

21 April 2022

Post-election report

**Construction, Forestry, Maritime,
Mining and Energy Union**

CFMMEU - Manufacturing Division

Scheduled election

E2020/212

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Election(s) Covered in this Report

Organisation: CFMMEU - Manufacturing Division
Election: Scheduled
Election Decision No/s: E2020/212

Rules

Rules used for the election: [105N-ATAI: Incorporates alterations of 13 October 2020 [R2020/83] (replaces rulebook dated 5 May 2020 [R2020/37])

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBEvents@aec.gov.au
P: 03 9285 7129
21 April 2022

Attachments

- A. Declaration of results for Uncontested Offices
- B. Declaration of Results for Uncontested Offices (TCF Sector)

Construction, Forestry, Maritime, Mining and Energy Union
Manufacturing Division
DECLARATION OF RESULTS - E2020/212
Uncontested Offices

Scheduled Election

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 are:

TCF Sector Council Member (4)

Candidates

ELIES Lynette
NGUYEN Nguyet
RUHA Beverly
SMITH Warren

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

Benjamin Murray
Returning Officer
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21/04/2022



Construction, Forestry, Maritime, Mining and Energy Union
Manufacturing Division
DECLARATION OF RESULTS - E2020/212
Uncontested Offices

Scheduled Election

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 are:

Divisional Conference

Divisional Senior Vice President (TCF) (1)

Candidates

MACPHERSON Beth

Divisional Vice President (2)

Candidates

COATES Brad

KIRNER David

Divisional Executive Member (12)

Candidates

ABBOUSHI Steve

AIRD Michael

BENNIER Terry

GASPEROTTI Geoff

HUNTER Jenny

LAWSON Travis

MCLEAN Scott

MUSSON Sharon

NGUYEN Nguyet

PAVEY Anthony

RUDMAN Alison

SMITH Warren

National Women's Committee Member (2)

Candidates

No Nominations Received

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

Benjamin Murray
Returning Officer
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14/01/2022



AMENDING DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union (E2020/212)

MS BEBBINGTON

MELBOURNE, 17 DECEMBER 2021

Arrangement for conduct of election.

[1] On 26 August 2021 a decision was issued in this matter arranging for an election for the Manufacturing Division (the **Division**) of the Construction, Forestry, Maritime, Mining and Energy Union (the **Organisation**).

[2] The Division's rules provide for the number of the Divisional Executive Members. While the rules provide a 'default' number of 10 Division Executive Members, there is also provision in the rules for the Divisional Conference to determine a number in excess of 10 of these offices prior to the calling of nominations.¹

[3] As stated in the decision issued on 26 August 2021, there was no indication that a number of Divisional Executive Members (beyond the default number of 10) had been determined when the prescribed information was lodged. Consequently, the decision arranged for the election of 10 Divisional Executive Members and noted that, if the Division determined that the number of these offices to be elected were to change prior to the opening of nominations, such a determination needed to be communicated to the Registered Organisations Commission (the **ROC**) so that an amending decision could be issued to facilitate the election of the revised number of offices.²

[4] On 9 December 2021, the Divisional Conference resolved that the number of Divisional Executive Members be increased from 10 to 12, and on the same date the Division wrote to the Australian Electoral Commission (**AEC**) to notify it of the resolution. The resolution was subsequently provided to the ROC on 16 December 2021 by the Division, as part of amended prescribed information, following discussions between the ROC, the AEC and the Organisation.

[5] On 15 December 2021, the AEC informed the ROC that it had released an election timetable calling for nominations for 12 offices of Divisional Executive Member, based on the Division's advice, but in the absence of an amending decision from the ROC. The AEC has subsequently advised that it has since used its authority to cancel that election timetable. The AEC has further advised the ROC that a new election timetable will be published after this

¹ Sub rule 9(i) of the Division's rules.

² [2021] ROCD 129, PR352015 at paragraphs 7 and 8

amending decision is issued, including a fresh call for nominations in accordance with this decision.

[6] Having considered the amended prescribed information lodged by the Division and the accompanying resolution of the Divisional Conference, which appears to be in accordance with sub rule 9(i) of the Division's rules, I am satisfied that an election is now required for 12 offices of Divisional Executive Member.

[7] As I am satisfied that these 12 offices are required to be elected, in accordance with the rules, I am amending the Delegate's original decision of 26 August 2021.

[8] The decision issued on 26 August 2021 is consequently amended by deleting the number '10' after the words Divisional Executive Members and replacing it with the number '12'.



DELEGATE OF THE COMMISSIONER

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PR352119



DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union (E2020/212)

MR STEENSON

SYDNEY, 26 AUGUST 2021

Arrangement for conduct of election.

