



Fair Work
Commission

2 October 2023

John Setka
Divisional Branch Secretary
Construction, Forestry, Maritime, Mining and Energy Union-Construction and General Division, Victoria-
Tasmania Divisional Branch
Sent via email: legalnotices@cfmeu.org

cc: nationalcompliance@cfmeu.org

Dear John Setka

**The Construction, Forestry, Maritime, Mining and Energy Union-Construction and General Division,
Victoria-Tasmania Divisional Branch's Officer and Related Party Disclosure Statement (ORP Statement)**

Thank you for providing your ORP Statement. Your ORP Statement includes information required to be provided to your members and lodged under subsection 293J of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

Summary of your ORP Statement and Review Outcome

Financial year ending 31 March 2023

Matter number ORP2023/16

Date lodged 18 September 2023

Result FILED

Your assessment

Your ORP Statement has been assessed. The review confirmed that the officer and related party disclosure obligations set out in the RO Act have been satisfied and that the ORP Statement was lodged within the required timeframe. The ORP Statement has now been filed.

Do you have any questions?

Information and education materials are available on our [website](#). These materials are regularly updated. We recommend you [subscribe to the Commission's subscription service](#).

If you have any queries we can be contacted on 1300 341 665 or by email regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission

OFFICER AND RELATED PARTY DISCLOSURE STATEMENT in accordance with Section 293J *Fair Work (Registered Organisations) Act 2009*

I, Robert Graauwmans, being the President of the Construction, Forestry, Maritime, Mining & Energy Union, Construction and General Division Victorian/Tasmanian Divisional Branch, declare the following Officer and Related Party (ORP) Disclosure Statement.

Organisation name	Construction, Forestry, Maritime, Mining & Energy Union	Branch name	Construction, Forestry, Maritime, Mining & Energy Union, Construction and General Division Victorian/Tasmanian Divisional Branch
Financial year start date	1/4/2022	Financial year end date	31/03/2023

INSTRUCTIONS FOR COMPLETING THIS STATEMENT:

1. Answer the question about how many officers receive remuneration (remember this includes remuneration from external boards)
2. Enter information into the tables about your branch or organisation. Add extra lines if needed (e.g. if more than one officer receives the same remuneration)
3. If there are no disclosures in any of the cells below, please insert 'NIL'

Top five rankings of officers – relevant remuneration and non-cash benefits

How many officers do you have who receive remuneration?	<i>Please circle</i>	0	1	2	3	4	5	5+
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Remuneration includes wages and salary (including superannuation), fees, allowances, benefits and other entitlements paid by the organisation AND payments from external board positions (even if not retained by the officer).

When all officers in Construction, Forestry, Maritime, Mining & Energy Union, Construction and General Division Victorian/Tasmanian Divisional Branch the are ranked by relevant remuneration for the financial year, the following officers are ranked no lower than fifth:

Full Name	Office (e.g. Secretary)	Actual amount of relevant remuneration	Value of relevant non-cash benefits	Form of relevant non-cash benefits (e.g. car)
1. Brendan Pitt	Organiser	\$ 220,624.35	\$ 83,171.64	<i>Reportable Fringe Benefit amount including Motor Vehicle</i>
2. Robert Graauwmans	President	\$ 246,829.09 *Please refer to Note 1	\$ 21,501.50	<i>Reportable Fringe Benefit amount including Motor Vehicle</i>
3. Elias Spernovasilis	Senior Assistant Secretary	\$ 250,012.81	\$ 14,192.12	<i>Reportable Fringe Benefit amount including Motor Vehicle</i>
4. John Setka	Secretary	\$ 245,354.33 *Please refer to Note 1	\$ 12,665.47	<i>Reportable Fringe Benefit amount including Motor Vehicle</i>
5. Patrick Farrelly	Organiser	\$ 240,533.89	\$ 16,838.69	<i>Reportable Fringe Benefit amount including Motor Vehicle</i>

Note 1: During the financial year, Robert Graauwmans, as a Union representative, sat on the INCOLINK and COINVEST Board of directors for the Union. Directors' fees of \$91,932 from INCOLINK and \$63,246.6 from COINVEST were paid to the Union, not to the Officer and therefore the board fees are separately disclosed here in Note 1, not included above.

John Setka, as a Union representative, sat on the INCOLINK Board of directors for the Union. Directors' fees of \$115,258.2 was paid to Union, not to the Officer and therefore the board fees are separately disclosed here in Note 1, not included above.

Payments to related parties and declared persons or bodies

During the financial year, the following payments were made to related parties or declared persons or bodies. The details of these payments are included below. (This list does not include payments that are exempted from disclosure under section 293G).

Note 2: During the financial year, the Branch continued to fund a malicious prosecution and false imprisonment proceeding brought by John Setka that related to matters that arose in the course of performing his role as Secretary of the Branch. The proceeding sought to: (a) recover legal fees that had been incurred in relation to defending earlier criminal charges brought against Mr Setka and another officer of the union; (b) publicly vindicate Mr Setka’s legal rights in order to deter similar wrongs being committed against officers of the Branch in future; and (c) recover compensation for damages suffered by Mr Setka as a result of the original prosecution, the legal fees paid to fund the case are disclosed below.

Date	Name	Nature of relationship <i>(e.g company owned by Secretary)</i>	Purpose of payment <i>(e.g. catering)</i>	Amount	Other relevant details
12/04/2022	List A Barristers in its capacity as a representative of John Setka	Secretary	Professional fees and disbursements for malicious prosecution and false imprisonment case.	\$3,575.00	See Note 2 in the section above.
21/06/2022	Maurice Blackburn Lawyers in its capacity as a representative of John Setka	Secretary	Professional fees and disbursements for malicious prosecution and false imprisonment case.	\$ 889.10	See Note 2 in the section above.
				\$	
				\$	
				\$	
				\$	

I declare that:

- the officers listed in this ORP statement are those whose relevant remuneration places them in the top five rankings of officers;
- where fewer officers are listed, this is because only those listed officers received relevant remuneration;
- the only officers in the top five rankings who received non-cash benefits are those for whom an amount is listed in the non-cash benefits column;
- the persons and entities listed under 'payments to related parties' are the only related parties or declared persons or bodies that are required to be disclosed under section.293G, where none are listed this is because there were no disclosable payments;

Signed



Robert Graauwmans

Dated:

15/09/2023

[This form must be signed by an officer]

PLEASE NOTE: The Officer and Related Party Disclosure Statement must be provided to all members and a copy lodged with the Fair Work Commission (the Commission) within six months of the end of the financial year. It can be lodged with the Commission by emailing to regorgs@fwc.gov.au. ALL BRANCHES are required to lodge an Officer and Related Party Disclosure Statement. It is then published on the Commission website.