

From: Jeff Webb [<mailto:Jeff.Webb@aec.gov.au>]
Sent: Friday, 17 March 2017 11:03 AM
To: Orgs; Jane Calvert
Subject: Post election report E2017/9 CFMEU FFPD [SEC=UNCLASSIFIED]

PER as required.

Regards,

Jeff Webb | Senior Returning Officer
VIC State Office | VIC State Office
Australian Electoral Commission
T: (03) 9285 7141 | F: (03) 9285 7149



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PER CFMEU
E2017-9.docx



Declaration of results
for uncontested Office

17 March 2017

Post-election Report

**Construction, Forestry, Mining and Energy Union Forestry,
Furnishing, Building Products and Manufacturing Division –
E2017/9**

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Election(s) Covered in this Report

E2017/9

Rules

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

Rules difficult to apply/interpret: Nil
Module Rule reference (N/A)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Attachments

- 5) Declaration of Results for Uncontested Offices – VIC



Jeff Webb
Returning Officer

17 March 2017

From: Jeff Webb [mailto:Jeff.Webb@aec.gov.au]
Sent: Wednesday, 15 March 2017 4:19 PM
To: Orgs; Jane Calvert
Subject: SK - ON CMS - E2017/9 - Declaration of results E2017/9 [SEC=UNCLASSIFIED]

Copy of Declaration of results attached.

Jeff Webb | Senior Returning Officer
VIC State Office | VIC State Office
Australian Electoral Commission
T: (03) 9285 7141 | F: (03) 9285 7149



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Declaration of results
for uncontested Office

Construction, Forestry, Mining and Energy Union Forestry, Furnishing, Building Products and Manufacturing Division – E2017/9

Declaration of Results for Uncontested Offices

Below are 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.

Pulp and Paper Workers' District

District President

Candidates

CAMPBELL-BURNS, Denise Michelle

Senior District Vice President

Candidates

GASPEROTTI, Geoffrey

Junior District Vice President

Candidates

PAVEY, Anthony

Trustee (3)

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.



Jeff Webb
Returning Officer

15 March 2017



DECISION

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

Construction, Forestry, Mining and Energy Union (E2017/9)

MR ENRIGHT

MELBOURNE, 1 FEBRUARY 2017

Arrangement for conduct of election.

[1] On 25 January 2017, the Forestry, Furnishing, Building Products and Manufacturing Division (‘the 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 offices set out below:

Pulp and Paper Workers’ District

District President	(1)
Senior District Vice President	(1)
Junior District Vice President	(1)
Trustee	(3)

[2] The date for the opening of nominations is Tuesday 14 March 2017. This means the prescribed information was not received before the prescribed day, which in this case was the day 2 months prior to the date of the opening of nominations, 14 January 2017.

[3] The Division indicated, in its email of 25 January, that it believed it had lodged the prescribed information at the end of 2016. On 30 January, the Division advised it had not been able to locate the relevant email but that it had been the intention to lodge the material prior to 21 December 2016 and understood that it had been. The Division requested the allowance of a later day.

[4] The record of correspondence shows that the Division contacted the Fair Work Commission on 25 January 2017 to find out the progress of the election application. Moreover, paragraph 4 of the declaration stated explicitly that the information was lodged at least 2 months before nominations open. While I find these circumstances consistent with a genuine belief that the prescribed information had been lodged within time, they appear to demonstrate that the statement claiming the relevant information had been lodged at least 2 months before nominations open was inaccurate because, in fact, the prescribed information had not been so lodged. This is because there is no record of such lodgement and on the basis of further inquiries made with the Division, the conclusion to be reached is that the information was not lodged and through administrative failure or oversight, this was not rectified within the prescribed period. The Act presumes that organisations will take steps to

ensure they comply, and the Commission expects that declarations made by organisation officials are accurate.

[5] Having taken into account all of the relevant circumstances, in this case I decline to allow a later day for lodgement.

