

Construction, Forestry, Mining and Energy Union FFPD Divisional Conference Elections 2013

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.

E2012/432

FFPD Divisional Conference

Divisional Senior Vice President

Candidate

SMITH, Craig Anthony

Divisional Vice President (2)

Candidates

COATES, Bradley John
KIRNER, David John

Divisional Executive Member (9)

Candidates

BENNIER, Terry
CAMPBELL-BURNS, Denise
COOKE, Damian
DAVIES, Philip George
FRASER, Kenneth Adrian
MASON, Kim Joy
MCLEAN, Scott Andrew
PALMER, Clifford
VENDRAMINI, Andrew

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



Dale Emery
Returning Officer

20 February 2013



Fair Work (Registered Organisations) Act 2009

RETURNING OFFICER - POST ELECTION REPORT

Client: Construction, Forestry, Mining and Energy Union
Forestry, Furnishing, Building Products and Manufacturing Division

Contact details: Ms Jane Calvert
National President
CFMEU-FFPD
148-152 Miller Street
West Melbourne VIC 3003

Email: jcalvert@cfmeuffpd.org
Tel: 03 9274 9200

FWA contact officer: Sarah Wilkin

Email: industrial.elections@fwc.gov.au
Tel: (03) 8661 7604

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/432

Election: CFMEU - FFPD Division
Divisional Conference positions

Returning Officer: Dale Emery

RULES

Rules used for elections Rule ID: 105N-ATAI: Incorporates alterations of 19/9/2012
[R2012/161]

Rules difficult to apply/interpret: None

**Action taken under section 193 of
RAO Schedule:**

ROLL OF VOTERS

Not required

OTHER MATTERS PERTAINING TO ROLL OF VOTERS

N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities.

ATTACHMENTS

Declaration of Results for Uncontested Offices

Dale Emery
Returning Officer
28 February 2013



FAIR WORK
COMMISSION

10 January 2013

Michael O'Connor
National Secretary
Construction, Forestry, Mining and Energy Union
148-152 Miller Street
West Melbourne VIC 3003

Also by facsimile: (03) 9274 9284 and email: rread@cfmeuffpd.org

Dear Mr O'Connor

Arrangements for the conduct of an Election (E2012/432, E2012/433)

Copies of the decisions in relation to the above matters are enclosed.

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

Yours sincerely

James Hall
Advisor
Regulatory Compliance Branch



DECISION

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

Construction, Forestry, Mining and Energy Union
(E2012/432)

LINTON DUFFIN

MELBOURNE, 10 JANUARY 2013

Arrangement for conduct of election.

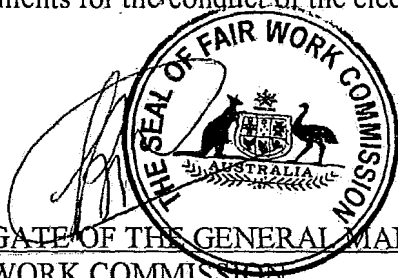
[1] On 21 December 2012, the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Divisional Senior Vice President	(1)
Divisional Vice President	(2)
Divisional Executive Member	(7-9) (number to be determined in accordance with the rules by Divisional Conference prior to the calling of nominations)

[2] On 4 January 2013, the Fair Work Commission wrote to the organisation to draw its attention to the fact that as the prescribed information had not been lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act), a request for an extension of time would be required providing a reason why the prescribed information was not lodged on time.

[3] On 4 January 2013, the organisation lodged a request for an extension of time under section 189(2) of the Act to lodge the prescribed information on 21 December 2012. The organisation submitted that the lodgement of the prescribed information had been delayed due to recent administrative burdens.

[4] I am satisfied that an election for the offices referred to in paragraph [1] above is required to be held under the rules of the organisation and, under subsection 189(3) of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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<Price code A, PR532888 >

HALL, James

From: HALL, James
Sent: Thursday, 10 January 2013 4:06 PM
To: 'Industrial Elections'
Subject: E2012/432 - CFMEU - FFPD
Attachments: E2012-432 10012013.doc; E2012_432 CFMEU FFPD Signed decision_10012012.pdf

Dear AEC

Please find a copy of the decision for the upcoming election of the FFPD of the CFMEU in election number (E2012/432).

