



AMENDING DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union - Mining and Energy Division - Queensland District Branch

(E2020/19)

MR STEENSON

SYDNEY, 1 SEPTEMBER 2021

Arrangement for conduct of election.

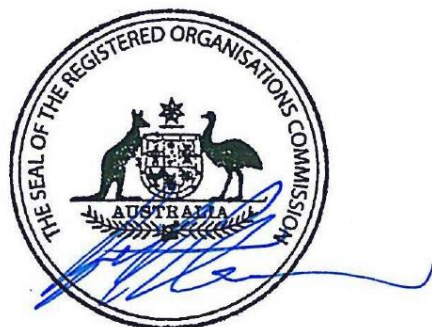
[1] On 19 March 2020, a decision was issued in this matter by a Delegate of the Registered Organisations Commissioner in relation to a request by the Mining and Energy Division Queensland District Branch (the Branch) of the Construction, Forestry, Maritime, Mining and Energy Union (the Organisation) for an election to fill a casual vacancy in the office of Central Councillor.

[2] In that decision, it was noted that a decision had been issued in matter E2020/20 on 12 March 2020, [2020] ROCD 26, arranging for a scheduled election of offices in the Branch, including the specific office named in the 19 March 2020 decision.

[3] In the original, March 2020, decision in this matter (**E2020/19**) it was indicated that while satisfied that each election was required under the organisation's rules – one because of a casual vacancy during the (then) current term and the other for a scheduled election for a fresh term of office – potential difficulties could arise. For example, how to simultaneously conduct two elections for the same office. However, it was also noted that there were options available to the Australian Electoral Commission (AEC) to address the matter, including engaging with the organisation.

[4] Ultimately, the AEC conducted the scheduled election in matter E2020/20, which has now been completed. It has not separately conducted election E2020/19.

[5] In circumstances where the election sought in matter E2020/19 was for the filling of a casual vacancy in what is now the previous term of office, and the scheduled election for the new term has now been completed, I confirm that the AEC is no longer required to conduct election E2020/19.



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 (E2020/19)

MR ENRIGHT

MELBOURNE, 19 MARCH 2020

Arrangement for conduct of election.

[1] On 29 January 2020 the Construction, Forestry, Maritime, Mining and Energy Union - Mining and Energy Division, Queensland District Branch (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Central Councillor

(1)

[2] I note that the Branch also filed prescribed information for scheduled elections, including the office which is the subject of this decision, on 29 January 2020 (E2020/20).

[3] An election for all of those offices was arranged on 12 March 2020 (Decision [2020] ROCD 26). Staff from the Commission have engaged with the applicant in relation to the casual vacancy including as to whether it would be appropriate for the prescribed information for the casual vacancy to be withdrawn, or an appointment made to fill the vacancy for the remainder of the term. That engagement occurred because it is not clear how the Australian Electoral Commission (AEC) could conduct a scheduled election for the Central Councillor office while separately but simultaneously conducting an election to fill a casual vacancy for the same office.

[4] The two options referred to above were not agreed to by the applicant, despite the lack of clarity about how two elections for the same office could be run simultaneously. Staff of the Commission have also engaged with the AEC about the matter and confirmed that there are mechanisms available for the AEC to further engage with the applicant in order to efficiently progress the matter.

[5] Because I am satisfied that an election for the abovenamed office 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.

[6] I anticipate that further arrangements may need to be negotiated between the applicant and the AEC.



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