



10 October 2017

Mr David Noonan
C & G Divisional Secretary
Construction, Forestry, Mining and Energy Union-Construction and General Division
queries@fed.cfmeu.asn.au

Dear Mr Noonan,

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 stage 1 and 2 uncontested offices for Construction and General Division [E2017/161]. 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-Construction and General 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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ 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.]*

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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<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>						

9 October 2017

Post-election Report

Construction, Forestry, Mining and Energy Union,
Construction and General Division - Divisional
Executive Election E2017/161

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Election(s) Covered in this Report

Election Decision No/s: E2017/161

Rules

Rules used for the election: [105N-FED: Incorporates alterations of 19/05/2016 in matter R2016/75] and [105N-BWIU: Incorporates alterations of 22 December 2016 in matter R2016/320]

Rules difficult to apply/interpret: None
Module Rule reference (if any) N/A

Roll of Voters

The roll of voters was provided by the Organisation and used to obtain the addresses and email details for circulation of the election notice and nomination form. As the election was uncontested there was no further use of the roll.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Nil

Attachments

- 1) Declaration of results for Uncontested Offices – Stage 1
- 2) Declaration of results for Uncontested Offices – Stage 2



Simon Bulloch
Returning Officer

9 October 2017

Construction, Forestry, Mining and Energy Union Divisional Executive Stage 2

Declaration of Results for Uncontested Offices

E2017/161

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.

Construction & General Division National

Divisional Senior Vice-President

Candidates

SETKA, Johnny

Divisional Vice President

Candidates

REARDON, Shaun

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



Simon Bulloch
Returning Officer

9 October 2017

Construction, Forestry, Mining and Energy Union

Divisional Executive Election Stage 1

Declaration of Results for Uncontested Offices

E2017/161

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.

Construction & General Division National

Divisional Secretary

Candidates

NOONAN, Dave

Divisional Assistant Secretary (2)

Candidates

DAVIES, Nigel
SUTHERLAND, Andrew

Divisional President

Candidates

HALL, Dean

Divisional Trustee (3)

Candidates

HALL, Dean
MALLIA, Rita
PARKER, Brian

Additional Divisional Executive Member - Victoria-Tasmania (2)

Candidates

REARDON, Shaun
SPERNOVASILIS, Elias

Additional Divisional Executive Member - Queensland - Northern Territory

Candidates

INGHAM, Jade

Additional Divisional Executive Member - New South Wales

Candidates

GREENFIELD, Darren

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



Simon Bulloch
Returning Officer

29 September 2017



DECISION

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

Construction, Forestry, Mining and Energy Union (E2017/161)

MR ENRIGHT

MELBOURNE, 20 JULY 2017

Arrangement for conduct of election.

[1] On 28 June 2017 the Construction and General Division (the Division) of the Construction, Forestry, Mining and Energy Union (the organisation) lodged with the Registered Organisations Commission (the Commission) prescribed information for an election

[2] On 6 July 2017 the Commission wrote to the Division of the organisation requesting the number of financial members from each Divisional Branch, in order to determine the required number of Additional Divisional Executive Members in accordance with the Division's rules.

[3] On 18 July 2013 the Division of the organisation lodged with the Commission further prescribed information in relation to an election for the following offices:

DIVISIONAL EXECUTIVE

Divisional Secretary	(1)
Divisional Assistant Secretary	(2)
Divisional President	(1)
Divisional Senior Vice-President	(1)
Divisional Vice-President	(1)
Divisional Trustee	(3)

Additional Divisional Executive Members from the following Divisional Branches;

Victoria-Tasmania	(2)
Queensland-Northern Territory	(1)
New South Wales	(1)

[4] 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.



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From: Ashleigh Chapman <achapman@cfmeu.org>
Sent: Tuesday, 18 July 2017 4:27 PM
To: ROC - Registered Org Commission
Subject: E2017/161 - CFMEU Election
Attachments: LET to Registered Organisations Commission 18 July 2017.pdf

Dear Mr. Moutevelis

Please find attached correspondence from Dave Noonan, National Secretary, CFMEU C&G National Office.

Kind regards,

Ashleigh Chapman
Legal & Industrial Assistant

CFMEU

Construction & General Division, National Office
Level 9, 215-217 Clarence St, Sydney NSW 2000
T: 02 8524 5800 F: 02 8524 5801



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CFMEU

CONSTRUCTION

18 July, 2017

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**

Level 9, 215-217 Clarence St
Sydney NSW 2000

Box Q235, QVB Post Office
Sydney NSW 1230

Ph 02 8524 5800

Fax 02 8524 5801

ABN: 46 243 168 565

Mr. M. Moutevelis
Assistant Adviser, Compliance
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001

Email - regorgs@roc.gov.au.

Dear Mr. Moutevelis,

**Re: CFMEU (Construction and General Division) –
Election (E2017/161)**

I refer to your letter dated 6 July, 2017.

I advise that the relevant membership figures for the various Divisional Branches are as follows:

NSW - 15,796

VIC/TAS – 27,295

QLD/NT – 15,126

ACT – 1,795

SA – 1,705

WA – 6,237

Please contact this office should you require any further information.

Yours sincerely,



Dave Noonan
Secretary
CFMEU
Construction and General Division



Australian Government
Registered Organisations Commission

6 July 2017

Mr Dave Noonan
Divisional Secretary
Construction and General Division
Construction, Forestry, Mining and Energy Union
Box Q235 QVB Post Office
Sydney NSW 2000

By email: Ashleigh Chapman - achapman@cfmeu.org

Dear Mr Noonan

Arrangements for the conduct of an election (E2017/161)

I refer to the prescribed information dated 28 June 2017 which was lodged with the Registered Organisations Commission (the Commission) on 28 June 2017 for a scheduled election of the Divisional Executive of the Construction and General Division (the Division) of the Construction, Forestry, Mining and Energy Union.

