

Jane Calvert
Divisional President
CFMEU
142-152 Miller Street
WEST MELBOURNE VIC 3003

**Post Election Report For: Construction, Forestry, Mining and Energy Union
Forestry, Furnishing, Building Products and Manufacturing
Division
Election E2013/131**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

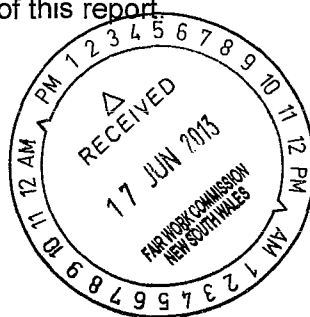
Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Jeff Webb
Returning Officer

13 June 2013



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Construction, Forestry, Mining and Energy Union

Forestry, Furnishing, Building Products and Manufacturing Division

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2013/131

RULES

Rules used for the election: 105N-MIN: Incorporates alterations in matters
R2013/134 certified on 8/3/2013

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 318

Number of apparent workplace addresses: Nil

Number of non-current addresses: 2

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Jeff Webb
Returning Officer

13 June 2013

**Construction, Forestry, Mining and Energy Union
Millicent Sub-Branch Offices**

DECLARATION OF RESULTS

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.

E2013/131

Pulp and Paper Workers District, Millicent Sub-Branch

Total number of persons on the roll of voters	318
Ballot papers issued	318
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	318
Ballot papers / envelopes returned for scrutiny	136
Less ballot papers / envelopes rejected at preliminary scrutiny	133
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	133
Percentage of ballot papers returned to number issued	42%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	182

Sub-Branch Secretary

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
KELLY, Brett	54	54
MILLIE, Kevin R	79	79
Total votes	133	133
Formal ballot papers	133	133
Informal ballot papers	0	0

I declare Kevin R Millie elected.

Sub-Branch President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DOYLE, David	78	78
STUART, Craig	55	55
Total votes	133	133
Formal ballot papers	133	133
Informal ballot papers	0	0

I declare David Doyle elected.

Sub-Branch Senior Vice-President

Candidate

O'CONNOR, Craig

I declare Craig O'CONNOR elected.

Sub-Branch Junior Vice-President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
KELLY, Brett	69	69
PENNEY, Peter	2	2
ROSS, Nigel	55	55
Total votes	126	126
Formal ballot papers	126	126
Informal ballot papers	7	7

I declare Brett Kelly elected.

Sub-Branch Committee of Management Members (7)


<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
WATSON, Brian	66	excluded
MILLIE, Kevin R	97	97
GYSBERS, Ben	70	72
MATTHEWS, Ann	66	71 (unsuccessful)
O'CONNOR, Craig	94	95
TURNER, Shane	48	excluded
ROSS, Nigel	85	90
WALKER, Peter	40	excluded
VERBENA, George	94	95
IRVINE, Scott	75	80
KELLY, Brett	91	92
PENNEY, Peter	54	excluded
HAMILTON, Justin Troy	23	excluded
Total votes	903	692
Formal ballot papers	129	129
Informal ballot papers	4	4

I declare Ben Gysbers, Scott Irvine, Brett Kelly, Kevin R Millie, Craig O'connor, Nigel Ross and George Verbena elected.

Additional Sub-Branch Delegates to District Committee of Management (2)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
O'CONNOR, Craig	88	88
DOYLE, David	80	80
KELLY, Brett	84	84
Total votes	252	252
Formal ballot papers	126	126
Informal ballot papers	7	7

I declare Brett Kelly and Craig O'connor elected



Jeff Webb
Returning Officer
Australian Electoral Commission
3 June 2013



FAIR WORK
COMMISSION

15 March 2013

Mr 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

Dear Mr O'Connor

Arrangements for the conduct of an Election (E2013/131)

A copy of the decision in relation to the above matter is 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 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
Principal Adviser,
Regulatory Compliance Branch, NSW
Fair Work Commission



DECISION

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

Construction, Forestry, Mining and Energy Union (E2013/131)

AILS A CARRUTHERS

MELBOURNE, 15 MARCH 2013

Arrangement for conduct of election.

