation – Queensland Branch Board, make the following statement:

I am authorised to sign this statement containing prescribed information for Civil Contractors Federation – Queensland.

The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).

The elections that are required are set out in the table in Annexure B.

Resignations recorded 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:

Civil Contractors Federation – Queensland has experienced recent changes in the Executive Management Team. With numerous Public Holidays falling through the changes, it has resulted in a late lodgement of the documentation as outlined above by approximately three (3) days.

The Fair Work Commission was notified on 26<sup>th</sup> April 2017. An extension of time request was not required to be lodged at this stage.

**Signed: Gavin Turner, Acting President**

**Dated: 22nd May 2017**

**ANNEXURE B: Required Elections**

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
QLD	Branch President	(1)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 50)</i>
QLD	Branch Vice President	(1)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 50)</i>
QLD	Branch Honorary Treasurer	(1)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 50)</i>
QLD	Branch Board Members	(6)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 50)</i>
QLD	National Board Member	(1)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 29)</i>
QLD	Alternate National Board Member	(1)	DVS	Scheduled	<i>Voting members attached to the Branch (Rule 29)</i>

- **Important dates:**

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<b>23<sup>rd</sup> June 2017</b>	
<b>Nominations CLOSE</b>	<b>16<sup>th</sup> July 2017</b>	
<b>Roll of Voters cut-off date</b>	<b>16<sup>th</sup> June 2017</b>	