[6] I am satisfied that an election for the offices set out above 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

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<Price code A, PR589786>

From: KELLETT, Stephen
Sent: Wednesday, 1 February 2017 4:59 PM
To: 'ldooley@cfmeu.org'
Subject: Election - E2017/9 - Delegate's decision

Dear Ms Dooley,

Please see attached a copy of the Delegate's decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



E2017 9
Decision.pdf

From: KELLETT, Stephen
Sent: Wednesday, 1 February 2017 4:58 PM
To: 'Industrial Elections'
Subject: Election - CFMEU - FFPD - E2017/9 - granted

Dear Electoral Officer,

Please see attached a copy of the Delegate's decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



E2017 9
Decision.pdf

From: Liz Dooley [mailto:ldooley@cfmeu.org]
Sent: Monday, 30 January 2017 5:32 PM
To: KELLETT, Stephen
Cc: Jane Calvert; Alice Vickerman; Vicki Doherty
Subject: RE: KELLETT E2016/255 CFMEU-FFPD Collegiate Elections Prescribed Information

Dear Stephen

Further to our conversation just now in relation to the above elections, I write to advise that we have been unable to locate an email which we believed had been sent at the end of 2016 containing the relevant prescribed information and declaration.

Our understanding was that after the relevant documents had been prepared on 16 December 2016, that they were then signed and forwarded to the Fair Work Commission. It was certainly our intention to file this material prior to 21 December 2016. We therefore respectfully request that the Commission allow the filing of this material at this later date.

Attached is a signed copy of the cover letter and the declaration dated today.

Please advise should you require anything further.

Kind regards

Liz Dooley
Senior National Legal Officer
Construction, Forestry, Mining & Energy Union
Forestry, Furnishing, Building Products & Manufacturing Division

500 Swanston Street, Carlton VIC 3053
T (03) 9274 9200 | M 0417 635 098 | F (03) 9274 9284

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CFMEU Forestry & Furnishing Products Division, National Office Disclaimer:

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Signed CFMEU-FFPD
Collegiate Elections P

CFMEU

16 December 2016

The General Manager
Fair Work Commission
Level 10 Terrace Tower
80 William Street
East Sydney, NSW 2011

Divisional Office
500 Swanston Street
CARLTON VIC 3053
Phone: (03) 9274 9200
Fax: (03) 9274 9284
Freecall: 1800 060 556

Via email: orgs@fwc.gov.au

RE: E2016/255 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 lodge with the Fair Work Commission (FWC) the prescribed information in relation to an election for positions in the Division.

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.

In all cases, these collegiate elections arise in the normal course of events as a result of the expiry of the term of the relevant position.

Further, in response to your Sam Gallichio's letter of 3 November 2016, it is our view that offices within the Division's Pulp and Paper Workers' District are also due for election shortly. Under the Rules the collegiate election is to be held during the District Committee of Management meeting scheduled after the declaration of the quadrennial elections. The Pulp and Paper Workers' District Committee of Management meeting is scheduled to be held on 14 March 2017. Nominations for these positions are due to open on 14 March 2017.

In accordance with s. 189(1) of the *Fair Work (Registered Organisations) Act 2009*, and Regulation 138 of the *Fair Work (Registered Organisations) Regulations (2009)*, we attach the Statement and Prescribed Information required, and ask that the General Manager arrange for the conduct of those elections by the Australian Electoral Commission.

Stand up. Speak out. Come home

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



admin@cfmeuffpd.org



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www.cfmeu.net.au

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael O'Connor', written over a faint circular stamp or watermark.

Michael O'Connor
National Secretary
CFMEU

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

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:

1. I am authorised to sign this statement containing prescribed information for the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union ("CFMEU-FFPD").
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 in Schedules A to B.
4. This statement **IS** lodged at least 2 months before nominations open for the elections below.

Signed:



Dated:

30th January 17
~~16 December 2016~~

Schedule B - PPW District 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:
District President	The term of the office is due to expire in the normal course of events	1	The electorate is comprised of the PPW District Management Committee (Rule 42(11))	Nominations open at 10.00 am on 14 March 2017 (Rule 42(11)) and close at 10.15 am on 14 March 2017 (Rule 42(11)). The ballot shall be conducted on 14 March 2017 (Rule 42(11))	The PPW District Management Committee is a body of delegates directly elected in the 2016 Quadrennial elections. There is no closing date for the roll of votes set out in the Rules. The Roll is comprised of those elected to the PPW District Management Committee as declared on 28 November 2016.	Collegiate voting system (Rule 42(11))
Senior District Vice President	The term of the office is due to expire in the normal course of events	1	The electorate is comprised of the PPW District Management Committee (Rule 42(11))	Nominations open at 10.00 am on Tuesday 14 March 2017 (Rule 42(11)) and close at 10.15 am on Tuesday 14 March 2017 (Rule 42(11)). The ballot shall be conducted on Tuesday 14 March 2017 (Rule 42(11))	The PPW District Management Committee is a body of delegates directly elected in the 2016 Quadrennial elections. There is no closing date for the roll of votes set out in the Rules. The Roll is comprised of those elected to the PPW District Management Committee as declared on 28 November 2016.	Collegiate voting system (Rule 42(11))
Junior District Vice President	The term of the office is due to expire in the normal course of events	1	The electorate is comprised of the PPW District Management Committee (Rule 42(11))	Nominations open at 10.00 am on Tuesday 14 March 2017 (Rule 42(11)) and close at 10.15 am on Tuesday 14 March 2017 (Rule 42(11)). The ballot shall be conducted on Tuesday 14 March 2017 (Rule 42(11))	The PPW District Management Committee is a body of delegates directly elected in the 2016 Quadrennial elections. There is no closing date for the roll of votes set out in the Rules. The Roll is comprised of those elected to the PPW District Management Committee as declared on 28 November 2016.	Collegiate voting system (Rule 42(11))