Rule 9.1.A of the Divisional rulebook provides that the number of Additional Divisional Executive Members to be elected in any Divisional Branch is to be calculated on the basis of the number of financial members within that Branch as at 31 March in the year of the election. The Commission has not been provided with those numbers.

To enable the Commission to confirm the correct number of Additional Divisional Executive Members as requested in the prescribed information, could you provide me with the number of financial members of each Divisional Branch as at 31 March 2017.

Yours sincerely

Michael Moutevelis
Assistant Adviser
Registered Organisations Commission

svc-adlib5

From: Ashleigh Chapman <achapman@cfmeu.org>
Sent: Wednesday, 28 June 2017 9:53 AM
To: ROC - Registered Org Commission
Subject: CFMEU Constructions and General Division - Prescribed Information Relating to an Election
Attachments: LET Registered Organisations Commission 28 June 2017.pdf

Please find attached correspondence from Dave Noonan, National Secretary, CFMEU C&G Division.

Kind regards,

Ashleigh Chapman
Legal & Industrial Assistant

CFMEU

Construction & General Division, National Office
Level 9, 215-217 Clarence St, Sydney NSW 2000
T: 02 8524 5800 F: 02 8524 5801

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CFMEU

CONSTRUCTION

28th June, 2017

Registered Organisations Commission
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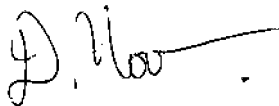
Dear Sir/Madam,

**Re: CFMEU (Construction and General Division) –
Prescribed Information Relating to an Election**

In accordance with the *Fair Work (Registered Organisations) Act 2009*, I enclose prescribed information in relation to an election, together with a statement as required by the *Fair Work (Registered Organisations) Regulations 2009*.

Should you have any questions relating to this material, please contact Mr. Tom Roberts at this office. Otherwise, I look forward to hearing from you in relation to this matter in due course.

Yours faithfully,



Dave Noonan
Secretary
CFMEU
Construction and General Division

FAIR WORK

(REGISTERED ORGANISATIONS)

REGULATIONS 2009

Statement Pursuant to Regulation 138

I, David Noonan, Divisional Secretary, CFMEU (Construction and General Division), of 9/215-217 Clarence Street, Sydney state that the information annexed to this Statement is being lodged in accordance with subsection 189 of the *Fair Work (Registered Organisations) Act 2009*.

Signed:



.....

Date: 28th June, 2017

FAIR WORK
(REGISTERED ORGANISATIONS) ACT 2009
AND
FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Prescribed Information in Relation to an Election

The following prescribed information is provided pursuant to s. 189 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*:

(a) The name of each office in respect of which an election is required;

- | | | |
|--------|-----------|--|
| (i) | One (1) | Divisional Secretary |
| (ii) | Two (2) | Divisional Assistant Secretaries |
| (iii) | One (1) | Divisional President |
| (iv) | One (1) | Divisional Senior Vice-President |
| (v) | One (1) | Divisional Vice-President |
| (vi) | Three (3) | Divisional Trustees |
| (vii) | Two (2) | Additional Divisional Executive Members (Victoria-Tasmania) |
| (viii) | One (1) | Additional Divisional Executive Member (Queensland-Northern Territory) |
| (ix) | One (1) | Additional Divisional Executive Member (New South Wales) |

(b) The reason for the election;

Expiry of the term of office of current office holders.

- (c) Where more than one of the offices in respect of which an election is required has the same name and the number of such offices can, in accordance with the rules of the relevant organisation or branch, be ascertained before the prescribed day – the number of these offices;**

See information provided in (a) above.

- (d) Where the electorate comprises only members of a branch, section or other division of an organisation – the name of that branch, section or division;**

The Divisional officers/Divisional Executive members are elected by and from Divisional Branch Delegates to the Divisional Conference of the Construction and General Division of the CFMEU.

Provided however Rule 9 1.A relevantly provides that the Additional Divisional Executive members, referred to in (a) above, shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the Victoria-Tasmania Divisional Branch (in the case of the Additional Victoria-Tasmania Divisional Branch representatives), the Queensland-Northern Territory Divisional Branch (in the case of the Additional Queensland-Northern Territory Divisional Branch representative) and the New South Wales Divisional Branch (in the case of the Additional New South Wales Divisional Branch representative), respectively.

Rule 9. 6 also provides that following the election of the Additional Divisional Executive Members, the ballot for the three (3) Divisional Trustees shall be dealt with and completed.

- (e) The date and time of the commencement and expiration of the period during which nominations of candidates will be called for or may be made under the rules;**

Rule 9 5. of the Construction and General Division Rules relevantly provides that nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to sub-rule 8(xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called.

The Divisional Executive has determined that the elections shall be held on Monday 9th October, 2017 at Perth in the State of Western Australia.

(f) The voting system to be employed in the conduct of the election;

A collegiate electoral system is to be employed in the election, the relevant college being those persons elected as Divisional Branch Delegates to the Divisional Conference of the Construction and General Division of the CFMEU. See also (d) above.

Ex Officio Divisional Executive Members

We further advise that such Divisional Branch Secretaries who are not elected to any of the positions referred to in (a) herein shall also be declared elected members of the Divisional Executive although no ballot is required.

Other Matters

Further, the Returning Officer is required under the rules to call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary, conduct a ballot to determine the election.