

POST ELECTION REPORT

Fair Work (Registered Organisations) Act 2009

Client: Construction, Forestry, Mining and Energy Union



Contact details: John Sutton
National Secretary
Level 12/ 276 Pitt St
SYDNEY NSW2000

Email: queries@fed.cfmou.asn.au
Tel: 02 8524 5850

AIR contact officer: David Vale

Email: Industrial.elections@air.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2010/2674

RULES

Rules used for elections Rule ID:

[105N: - incorporates alterations of 27/9/2010] in the matter R2010/90

Rules difficult to apply/interpret:

The election of the following offices of National Executive Committee Member (Construction & General Division) and National Executive Committee Member (Mining & Energy Division) require rules for their election.

Model Rule reference (if any):

ROLL OF VOTERS

N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC:

N/A

Other irregularities identified, and action taken:

N/A

ATTACHMENTS

A: Declaration of Uncontested Offices

Rhys Richards
Returning Officer
17 November 2010

Construction, Forestry, Mining and Energy Union Scheduled Election 2010

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2010/2674

National President

Candidate

MAHER, Anthony John

National Vice-Presidents (3)

Candidates

RAVBAR, Michael John
SKOURDOUMBIS, Leo
VICKERS, Andrew William

National Secretary

Candidate

O'CONNOR, Michael

National Assistant Secretary

Candidate

NOONAN, Dave

National Executive Committee Members (Construction & General Division) (3)

Candidates

MCCLELLAND, Peter
OLIVER, William
No further nomination was accepted

National Executive Committee Members (Mining & Energy Division) (2)

Candidates

MCANDREW, Wayne
MURRAY, Ian

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

RHYS RICHARDS
Returning Officer

18 November 2010



FAIR WORK
AUSTRALIA

30 September 2010

Mr John Sutton
National Secretary
Construction, Forestry, Mining and Energy Union
PO BOX Q235
Queen Victoria Building Post Office
SYDNEY NSW 1230

Dear Mr Sutton

**Re: Arrangements for the conduct of an Election
(E2010/2674)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

David Vale
Fair Work Australia



FAIR WORK
AUSTRALIA

DECISION

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

Construction, Forestry, Mining and Energy Union
(E2010/2674)

T. NASSIOS

MELBOURNE, 30 SEPTEMBER 2010

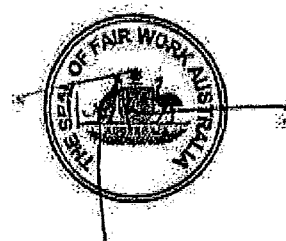
Arrangement for conduct of election.

[1] On 28 September 2010 the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

NATIONAL OFFICES

National President	(1)
National Vice President	(3)
National Secretary	(1)
National Assistant Secretary	(1)
National Executive Committee Member (Construction and General Division)	(3)
National Executive Committee Member (Mining and Energy Division)	(2)

[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 GENERAL MANAGER
FAIR WORK AUSTRALIA

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VALE, David

From: VALE, David
Sent: Thursday, 30 September 2010 11:53 AM
To: 'Industrial Elections'
Subject: E2010/2674
Attachments: E2010_2674 CFMEU FED_signed decision_30092010.doc; E2010_2674 CFMEU NATIONAL OFFICERS_30092010.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of the CFMEU for its upcoming election (E2010/2674).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au



FAIR WORK
AUSTRALIA

30 September 2010

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2010/2674

RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

Position:

See Decision

Relevant Information: Secret postal ballot; Collegiate voting system

Contact: Mr John Sutton
National Secretary

Phone: (02) 8524 5850

A copy of the Decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@fwa.gov.au.