Regards

JAMES HALL

Advisor
Regulatory Compliance Branch - NSW
Fair Work Commission

Level 8
Terrace Tower
80 William Street
East Sydney NSW 2011

Tel: 02 8374 6690
Fax: 02 9380 6990
Email: james.hall@fwc.gov.au

10 January 2013



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 2012/432

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION, FFPD
DIVISION**

Positions:

See Decision

Relevant Information: Scheduled quadrennial election.

Contact: Michael O'Connor, National Secretary, Construction, Forestry,
Mining and Energy Union

Phone: (03) 9274 9200.

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

James Hall
Advisor
Fair Work Commission

Terrace Towers Telephone: (02) 8374 6666
80 William Street International: (612) 8374 6666
East Sydney NSW 2011 Facsimile: (02) 9380 6990
Email: sydney@fwa.gov.au

HALL, James

From: HALL, James
Sent: Wednesday, 9 January 2013 10:50 AM
To: 'Industrial Elections'
Subject: FW: E2012/432 - CFMEU
Attachments: CFMEU FFPD R2012 161_19092012.doc; CFMEU FFPD Div Coll_E2012_432_PI lodged 21122012.pdf

Dear AEC

I apologise but the prescribed information sent on 21 December 2012 in the e-mail below was for matter E2012/433.

Please see attached the correct prescribed information for E2012/432.

Regards

James Hall

From: VALE, David
Sent: Friday, 21 December 2012 1:28 PM
To: 'Industrial Elections'
Subject: E2012/432 - CFMEU

Dear AEC

Please find the prescribed information and a copy of the current rulebook of the FFPD Division of the CFMEU in election number E2012/432.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwa.gov.au

Please be aware that my email address will change to david.vale@fwa.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwa.gov.au



CONSTRUCTION
FORESTRY
MINING
ENERGY
UNION

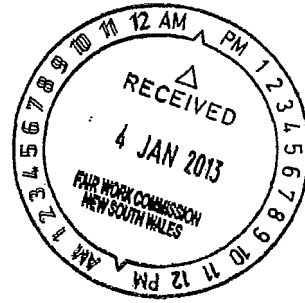
FORESTRY &
FURNISHING
PRODUCTS
DIVISION

National Office
148 - 152 Miller Street
WEST MELBOURNE
VICTORIA 3003
PH: (03) 9274 9200
FAX: (03) 9274 9284
FREE CALL: 1800 060 556
EMAIL: admin@cfmeuffpd.org
ABN 34 183 611 895

www.cfmeuffpd.org.au

4 January 2013

The General Manager
Fair Work Commission
Level 8 Terrace Towers
80 William Street
East Sydney, NSW 2011



RE: E2012/432 and E2012/433 - Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) – Collegiate Elections for Divisional Positions and PPW District Positions

I refer to correspondence with today's date addressed to our National Secretary Michael O'Connor, in relation to the above matters which relate to the conduct of collegiate elections for various positions within the Division. In that correspondence the Union is requested to seek an extension of the time required for the lodgement of the prescribed information required in relation to the conduct of those elections, and to provide reasons for the delay in lodgement of the prescribed information.

In each case the prescribed information was not able to be lodged before the prescribed day as the dates for the relevant meetings were only confirmed in late December 2012. In the circumstances, the applications were lodged as expeditiously as was administratively possible, bearing in mind the Union's resources, after the confirmation of the relevant meeting dates. The dates for these meetings were not able to be confirmed earlier as our internal resources were allocated to making arrangements to deal with the administrative changes which will flow from the amendments to our rules in R2012/115 and R2012/116, which came into effect on 2 January 2013. Finally, in relation to E2012/433 in particular, an administrative oversight meant that the Union did not turn its attention to the need file the prescribed information prior to 21 December 2012.

The Union requests that the Commission extend the time required in relation to both matters. We note that the extension required in each case is relatively short, a matter of one day in the case of E2012/432 and ten days in the case of E2012/433 and submit that no administrative difficulty or prejudice reasonably arises as a result of such short delays.

Please contact me, on 03 9274 9200 or jcalvert@cfmeuffpd.org, if you require any further information in relation to this matter.

