



1 March 2018

Mr Michael O'Connor  
National Secretary / Divisional Secretary  
Construction, Forestry, Mining and Energy Union - FFPD National Branch - The Forestry,  
Furnishing, Building Products and Manufacturing Division  
industrial@cfmeuffpd.org

Dear Mr O'Connor,

cc: nationalqueries@cfmeu.org

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for FFPD Branch [E2017/266]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### **Holders of office required to undertake approved training**

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Construction, Forestry, Mining and Energy Union - FFPD National Branch - The Forestry, Furnishing, Building Products and Manufacturing Division must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

1 March 2018

# Post-election Report

**Construction, Forestry, Mining and Energy Union**  
**E2017/266**

# Contents

Election(s) Covered in this Report .....	3
Rules .....	3
Roll of Voters .....	3
Irregularities .....	3
Other Matters.....	4
Attachments.....	4

# Election(s) Covered in this Report

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Election Decision No/s: E2017/266

## Rules

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Rules used for the election: [105N-ATAI: Incorporates alterations 05/06/2014 in matter R2014/121]

Rules difficult to apply/interpret: No  
Module Rule reference (if any)

## Roll of Voters

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There were no contested offices.

The CFMEU FFPD rules indicate that the roll is not provided until after the nominations close. As there was no contested elections an electoral roll was not required.

## Irregularities

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

Other irregularities identified, and action taken: Nil



## Other Matters

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None

## Attachments

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- 1) E2017-266 CFMEU FFPD Results Dec Report – Uncontested 28 Feb 18



Paul Langtry  
Returning Officer

1 March 2018

# Construction, Forestry, Mining and Energy Union

Forestry, Furnishing, Building Products and Manufacturing Division

## DECLARATION OF RESULTS - E2017/266 Uncontested Offices

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### Casual Vacancy 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:

#### Greater Green Triangle District

##### District Committee of Management Member (1)

Candidates

CHAPMAN , Steven

##### District Committee of Management Member (Affirmative Action) (1)

Candidates

*No nominations were received*

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



Paul Langtry  
Returning Officer  
Australian Electoral Commission



## DECISION

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

### **Construction, Forestry, Mining and Energy Union** (E2017/266)

MR ENRIGHT

MELBOURNE, 11 JANUARY 2018

*Arrangement for conduct of election.*

[1] On 1 December 2017 the FFPD National Branch of The Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2016/153**) and a casual vacancy for the remainder of the term:

#### **Greater Green Triangle District**

District Committee of Management Member (1)

District Committee of Management Member (Affirmative Action) (1)

[2] On 20 December 2017, the Commission contacted the organisation and enquired as to the reasons for the delay in lodging the prescribed information for these offices. The declaration of results in the previous election E2016/153 was issued in November 2016, and stated that no nomination for the District Committee of Management Member (Affirmative Action) office was received. Division rule 32(b)(v) indicates that this office was to commence from 2 January 2017, thus demonstrating a delay of around eleven months in lodgement. Furthermore, in relation to the casual vacancy in the District Committee of Management Member office, information lodged with the prescribed information indicates that this vacancy occurred in February of 2017, thus pointing to a delay of around 10 months in lodgement.

[3] On 11 January 2018, the organisation, wrote to the Commission stating that the reason for the delay in lodging the prescribed information was due largely to “*despite making periodic enquiries with members, it appeared to the Union that there were no member(s) willing to or interested in nominating for any of the relevant offices*”.

[4] I note the balance required between attracting potential office holders and ensuring the democratic functioning and control of an organisation. A key component of democratic functioning includes the conduct of regular elections to ensure that the number of office

holders elected by members of an organisation corresponds with the number provided in its rules.

[5] 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 COMMISSIONER

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**From:** Liz Dooley <lidooley@cfmeu.org>  
**Sent:** Thursday, 11 January 2018 4:42 PM  
**To:** MOUTEVELIS,Michael  
**Cc:** ffpd industrial; pgilmore@cfmeu.org; Alice Vickerman  
**Subject:** Elections arising from casual vacancies in the Greater Green Triangle District of the FFPD of the CFMEU

Dear Mr Moutevelis

I refer to the above matter currently before the Delegate.

We are writing in response to a request from the Registered Organisations Commission to provide an explanation for the delay in time from the vacating of relevant elected offices the subject of this matter, and the request for elections to fill those same offices.

The main reason for the delay was that despite making periodic enquiries with members, it appeared to the Union that there were no member(s) willing to or interested in nominating for any of the relevant offices. In those circumstances, it seemed a waste of all parties' resources to run elections that were unlikely to result in the election of anyone.

Another reason for the delay was due to the CFMEU's merger with the Textile, Clothing and Footwear Union of Australia which was expected to have been finalised earlier and therefore impact the CFMEU's rules.

Please contact me should you have any questions about the foregoing.