David Vale
Fair Work Australia

VALE, David

From: VALE, David
Sent: Tuesday, 28 September 2010 4:23 PM
To: 'Industrial Elections'
Subject: E2010/2674
Attachments: CFMEU Federal 105N_R2010_90_27092010.doc; CFMEU E2010_2674 lodged_28092010.pdf

Dear AEC,

Please find attached a copy of prescribed information and the current rulebook for the CFMEU for its upcoming election (E2010/2674).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au

David Vale
Fair Work Australia
L 8/ 80 William Street
East Sydney NSW 2011



28 September 2010

By Email: david.vale@fwa.gov.au



Dear Sir

Re: CFMEU National Office – Prescribed Information

In accordance with the *Fair Work (Registered Organisations) Act 2009 (Cth)* we enclose Prescribed Information in respect of an election together with a Statement as required by the Regulations.

Should you have any questions relating to this material please contact this office. Otherwise we look forward to hearing from you in relation to this matter in due course.

Yours faithfully

John Sutton
National Secretary
CFMEU

FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Statement Pursuant to Regulation 138

Fair Work (Registered Organisations) Regulations 2009.

I, John Sutton, National Secretary CFMEU, of 12/276 Pitt Street, Sydney state that the information annexed to this Statement is being lodged in accordance with subsection 189 of the *Fair Work (Registered Organisations) Act 2009*.



.....
Signed

28.09.2010
.....
Date

FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Prescribed Information in Respect of Rule Change

Regulation 138 – Fair Work (*Registered Organisations*) Regulations 2009.

The following prescribed information is provided pursuant to Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*:

(a) The name of each office in respect of which an election is required;

- (i) One (1) National President
- (ii) Three (3) National Vice-Presidents
- (iii) One (1) National Secretary
- (iv) One (1) National Assistant Secretary
- (v) Three (3) Additional National Executive Committee Members
(Construction and General Division)
- (vi) Two (2) Additional National Executive Committee Members (Mining
and Energy Division)

(b) The reason for the election;

Expiry of the term of office of each of the current office holders and creation of new offices.

(c) Where more than one of the offices in respect of which an election is required has the same name and the number of such offices can, in accordance with the rules of the relevant organisation or branch, be ascertained before the prescribed day – the number of these offices;

See information provided in (a) above.

(d) Where the electorate comprises only members of a branch, section or other division of an organisation – the name of that branch, section or division;

The National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents are elected by and from the National Collegiate of the CFMEU, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules).

Rule 16(i) of the National Rules provides that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President, and further that there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

Further, Rule 14(i) of the National Rules relevantly provides that the three additional National Executive Committee members (Construction and General Division), referred to in (a)(v) above [the “Additional National Executive Committee members (Construction and General)”], shall be nominated and elected by and from the Divisional Conference delegates from the Construction and General Division Divisional Conference and the two additional National Executive Committee members (Mining and Energy Division) referred to in (a)(vi) above [the “Additional National Executive Committee members (Mining and Energy)”] shall be nominated and elected by and from the Divisional Conference delegates from the Mining and Energy Division Divisional Conference.

(e) The date and time of the commencement and expiration of the period during which nominations of candidates will be called for or may be made under the rules;

Rule 16(i) of the National Rules provides that the ballot for National Officer positions shall be conducted, the necessary changes being made, in accordance with Rule 17.

National Rule 17(iii)(g) provides *'that the nominations process, closure and receiving of, are in accordance with the rules of the Division.'*

The National Executive has determined that any election that is required shall be held on Tuesday 26th October, 2010 at Penrith in the State of New South Wales.

(f) The voting system to be employed in the conduct of the election;

A collegiate electoral system is to be employed in the election, the relevant college being the National Collegiate of the CFMEU, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules). See also (d) above.

Ex Officio National Executive Committee Members

We further advise that:-

- the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President of the Construction and General Division,
- the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President of the Forestry, Furnishing, Building Products and Manufacturing Division; and
- the General President and General Secretary of the Mining and Energy Division

who are not elected to any of the positions referred to in (a)(i) to (vi) herein shall also be declared elected members of the National Executive Committee although no ballot is required.