

13 March 2001

Industrial Registrar
Australian Industrial Registry
80 William Street
East Sydney
NSW.

CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

Dear Madam,

**Re: CFMEU – CONSTRUCTION AND GENERAL DIVISION
ELECTION OF DIVISION OFFICERS AND
EXECUTIVE MEMBERS**

Please find attached the Division's return of information in relation to elections required, in accordance with Regulation 61.

I note that the Division's current rules would require the conduct of those elections at some time after mid-October 2001 (current rule 9.5). The attached return provides information based on that current rule. However I have lodged on behalf of the Division rules changes made by the Divisional Executive under the rules of the Division, that would have, inter alia, the effect of allowing Divisional Executive to nominate a different timetable in this and subsequent election years for the holding of those elections.

As a consequence of these rules changes, if certified, I advise that Divisional Executive could resolve to hold the ballot for the positions required at any time during 2001, and that the earliest time those elections could be conducted would be late May-early June 2001. If this early date is decided upon, it would appear that the information prescribed under rule 61 should be provided to you during this month.

I request that at this stage you note the attachment, but do not yet notify the AEC. I will advise as soon as practicable of any change to the proposed date for the holding of the Division elections, made pursuant to the rules change, if certified.

Yours faithfully,

JOHN SUTTON
National Secretary
Construction and General Division.



**CONSTRUCTION &
GENERAL DIVISION**

VIC FITZGERALD
National President

JOHN SUTTON
National Secretary

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MT:311579_1

Workplace Relations Regulations

**Statement Pursuant to Regulation 61(2)
Workplace Relations Regulations**

I, John David Sutton, Assistant National Secretary CFMEU and National Secretary CFMEU (Construction and General Division), of 15 Wentworth Avenue, Sydney, state that the information annexed to this Statement is being lodged in accordance with subsection 214(1) of the *Workplace Relations Act 1996*.



.....
SIGNED

13. 3. 01

.....
DATE

Workplace Relations Regulations

Prescribed Information in Respect of Election - Regulation 61 Workplace Relations Regulations

The following prescribed information is provided pursuant to Regulation 61 of the Workplace Relations Regulations:

- (a) The name of each office in respect of which an election is required;
- (i) One (1) Divisional President
 - (ii) Three (3) Joint Divisional Senior Vice-Presidents
 - (iii) Three (3) Divisional Vice-Presidents [including one elected by and from Divisional Branch Assistant Secretaries (Plasterers)]
 - (iv) One (1) Divisional Secretary
 - (v) Two (2) Divisional Assistant Secretaries
 - (vi) Three (3) Divisional Trustees
- (b) the reason for the election;
- expiry of the term of office of each of the 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 those 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 officers referred to herein are elected by and from Divisional Branch Delegates to Divisional Conference of the Construction and General Division of the CFMEU. One of the three Divisional Vice-Presidents shall be elected by and from such Divisional Branch Delegates to Divisional Conference as hold the office of Divisional Branch Assistant Secretary (Plasterers).
- (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;

Nominations shall be called for on the last Friday in September, 2001 and shall close fourteen days after nominations are called.

(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.

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

2**CONSTRUCTION****FORESTRY****MINING****ENERGY****UNION**

13 August 2001

Ms M Buchanan
Deputy Industrial Registrar
Australian Industrial Registry
Level 8
80 William Street
EAST SYDNEY NSW 2011

Dear Ms Buchanan

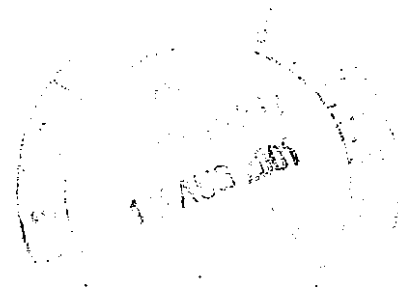
I refer to my notification of elections required under the Division Rules and the prescribed information lodged in March 2001, and to our meeting this morning.

I confirm my oral advices that the Division requests that you proceed to arrange for the conduct of the Division election pursuant to Section 214 of the Act, at your earliest convenience. I also confirm that the decision of Justice Goldberg on the proposals lodged with you for rule changes adopted at the meeting of the Divisional Executive of 21 March 2001 has not yet been handed down, but in any event the current rules require the holding of elections in accordance with my earlier notification and lodgement of prescribed information.

I await your decision in relation to this request.

Yours faithfully

John Sutton
National Secretary
Construction & General Division



CONSTRUCTION &
GENERAL DIVISION
ABN 46 243 168 585

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FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
067	MEMORY TX		92801969	06/06	OK

ERRORS

1) HANG UP OR LINE FAIL 2) BUSY 3) NO ANSWER 4) NO FACSIMILE CONNECTION

FAX COVER SHEET

FROM STEPHEN KELLETT
 AUSTRALIAN INDUSTRIAL REGISTRY, SYDNEY

TO NEIL KEAN
 AEC NSW

FAX NO 02 9280 1969

DATE 14/8/01

RE E2001/178 PRESCRIBED INFORMATION

PAGES 6

Dear Neil

Please find attached above prescribed information. This was originally
lodged 14 March in the context of proceedings in the Federal Court. As the