[1] On 6 March 2013 the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission prescribed information in relation to an election due to resignations following the election in E2012/354.

[2] On 14 March the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission amended and further prescribed information due to insufficient nominations in E2012/354, and further resignations in relation to an election for the following offices:

Pulp and Paper Workers District, Millicent Sub-Branch

Sub-Branch Secretary	(1)
Sub-Branch President	(1)
Sub-Branch Senior Vice-President	(1)
Sub-Branch Junior Vice-President	(1)
Sub-Branch Committee of Management Members	(7)
Additional Sub-Branch Delegates to District Committee of Management	(2)

[3] 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 COMMISSION

[2013] FWCD 1515

Printed by authority of the Commonwealth Government Printer

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VALE, David

From: VALE, David
Sent: Friday, 15 March 2013 1:03 PM
To: 'Industrial Elections'
Subject: E2013/131
Attachments: E2013_131 CFMEU FFPD Signed Decision 15032013.doc

Dear AEC

Please find attached a copy of the decision issued for the FFPD Division of the CFMEU in election number E2013/131.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

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

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

15 March 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 2013/131

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

Positions:

See Decision

Relevant Information: Scheduled 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@fwc.gov.au

David Vale
Fair Work Commission

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

VALE, David

From: VALE, David
Sent: Thursday, 14 March 2013 11:05 AM
To: 'Industrial Elections'
Subject: E2013/131
Attachments: CFMEU FFPD PPW_E2013_131_Amended PI lodged_14032013.pdf

Dear AEC

Please find amended prescribed information for the FFPD Division of the CFMEU election in matter number E2013/131.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

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

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CONSTRUCTION
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MINING
ENERGY
UNION

FORESTRY &
FURNISHING
PRODUCTS
DIVISION

National Office
148 – 152 Miller Street
WEST MELBOURNE
VICTORIA 3003

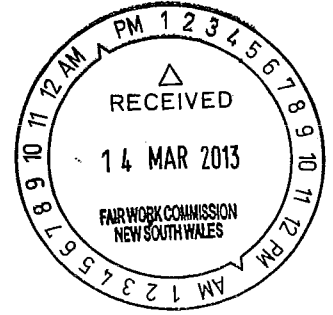
PH: (03) 9274 9200
FAX: (03) 9274 9284
FREE CALL: 1800 060 556
EMAIL: admin@cfmeuffpd.org

ABN 34 183 611 895

www.cfmeuffpd.org.au

14 March 2013

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



RE: Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) Pulp and Paper Workers District Millicent Sub-branch – Elections arising from Casual Vacancies – AMENDED REQUEST

Further to our correspondence of 6 March 2013, I attach an amended request for elections arising from casual vacancies in the CFMEU-FFPD, PPW District Millicent Sub-Branch.

The request has been amended to reflect the number of Sub-branch Committee of Management positions originally authorised by the Sub-branch in accordance with rule 42(18) at the time of the 2012 quadrennial elections.

In addition, the request has been amended to include a request for elections in relation to a further two positions: namely the two additional sub-branch delegates to the PPW District Committee of Management. These positions were not included in our original correspondence because the officers holding those positions resigned subsequent to that correspondence. Those officer's resignations are also attached.

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

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

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

Yours sincerely,

Michael O'Connor
National Secretary
CFMEU

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 Schedules A is in each case 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 in a cursive style.

Michael O'Connor

Date: 14 March 2013

Schedule A - PPW District - Millicent Sub Branch

(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;	(d) the name of the Branch, section or division which comprises the electorate	(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:
Sub Branch Secretary	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch	In the normal course of events under the rules nominations would open at 9 am on the second Monday in September (Rule 32(c)(ii)) and close at 4 pm on the last Friday in September (Rule 32(c)(iii)). However, as these are casual vacancies the Returning Officer may exercise their power under s.193 of the Act to remedy a procedural defect in the Rules by setting alternative dates which are consistent with the timeframes between events which would otherwise apply under the Rules. Taking this into account the Union submits that nominations should open at 9 am on Monday 1 April 2013 and close at 4 pm on Friday 19 April 2013.	1 September 2012 (Rule 32(xiii))	Direct voting system
Sub Branch President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Senior vice President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Junior vice President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Committee members	Casual vacancies caused by resignation of incumbent office holders (5 positions) and; Other vacancies caused by insufficient nominations at 2012 quadrennial elections (2 positions).	7 (number of positions determined by the Sub-Branch in accordance with Rule 42(18)(a))	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Additional Delegates to District Committee of Management	Casual vacancy caused by resignation of incumbent office holders.	2 (number of additional delegates determined in accordance with Rule 42(8) and calculated by reference to a sub-Branch of 438 members)	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system