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Trustees	The term of the office is due to expire in the normal course of events	3	The electorate is comprised of the PPW District Management Committee (Rule 42(11))	Nominations open at 10.00 am on Tuesday 14 March 2017 (Rule 42(11)) and close at 10.15 am on Tuesday 14 March 2017 (Rule 42(11)). The ballot shall be conducted on Tuesday 14 March 2017 (Rule 42(11)).	The PPW District Management Committee is a body of delegates directly elected in the 2016 Quadrennial elections. There is no closing date for the roll of votes set out in the Rules. The Roll is comprised of those elected to the PPW District Management Committee as declared on 28 November 2016.	Collegiate voting system (Rule 42(11))

From: Liz Dooley [<mailto:ldooley@cfmeu.org>]
Sent: Wednesday, 25 January 2017 5:06 PM
To: Orgs
Cc: KAY, Marianne; Jane Calvert
Subject: KELLETT E2016/255 CFMEU-FFPD Collegiate Elections Prescribed Information

Dear Registrar and Marianne,

Further to a conversation with your team's Marianne Kay today in relation to the above elections, attached is an unsigned copy of prescribed information prepared for those elections.

We are in the process of tracking down the original email that provided this information to the Commission late last year, however unfortunately the relevant employee involved is away on leave until Monday 30 January 2017. We will endeavor to contact you again on Monday 30 January 2017 to report back on this matter.

Kind regards

Liz Dooley
Senior National Legal Officer
Construction, Forestry, Mining & Energy Union
Forestry, Furnishing, Building Products & Manufacturing Division

500 Swanston Street, Carlton VIC 3053
T (03) 9274 9200 | M 0417 635 098 | F (03) 9274 9284

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CFMEU-FFPD
Collegiate Elections P

CFMEU

16 December 2016

The General Manager
Fair Work Commission
Level 10 Terrace Tower
80 William Street
East Sydney, NSW 2011

Via email: orgs@fwc.gov.au

Divisional Office
500 Swanston Street
CARLTON VIC 3053
Phone: (03) 9274 9200
Fax: (03) 9274 9284
Freecall: 1800 060 556

RE: E2016/255 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 lodge with the Fair Work Commission (FWC) the prescribed information in relation to an election for positions in the Division.

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.

In all cases, these collegiate elections arise in the normal course of events as a result of the expiry of the term of the relevant position.

Further, in response to your Sam Gallichio's letter of 3 November 2016, it is our view that offices within the Division's Pulp and Paper Workers' District are also due for election shortly. Under the Rules the collegiate election is to be held during the District Committee of Management meeting scheduled after the declaration of the quadrennial elections. The Pulp and Paper Workers' District Committee of Management meeting is scheduled to be held on 14 March 2017. Nominations for these positions are due to open on 14 March 2017.

In accordance with s. 189(1) of the *Fair Work (Registered Organisations) Act 2009*, and Regulation 138 of the *Fair Work (Registered Organisations) Regulations (2009)*, we attach the Statement and Prescribed Information required, and ask that the General Manager arrange for the conduct of those elections by the Australian Electoral Commission.

Stand up. Speak out. Come home.

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



admin@cfmeuffpd.org



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[CFMEU_National](https://twitter.com/CFMEU_National)



www.cfmeu.net.au

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

Yours sincerely

Michael O'Connor
National Secretary
CFMEU

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

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:

1. I am authorised to sign this statement containing prescribed information for the Forestry, Furnishing, Building Products and Manufacturing Division of the Construction, Forestry, Mining and Energy Union ("CFMEU-FFPD").
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 in Schedules A to B.
4. This statement **IS** lodged at least 2 months before nominations open for the elections below.

Signed:

Dated: 16 December 2016

Schedule B - PPW District Officers

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