

7 October 2021

# Post-election report

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

Construction and General Division - New  
South Wales Divisional Branch

Casual Vacancy election

E2021/54

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# Election(s) Covered in this Report

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Organisation: CFMMEU - Construction and General Division - New South Wales Divisional Branch  
Election: Casual Vacancy  
Election Decision No/s: E2021/54

## Rules

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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: No

Model Rule reference (if any): [N/A](#)

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

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.

## Signed

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Benjamin Murray  
Returning Officer  
Australian Electoral Commission  
E: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
P: 03 9285 7129  
7 October 2021

# Attachments

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## A. Declaration of Results for Uncontested Offices – NSW

**Construction, Forestry, Maritime, Mining and Energy Union**  
**Construction and General Division**  
**New South Wales Divisional Branch**  
**DECLARATION OF RESULTS - E2021/54**  
**Uncontested Offices**

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**Casual Vacancy 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:

**New South Wales Divisional Branch**

**Divisional Branch Management Committee Member (1)**

Candidates

RESTUCCIA Michael

**Divisional Branch Council Member – Cumberland Zone (1)**

Candidates

WILLIAMS Jason

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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Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
30/09/2021



## DECISION

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

### **Construction, Forestry, Maritime, Mining and Energy Union** (E2021/54)

MR STEENSON

SYDNEY, 20 APRIL 2021

*Arrangement for conduct of election.*

[1] On 22 March 2021 the Construction and General Division of the Construction, Forestry, Maritime, Mining and Energy Union lodged with the Registered Organisations Commission prescribed information for an election to fill casual vacancies in the following offices for the remainder of the term:

#### **New South Wales Divisional Branch**

Divisional Branch Management Committee Member (1)

Divisional Branch Council Member – Cumberland Zone (1)

[2] 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, Rita Mallia, being the Divisional Branch President of the Construction, Forestry, Maritime, Mining and Energy Union – Construction & General Division – New South Wales Divisional Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the New South Wales Divisional Branch.
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. Notification of change documents lodged with the Registered Organisations Commission in relation to the two casual vacancies are attached to this application as Annexure B and Annexure C.
5. No rule alterations are pending that will impact the election.
6. This statement is lodged at least 2 months before nominations open for the elections in Annexure A.

Signed: \_\_\_\_\_

  
Rita Mallia - Divisional Branch President  
C&G Division – New South Wales Divisional Branch  
Construction, Forestry, Maritime, Mining and Energy Union

Dated: \_\_\_\_\_

22/3/21

## Annexure A

- Elections that are required [insert as many pages as required]

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
C&G Division – New South Wales Divisional Branch	Divisional Branch Management Committee Member	1	Direct Voting System	Casual vacancy	C&G Rule 38 (o) – “All financial members as defined in this rule shall be entitled to vote for all positions.”
C&G Division – New South Wales Divisional Branch	Divisional Branch Council Member <i>(Cumberland Zone)</i>	1	Direct Voting System	Casual vacancy	C&G Rule 38 (o) – “All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.”

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	To be determined by returning officer	N/A
<b>Nominations CLOSE</b>	To be determined by returning officer	N/A
<b>Roll of Voters cut off date</b>	To be determined by returning officer	N/A