Yours sincerely,

Jane Calvert
Divisional President
CFMEU - FFPD



FAIR WORK
COMMISSION

4 January 2013

Michael O'Connor
National Secretary
Construction, Forestry, Mining and Energy Union
148-152 Miller Street
West Melbourne VIC 3003

Also by facsimile : (03) 9274 9284 and e-mail: rread@cfmeuffpd.org

Attention: Rosalind Read, Alex Millar and Jane Calvert

Dear Mr O'Connor

Arrangements for the conduct of an Election (E2012/432, E2012/433)

I refer to the prescribed information dated 21 December 2012 which was lodged with the Fair Work Commission (previously called Fair Work Australia) on 21 December 2012 for the conduct of scheduled elections for offices of the Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) of the Construction, Forestry, Mining and Energy Union (CFMEU) and the Pulp and Paper Workers' District of the FFPD of the CFMEU.

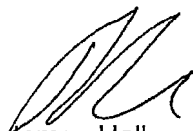
Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) states that the prescribed information must be lodged before the prescribed day, which, under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate.

The prescribed information lodged pertaining to the election of offices within the Divisional Executive of the FFPD (E2012/432) indicates that Divisional Conference of the FFPD will occur from 19-20 February 2013. Rule 9(iv) of the rules of the FFPD and the prescribed information provide that nominations for these offices will be called for on the second day of the Divisional Conference, in this case, 20 February 2012. Therefore, pursuant to the Act, the prescribed information in relation to this election was required to be lodged before 20 December 2012.

The prescribed information lodged pertaining to the election of offices within the Pulp and Paper Workers' District of the FFPD (E2012/433) indicates that the relevant District Management Committee meeting will occur on 12 February 2013. Rule 42(11) of the rules of the FFPD and the prescribed information provide that nominations will be called for these offices during the relevant meeting of the District Management Committee. Therefore, pursuant to the Act, the prescribed information in relation to this election was required to be lodged before 12 December 2012.

Since section 189(2) of the Act is a civil remedy provision and the prescribed information in relation to both elections was not lodged before the prescribed day, the Fair Work Commission requests that your organisation lodge a written request for an extension of time to lodge the prescribed information after the prescribed day and provide brief reasons why the prescribed information was not lodged before the prescribed day for both election matters.

If you have any questions relating to this matter, please do not hesitate to contact me on (02) 8374 6690.

A handwritten signature in black ink, appearing to read 'James Hall', written in a cursive style.

James Hall

Advisor

Regulatory Compliance Branch

VALE, David

From: VALE, David
Sent: Friday, 21 December 2012 1:28 PM
To: 'Industrial Elections'
Subject: E2012/432 - CFMEU
Attachments: CFMEU FFPD Div Coll_E2012_432_PI lodged 21122012.pdf; CFMEU FFPD R2012 161_19092012.doc

Dear AEC

Please find the prescribed information and a copy of the current rulebook of the FFPD Division of the CFMEU in election number E2012/432.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Australia

Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwa.gov.au

Please be aware that my email address will change to david.vale@fwa.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwa.gov.au

VALE, David

From: Rosalind Read [RRead@cfmeuffpd.org]
Sent: Friday, 21 December 2012 9:09 AM
To: VALE, David
Subject: CFMEU - FFPD Collegiate election for divisional positions
Attachments: img-Z21084459-0001.pdf



Dear David, please find attached an election request in relation to the collegiate election required to be held under rule 9 of our Divisional Rules. The election is required to take place on the second day of our Divisional Conference which is scheduled to be in Hobart on 19 and 20 February 2013.

If you have any questions about the application please do not hesitate to contact either myself or Jane Calvert (whose contact details are set out in the attached correspondence).
Regards, Ros Read

Rosalind Read
National Legal Officer
CFMEU - FFPD
148 - 152 Miller Street
West Melbourne, VIC 3003
m: 0438 884 215
ph: 03 9274 9200
f: 03 9274 9284
e: rread@cfmeuffpd.org

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CONSTRUCTION
FORESTRY
MINING
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UNION

FORESTRY &
FURNISHING
PRODUCTS
DIVISION

21 December 2012

The General Manager
Fair Work Australia
Level 8 Terrace Towers
80 William Street
East Sydney, NSW 2011

RE: Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) – Collegiate Election for Divisional Positions

In accordance with s.189(1) of the *Fair Work (Registered Organisations) Act 2009*, the Construction Forestry Mining and Energy Union (CFMEU) Forestry, Furnishing, Building Products and Manufacturing Division (FFPD), is required to conduct elections for positions in the Division.

