

7 October 2021

Post-election report

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

Construction and General Division

Scheduled election

E2021/123

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Election(s) Covered in this Report

Organisation: Construction and General Division

Election: Scheduled

Election Decision No/s: E2021/123

Rules

Rules used for the election: 105N-BWIU: Incorporates alterations of 25 May 2021 [R2021/74] (replaces rulebook dated 10 February 2021 [R2020/204])

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: The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to only accept nominations via email and not by hand or post, due to the ongoing COVID-19 risk.

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 requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post.

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

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P: 03 9285 7129

7 October 2021

Attachments

A. Declaration of results for Uncontested Offices – Stage 1

B. Declaration of results for Uncontested Offices – Stage 2

Construction, Forestry, Maritime, Mining and Energy Union
Construction and General Division
DECLARATION OF RESULTS - E2021/123 - Stage 2
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 Vice President (1)

Candidates

SETKA John

Designated Divisional Assistant Secretary (1)

Candidates

SUTHERLAND Andrew

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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29/09/2021

Construction, Forestry, Maritime, Mining and Energy Union
Construction and General Division
DECLARATION OF RESULTS - E2021/123 - Stage 1
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 EXECUTIVE

Divisional Secretary (1)

Candidates

NOONAN David John

Divisional Assistant Secretary (2)

Candidates

DAVIES Nigel

SUTHERLAND Andrew James

Divisional President (1)

Candidates

INGHAM Jade Anthony

Divisional Senior Vice President (1)

Candidates

KERA Robert

Divisional Trustee (3)

Candidates

GRAAUWMANS Robert

GREENFIELD Darren

MALLIA Rita

Additional Divisional Executive Members - Victoria-Tasmania Divisional Branch (2)

Candidates

CHRISTOPHER Derek

SPERNOVASILIS Elias

Additional Divisional Executive Members - Queensland-Northern Territory Divisional Branch (1)

Candidates

LOWTH William Kane

Additional Divisional Executive Members New South Wales Divisional Branch (1)

Candidates

GREENFIELD Michael

National Women's Committee

Members from Construction and General (2)

Candidates

ALLAN Skye

ZANATTA Lisa Joanne

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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13/09/2021





DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union (E2021/123)

MR STEENSON

SYDNEY, 21 JULY 2021

Arrangement for conduct of election.

[1] On 7 June 2021 the Construction and General Division (the Division) of the Construction, Forestry, Maritime, Mining and Energy Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

DIVISIONAL EXECUTIVE

Divisional Secretary	(1)
Divisional Assistant Secretary	(2)
Divisional President	(1)
Divisional Senior Vice President	(1)
Divisional Vice President	(1)
Divisional Trustee	(3)

Additional Divisional Executive Members from the following Divisional Branches:

Victoria-Tasmania	(2)
Queensland-Northern Territory	(1)
New South Wales	(1)

NATIONAL WOMEN'S COMMITTEE

Members from Construction and General Division	(2)
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[2] I note that rule 9.6 of the Division's rules provides that any Divisional Branch Secretaries who are not elected to any of the offices referred to above are also to be declared members of the Divisional Executive.

[3] The Returning Officer is also required, under the same rule (after the election of the Trustees), to call for nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and, if necessary, conduct a ballot for that purpose.

[4] 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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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, David Noonan, being the National Secretary of the Construction & General Division of the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Construction & General Division of the CFMMEU.
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.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Additional Divisional Executive Members

6. The number of Additional Divisional Executive members who are elected is calculated on a formula defined in the rules:
 - a. The rule number which specifies the formula is rule 9.1.A:
 - b. The formula is that additional Divisional Executive members are elected for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch;
 - c. The information for calculating the formula is:

New South Wales:	██████	(1 additional member)
Victoria and Tasmania:	██████	(2 additional members)
Queensland and Northern Territory:	██████	(1 additional member)

Australian Capital Territory: [REDACTED] (0 additional members)

South Australia: [REDACTED] (0 additional members)

Western Australia: [REDACTED] (0 additional members)

d. The relevant date for this information is 31 March 2021.

Ex Officio Divisional Executive Members and other matters

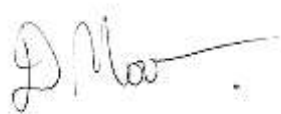
7. Please note:

- a. such Divisional Branch Secretaries who are not elected to any of the positions referred to in Annexure A shall also be declared elected members of the Divisional Executive, although no ballot is required (rule 9.6); and
- b. the Returning Officer is also required under the rules to call nominations and determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and, if necessary, conduct a ballot to determine the election (rule 9.6).

Timing of Election

8. The Divisional Executive have determined, in accordance with rule 8(xii), that the election / Divisional Conference shall be held at Hobart in the State of Tasmania commencing on Monday 25 October 2021

Signed:



Dated: 7 June 2021

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required

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
Construction & General Division, National Office	Divisional Secretary	1	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.2
Construction & General Division, National Office	Divisional Assistant Secretary	2	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.2
Construction & General Division, National Office	Divisional President	1	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.2
Construction & General Division, National Office	Divisional Senior Vice President	1	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.2

Construction & General Division, National Office	Divisional Vice President	1	Collegiate electoral system	Scheduled	Newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries Rule 9.1.A (third paragraph)
Construction & General Division, National Office	Divisional Trustee	3	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.2
Construction & General Division, National Office	Additional Divisional Executive Members (Victoria-Tasmania)	2	Collegiate electoral system	Scheduled	Divisional Conference delegates from the Victoria-Tasmania Divisional Branch Rule 9.1.A
Construction & General Division, National Office	Additional Divisional Executive Members (Queensland-Northern Territory)	1	Collegiate electoral system	Scheduled	Divisional Conference delegates from the Queensland-Northern Territory Divisional Branch Rule 9.1.A
Construction & General Division, National Office	Additional Divisional Executive Members (New South Wales)	1	Collegiate electoral system	Scheduled	Divisional Conference delegates from the New South Wales Divisional Branch Rule 9.1.A

Construction & General Division, National Office	National Women's Committee	2	Collegiate electoral system	Scheduled	Divisional Branch Delegates to the Divisional Conference of the Construction & General Division of the CFMMEU Rule 9.4A; Also see rule 13B of the CFMMEU National Rules
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- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	N/A	To be determined by returning officer Rule 9.5
Nominations CLOSE	N/A	To be determined by returning officer Fourteen (14) days after the opening of nominations Rule 9.5
Roll of Voters cut off date	N/A	To be determined by returning officer

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).