Kind regards

**Liz Dooley**

*Senior National Legal Officer*

**Construction, Forestry, Mining & Energy Union**

**Forestry, Furnishing, Building Products & Manufacturing Division**

**WE HAVE MOVED TO** 540 Elizabeth Street, Melbourne VIC 3000

**T** (03) 9274 9200 | **M** 0417 635 098 | **F** (03) 9274 9284

<image001.png>

<http://www.standupspeakoutcomehome.org.au/>

CFMEU Forestry & Furnishing Products Division, National Office Disclaimer:

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**svc-adlib5**

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**From:** Alice Vickerman <avickerman@cfmeu.org>  
**Sent:** Friday, 1 December 2017 6:00 PM  
**To:** ROC - Registered Org Commission  
**Subject:** CFMEU - prescribed information for elections to fill casual vacancies  
**Attachments:** 01.12.2017 CFMEU FFPD casual vacancy election.pdf

Dear Registry

Please find attached correspondence to the Commissioner regarding the requirement for elections arising from casual vacancies in the Greater Green Triangle District of the FFPD of the CFMEU.

Yours faithfully

*Alice Vickerman  
National Risk and Compliance Officer  
Construction, Forestry, Mining and Energy Union  
500 Swanston Street, CARLTON SOUTH VIC 3053  
03 9274 9205  
0451 835 959*

**Stand up. Speak out. Come home.**  
<http://www.standupspeakoutcomehome.org.au/>

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# CFMEU

1 December 2017

**Divisional Office**  
500 Swanston Street  
CARLTON VIC 3053  
**Phone:** (03) 9274 9200  
**Fax:** (03) 9274 9284

The Commissioner  
Registered Organisations Commission  
GPO Box 2983,  
Melbourne VIC 3001  
Via email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Commissioner

**RE: Forestry, Furnishing, Building Products and Manufacturing Division (FFPD) –  
Greater Green Triangle District - Elections arising from Casual Vacancies - 2017**

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 lodge with the Registered Organisations Commissioner the prescribed information in relation to an election for positions in the Division.

Accordingly we ask that the Commissioner 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 a result of the resignation of a member of the Committee of Management in the Greater Green Triangle District (GGT), and as a result of the outcome of the E2016/153 quadrennial election in the GGT District in which one member position on the Committee of Management received no nominations.

Rule 33 of the Union's rules prescribes that a casual vacancy shall occur in any office of the Division when the holder of the office resigns or otherwise ceases to hold office in accordance with the rules. As rule 32(b)(v) provides that the term of office for District Management Committee members shall be 4 years commencing on 2 January following the quadrennial election, various office holders ceased to hold office on 2 January 2017 (whilst others commenced their terms).

**Stand up. Speak out. Come home.**

**Construction, Forestry, Mining & Energy Union – Forestry, Furnishing, Building Products & Manufacturing  
Division**



[admin@cfmeuffpd.org](mailto:admin@cfmeuffpd.org)



[www.facebook.com/CFMEUNational](http://www.facebook.com/CFMEUNational)



[CFMEU\\_National](https://twitter.com/CFMEU_National)



[www.cfmeu.net.au](http://www.cfmeu.net.au)



Rule 33 goes on to say that where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

Resignation

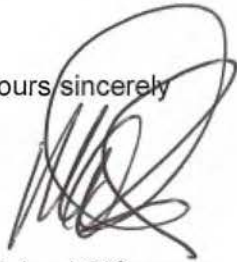
Mr Mark Fulford was elected to the office of member of the GGT District Committee of Management at the E2016/153 election. After taking up this office on 2 January 2017, Mr Fulford subsequently resigned. Accordingly there is one vacancy which is required to be filled. **Attached** is a copy of Mr Fulford's resignation.

Insufficient nominations

No nominations were received for the affirmative action member position on the GGT District Committee of Management at the E2016/153 election, and so the position was not filled. Accordingly there is one vacancy which is required to be filled

Please contact Jane Calvert, on 03 9274 9200 or [jcalvert@cfmeu.org](mailto:jcalvert@cfmeu.org), if you require any further information in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M O'Connor', written over the text 'Yours sincerely'.

Michael O'Connor  
National Secretary  
CFMEU

*Fair Work (Registered Organisations) Regulations 2009*

Statement Pursuant to Regulation 138(2)

I, Michael O'Connor, being the National Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union, make the following statement:

- (a) I am authorised to make this statement, and
- (b) The information annexed to this Statement in Annexure 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 be 'M O'Connor', written over a faint, illegible stamp or background.

Michael O'Connor

Date:

ANNEXURE A

Schedule A – Greater Green Triangle District

(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:
Committee of Management member	Casual vacancy (The position was not filled at the E2016/153 quadrennial elections.)	1 (Rules provide for 1 Affirmative Action position) (Rule 30A(i)c.)	Greater Green Triangle District	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 this vacancy arises because the position was not filled at the E2016/153 quadrennial elections, rule 33(ii) states that the vacancy shall be filled by election in accordance with Rule 32. To achieve the purpose of this rule, the Returning Officer may set 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 5 February 2018 and close at 4 pm on Friday 23 February 2018.	1 September 2016 (Rule 32(xiii))	Direct voting system
Committee of Management member	Casual vacancy caused by resignation of incumbent office holder (Rule 33(i))	1	Greater Green Triangle District	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 vacancies arise under rule 42(19)(a) which states that Rule 32 is to be applied mutatis mutandis the Returning Officer may set 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 5 February 2018 and close at 4 pm on Friday 23 February 2019.	1 September 2016 (Rule 32(xiii))	Direct voting system