VALE, David

From: VALE, David
Sent: Monday, 11 March 2013 3:02 PM
To: 'rread@cfmeuffpd.org'
Cc: 'admin@cfmeuffpd.org'
Subject: E2013/131
Attachments: CFMEU FFPD PPW_E2013_131_Casual Vacancy_06032013.pdf

Categories: SYDNEY RIA TEAM

Dear Rosalind

I refer to the recent lodgment on 6 March 2013 (matter E2013/131) of prescribed information (the PI) for a casual vacancy election in the Pulp and Paper Workers District, Millicent Sub Branch, following nine (9) resignations from the abovementioned Sub Branch (see attached).

I note that the request for the number of offices for the Sub Branch Committee of Management (COM) in this casual vacancy election is five (5). I also note the comments in the PI beside "Committee Members" states that the '*original number of offices determined by the Sub Branch in accordance with rule 42(18)(a) was 7. However only 5 nominations were received in the 2012 quadrennial election*' (which was matter E2012/354).

As the Sub Branch determined that there would be 7 COM Members in the 2012 election (although only 5 nominations were received), shouldn't there also be an election conducted for an additional two (2) COM members, to correspond with the number of COM members as determined by the Sub Branch (ie seven). I look forward to your comments. If in your response you can refer to relevant rules in the rulebook, it would be very helpful.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

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

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

VALE, David

From: VALE, David
Sent: Wednesday, 6 March 2013 10:55 AM
To: 'Industrial Elections'
Subject: E2013/131
Attachments: CFMEU FFPD PPW_E2013_131_Casual Vacancy_06032013.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 E2013/131.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

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

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CONSTRUCTION
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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

6 March 2013

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



RE: Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) Pulp and Paper Workers District Millicent Sub-branch – Elections arising from Casual Vacancies

In accordance with s.189(1) of the *Fair Work (Registered Organisations) Act 2009*, and Rule 33 of the Union's Divisional Rules, 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's Pulp and Paper Workers District Millicent Sub-branch.

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

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

The need for these elections arises as result of the resignation of the incumbent officers in relation to each position. We have included copies of the relevant resignation letter in each case.

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

Yours sincerely,

Michael O'Connor
National Secretary
CFMEU

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 Schedules A is in each case 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 in a cursive style.

Michael O'Connor

Date: 6 March 2013

Schedule A - PPW District - Millicent Sub Branch

(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;	(d) the name of the Branch, section or division which comprises the electorate	(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:
Sub Branch Secretary	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch	In the normal course of events under the rules nominations would open at 9 am on the second Monday in September (Rule 32(c)(ii)) and close at 4 pm on the last Friday in September (Rule 32(c)(iii)). However, as these are casual vacancies the Returning Officer may exercise their power under s.193 of the Act to remedy a procedural defect in the Rules by setting alternative dates which are consistent with the timeframes between events which would otherwise apply under the Rules. Taking this into account the Union submits that nominations should open at 9 am on Monday 1 April 2013 and close at 4 pm on Friday 19 April 2013.	1 September 2012 (Rule 32(xiii))	Direct voting system
Sub Branch President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Senior vice President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Junior vice President	Casual vacancy caused by resignation of incumbent officer.	1	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system
Committee members	Casual vacancy caused by resignation of incumbent office holders.	5 (original number of positions determined by the Sub-Branch in accordance with Rule 42(18)(a) was 7. However, only 5 nominations were received in the 2012 Quadrennial election).	PPW District - Millicent Sub Branch		1 September 2012 (Rule 32(xiii))	Direct voting system