Accordingly we ask that the General Manager arrange for the conduct of those elections by the Australian Electoral Commission.

Under the Rules the collegiate election is to be held during the Divisional Conference scheduled after the declaration of the quadrennial elections. The Divisional Conference is to be held on 19 and 20 February 2013, in Hobart.

The Statement and Prescribed Information required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations (2009)* are attached.

Please contact Jane Calvert, on 03 9274 9200 or jcalvert@cfmeuffpd.org, if you require any further information in relation to this matter.

Yours sincerely,

Michael O'Connor
National Secretary
CFMEU

National Office
148 - 152 Miller Street
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FAX: (03) 9274 9284
FREE CALL: 1800 060 556
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Fair Work (Registered Organisations) Regulations 2009

Statement Pursuant to Regulation 138(2)

I, Michael O'Connor, National Secretary, CFMEU, of 148 - 152 Miller Street, West Melbourne, in the State of Victoria, state that:

(a) I am authorised to make this statement, and

(b) The information annexed to this Statement in Schedule A is lodged in accordance with s.189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed:

A handwritten signature in black ink, appearing to read 'M O'Connor', written over the printed name.

Michael O'Connor

Date: 21 December 2012

Schedule A - Divisional Officers

(a) The name of each office in respect of election is required	(b) The reason for the election in each case is:	(c) the number of those offices or positions for which an election is required;	(d) if the electorate comprises only members of a Branch, section or other division of an organisation — the name of the Branch, section or division;	(e) the date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made under the rules of the organisation or Branch in relation to the election;	(f) the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed.	(g) the kind of voting system to be used in the conduct of the election is:
Divisional Senior Vice President	The term of the office is due to expire in the normal course of events	1	The electorate is comprised of the Divisional Conference.	Nominations open at 9.30 am on Wednesday 20 February 2013 (Rule 9(iv)) and close at 9.45 am on Wednesday 20 February 2013 (Rule 9(iv)). The ballot shall be conducted on Wednesday 20 February 2013 (Rule 9(iv)).	The Divisional Conference is a body of delegates directly elected in the 2012 Quadrennial elections. There is no closing date for the role of votes set out in the Rules. The Roll is comprised of those elected to the Divisional Conference as declared on 19 November 2012.	Collegiate voting system (Rule 9(ii))
Divisional Vice President	The term of the office is due to expire in the normal course of events	2	The electorate is comprised of the Divisional Conference.	Nominations open at 9.30 am on Wednesday 20 February 2013 (Rule 9(iv)) and close at 9.45 am on Wednesday 20 February 2013 (Rule 9(iv)). The ballot shall be conducted on Wednesday 20 February 2013 (Rule 9(iv)).	The Divisional Conference is a body of delegates directly elected in the 2012 Quadrennial elections. There is no closing date for the role of votes set out in the Rules. The Roll is comprised of those elected to the Divisional Conference as declared on 19 November 2012.	Collegiate voting system (Rule 9(ii))
Divisional Executive Member	The term of the office is due to expire in the normal course of events	No less than seven and no more than nine, two of whom shall be women. The actual number to be determined by Divisional Conference prior to calling of nominations (Rule 9(i))	The electorate is comprised of the Divisional Conference.	Nominations open at 9.30 am on Wednesday 20 February 2013 (Rule 9(iv)) and close at 9.45 am on Wednesday 20 February 2013 (Rule 9(iv)). The ballot shall be conducted on Wednesday 20 February 2013 (Rule 9(iv)).	The Divisional Conference is a body of delegates directly elected in the 2012 Quadrennial elections. There is no closing date for the role of votes set out in the Rules. The Roll is comprised of those elected to the Divisional Conference as declared on 19 November 2012.	Collegiate voting system (Rule 9(ii))