

19 October 2021

Post-election report

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

CFMMEU - Mining and Energy Division,
Victorian District Branch

Insufficient Nominations election

E2020/110

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Election(s) Covered in this Report

Organisation: CFMMEU - Mining and Energy Division, Victorian District Branch
Election: Insufficient Nominations
Election Decision No/s: E2020/110

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:

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
19 October 2021

Attachments

A. Declaration of results for Uncontested Offices

Construction, Forestry, Maritime, Mining and Energy Union
Mining and Energy Division, Victorian District Branch
DECLARATION OF RESULTS - E2020/110
Uncontested Offices

Insufficient Nominations 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:

Victorian District Branch
Lodge Representative - Board of Management

President, Yallourn Mine Lodge (1)

Candidates

MICALLEF Mark

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7129
Email: IEBevents@aec.gov.au
19/10/2021





AMENDING DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union
(E2020/110)

MS GUINA

MELBOURNE, 10 SEPTEMBER 2021

Arrangement for conduct of election.

[1] On 3 June 2020, a Delegate of the Registered Organisations Commissioner issued a decision, following lodgement by the Mining and Energy Division (the **Division**) of the Construction, Forestry, Maritime, Mining and Energy Union (the **Union**) on 15 May 2020 of prescribed information, arranging for an election due to insufficient nominations received in a previous election (**E2020/20**).

[2] The conduct of this election was subsequently delayed due to the Covid-19 pandemic. As at 6 September 2021 it had not been conducted by the Australian Electoral Commission (the **AEC**).

[3] On 6 September 2021, both the Division and the AEC notified the Commission that they had identified a change to the offices required to be elected in E2020/110. Specifically, that the office of Lodge Representative – Board of Management – President, Stawell Gold Mine Lodge was no longer required as that Lodge no longer existed.

[4] On 9 September 2021, the Victorian District Branch Board of Management of the Division (the **Victorian District Branch**) provided confirmation to the Commission that on 2 December 2020, it had passed a resolution to abandon the Stawell Gold Mine Lodge. The effect of that resolution was to render the office of Lodge Representative - Board of Management – Stawell Gold Mine Lodge President abolished from that date. Rule 7(A)(2) of the Division’s Victorian District Branch rules provides that Lodge Representatives only exist in circumstances ‘where such [a] Lodge exists’. As the Stawell Gold Mine Lodge no longer exists it follows that the office of Stawell Gold Mine Lodge President no longer exists.

[5] Having considered the information provided by the Division and the Victorian District Branch, I am satisfied that an amendment to the original decision dated 3 June 2020 is required.

[6] The decision issued on 3 June 2020 in respect of an election for this registered organisation ([2020] ROCD 87) is amended under the headings ‘**Victorian District Branch** Lodge Representative – Board of Management’ as follows:

delete the words ‘President, Stawell Gold Mine Lodge’ and the adjacent number ‘(1)’.

[7] I confirm that the AEC is no longer required to conduct an election for the above office.



DELEGATE OF THE COMMISSIONER

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DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union (E2020/110)

MR ENRIGHT

MELBOURNE, 3 JUNE 2020

Arrangement for conduct of election.

[1] On 15 May 2020 the Construction, Forestry, Maritime, Mining and Energy Union - Mining and Energy Division lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in a previous election (**E2020/20**):

Victorian District Branch

Lodge Representative - Board of Management

President, Yallourn Mine Lodge	(1)
President, Stawell Gold Mine Lodge	(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.



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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, with a request under Section 187 of the *Fair Work (Registered Organisations) Act 2009*

I, Grahame Kelly, being the General Secretary of the Construction, Forestry, Maritime, Mining and Energy Union, Mining and Energy Division make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Construction, Forestry, Maritime, Mining and Energy Union, Mining and Energy 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.
4. The insufficient nominations received in an earlier election(s) referred to in Annexure A are shown in the declaration/s of results that is also attached.



**GRAHAME KELLY
GENERAL SECRETARY
CFMMEU MINING & ENERGY DIVISION**

DATED: 15 May 2020

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 – Victorian District

- Elections that are required [insert as many pages as 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
For the election of officers					
Victorian District Branch	Lodge Representative – Board of Management – Yallourn Mine Lodge President	1	Direct Voting System	Insufficient Nomination	Victorian District membership in Yallourn Mine Lodge District Rule 11D
Victorian District Branch	Lodge Representative – Board of Management – Stawell Gold Mine Lodge President	1	Direct Voting System	Insufficient Nominations	Victorian District membership in Stawell Gold Mine Lodge, District Rule 11D

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer	To be determined by the Returning Officer
Nominations CLOSE	To be determined by the Returning Officer	To be determined by the Returning Officer
Roll of Voters cut off date	To be determined by the Returning Officer	To be determined by the Returning Officer