[1] On 3 and 19 August 2021 the Manufacturing Division (the **Division**) of the Construction, Forestry, Maritime, Mining and Energy Union (the **Union**) lodged with the Registered Organisations Commission (the **Commission**) prescribed information for an election to fill the following offices:

Manufacturing Division

Divisional Senior Vice President (TCF)	(1)
Divisional Vice President	(2)
Divisional Executive Members	(10)

TCF Sector Council

TCF Sector Council Member	(4)
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National

National Women's Committee Member	(2)
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[2] The conduct of this collegiate election is conditional upon the conclusion of a stage-one direct voting system election of the Divisional Offices (**E2020/114**). Sub-rule 9(iv) of the Division's rules (the **rules**) provides that nominations shall, unless otherwise determined by the Divisional Executive, be called for on the second day of the Divisional Conference (i.e. after the election of the Divisional Offices). Staff of the union advised the Commission on 2 February 2021 that, due to the Covid-19 pandemic, the conduct of E2020/114 by the Australian Electoral Commission (**AEC**) had been delayed until 2021 and, consequentially, that the Divisional Conference and the lodging of the prescribed information for this election would also be delayed.

[3] I make the following observations in relation to the delay of the lodgement of the prescribed information for this election E2020/212.

[4] First, I note that sub-rule 9(iii) of the Division's rules (the **Rules**) provide that the Divisional Senior Vice President (TCF), the Divisional Vice President and the Divisional

Executive Members shall hold office until their successor/s have been declared elected. Rule 32(xxiii) provides that an election for the position of ordinary TCF Sector Council members must take place subsequent to, but *in the same calendar year* as the Divisional Conference election of Divisional Executive members; while sub-rule 42(11) provides that the Pulp and Paper Workers (**PPW**) District President, Senior and Junior Vice Presidents shall be elected at the meeting of the PPW District Management Committee held next *after* the declaration of the quadrennial elections.

[5] I further note that rule 13B of the National Rules of the Union provides that the members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

[6] In circumstances where the opening of nominations is tied to other events occurring, and those events not having occurred, I am satisfied therefore that the delay in lodging the prescribed information for this election contravenes neither the *Fair Work (Registered Organisations) Act* (the **RO Act**), the *Fair Work (Registered Organisations) Regulations* (the **Regulations**) nor the rules of the organisation.

[7] I also note that rule 9(i) provides that the number of the Divisional Executive Members in excess of 10 (if any) shall be determined by the Divisional Conference prior to the calling of nominations. The prescribed information for this election advises that the number of Divisional Executive Members is to be determined in accordance with rule 9(i) of the Manufacturing Division Rules. On the available information, that number had not yet been determined at the time the prescribed information was lodged.

[8] It is noted that the number of members must be at least 10. I am therefore satisfied that the AEC must conduct an election for 10 Divisional Executive members, as I have outlined above. If this number were to change prior to the opening of nominations it is open to the Division to advise this Commission and for an amending decision to be issued if necessary.

[9] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation. I am therefore making arrangements under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009* for the conduct of the election by the AEC.



DELEGATE OF THE COMMISSIONER

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PR352015

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Michael O'Connor being the National Secretary of the CFMEU Manufacturing Division make the following statement:

1. I am authorised to sign this statement containing prescribed information for the CFMEU Manufacturing Division.
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.

A handwritten signature in black ink, appearing to be 'MO'Connor', written in a cursive style.

Signed

Dated: 16th December 2021

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
CFMEU Manufacturing Division - National	Divisional Senior Vice President (TCF)	1	Direct voting system; Collegiate electoral system	Scheduled; Casual vacancy; New office created; Insufficient nominations	Divisional Conference in accordance with rule 9.ii) of the Manufacturing Division rules
CFMEU Manufacturing Division - National	Divisional Vice President	2	Collegiate electoral system	Scheduled	Divisional Conference in accordance with rule 9.ii) of the manufacturing Division Rules.
CFMEU Manufacturing Division - National	Divisional Executive Member	12.	Collegiate electoral system	Scheduled	Divisional Conference in accordance with rule 9.i) of the Manufacturing Division rules
CFMEU Manufacturing Division National	National Women's Committee Member	2	Collegiate electoral system	Scheduled	The Manufacturing Division Conference or Executive in accordance with rule 13B of the CFMEU National Rules
CFMEU Manufacturing Division - TCF Sector	TCF Sector Council Member	4	Collegiate electoral system	Scheduled	The TCF Sector Members in accordance with 9A(vi) of the Manufacturing Division Rules

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Not Applicable	To be determined by Returning Officer
Nominations CLOSE	Non Applicable	To be determined by the Returning Officer
Roll of Voters cut-off date	Not Applicable	To be determined by the Returning Officer

PLEASE NOTE:

Divisional Conference Delegates were provided with a Circular Resolution on 7th December 2021, see attached as per Rule 9.i) of the Manufacturing Division Rules.

Of the 28 Conference Delegates, 22 voted in favour of the resolution, 3 voted in favour after the time cut off time period and 3 did not vote.