FAX COVER SHEET

FROM STEPHEN KELLETT
 AUSTRALIAN INDUSTRIAL REGISTRY, SYDNEY

TO NEIL KEAN
 AEC NSW

FAX NO 02 9280 1969

DATE 14/8/01

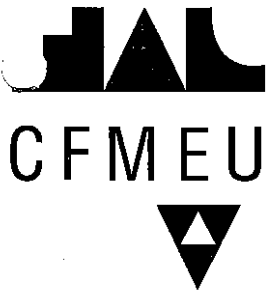
RE E2001/178 PRESCRIBED INFORMATION

PAGES 6

Dear Neil

Please find attached above prescribed information. This was originally lodged 14 March in the context of proceedings in the Federal Court. As the letter of 13 August 2001 from John Sutton shows we received the request to proceed with the application. A decision will be handed down tomorrow morning at 9.30 and this may affect what the Registry does in relation to this application. We will advise you in due course.

Stephen Kellett

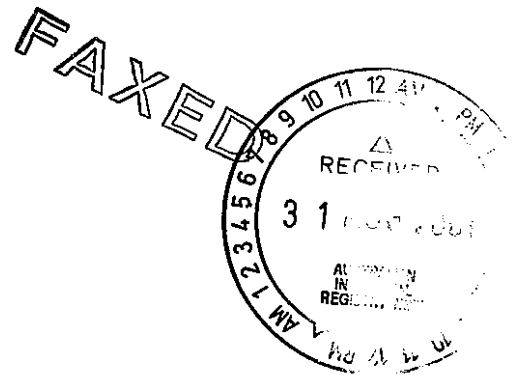


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CONSTRUCTION
FORESTRY
MINING
ENERGY
UNION

28 August 2001

Deputy Industrial Registrar
Australian Industrial Registry
Level 8
80 William Street
EAST SYDNEY NSW 2011



Dear Sir/Madam

**Re: CFMEU – Construction & General Division
Election of Divisional Officers and Divisional Executive Members**

We refer to the above matter and to our correspondence dated 13 March 2001, including prescribed information pursuant to Regulation 61 of the Workplace Relations Regulations.

It has come to our attention that the list of offices in respect of which an election is required which we previously provided, omitted the position of One (1) Divisional Executive Member (Plasterers). We request that this office now be included in your consideration of this matter. The remainder of the information required under Regulation 61 for this office is the same as was previously provided for the offices referred to in our previous correspondence.

Also enclosed is a Statement pursuant to Regulation 61 (2). If you require anything further please contact this office.

Yours faithfully

John Sutton
National Secretary
Construction & General Division


CONSTRUCTION &
GENERAL DIVISION
ABN 46 243 168 565

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SYDNEY NSW 2000

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Workplace Relations Regulations

**Statement Pursuant to Regulation 61(2)
Workplace Relations Regulations**

I, John David Sutton, Assistant National Secretary CFMEU and National Secretary CFMEU (Construction and General Division), of 15 Wentworth Avenue, Sydney, state that the information annexed to this Statement is being lodged in accordance with subsection 214(1) of the *Workplace Relations Act 1996*.



.....
SIGNED

29/8/01

.....
DATE

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
031	MEMORY TX		92801969	03/03	OK

ERRORS

- 1) HANG UP OR LINE FAIL
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- 3) NO ANSWER
- 4) NO FACSIMILE CONNECTION



FAX COVER SHEET

FROM STEPHEN KELLETT
AUSTRALIAN INDUSTRIAL REGISTRY, SYDNEY

TO NEIL KEAN
AEC

FAX NO 02 9280 1969

DATE 29/8/01

RE ADDITIONAL PRESCRIBED INFORMATION E2001/178

PAGES 3

WORKPLACE RELATIONS ACT 1996
s.214 arrangements for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2001/178)

MARGARET BUCHANAN
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 3 SEPTEMBER 2001

DECISION

On 14 March 2001, the Construction and General Division of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to the conduct of an election.

On 29 August 2001 the abovenamed Division lodged in the Industrial Registry additional prescribed information.

The prescribed information was in relation to the conduct of an election for the following offices:

Divisional Executive

Divisional President	(1)
Joint Divisional Senior Vice Presidents	(3)
Divisional Vice Presidents (one to be elected by and from the Divisional Branch Assistant Secretaries - Plasterers)	(3)
Divisional Secretary	(1)
Divisional Assistant Secretaries	(2)
Divisional Executive Member (Plasterers)	(1)

also

Divisional Trustees	(3)
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I am satisfied that an election for the above offices is required to be held under the rules of the organisation and, under subsection 214(2) of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





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AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0666
Fax: (02) 9380 6990

The Director, Non-Parliamentary Elections
Australian Electoral Commission
PO Box E 201
KINGSTON ACT 2604

**Re: Construction, Forestry, Mining and Energy Union, Construction and General Division
(E No 178 of 2001)**

I enclose a copy of a Decision made under section 214 of the *Workplace Relations Act 1996*.

Stephen Kellett
for Deputy Industrial Registrar

3 September 2001

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FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
057	MEMORY TX		92801969	02/02	OK

ERRORS

1) HANG UP OR LINE FAIL 2) BUSY 3) NO ANSWER 4) NO FACSIMILE CONNECTION



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0606
Fax: (02) 9380 6990

Fax
Electoral Commissioner Through
Australian Electoral Officer for New South Wales

Under subsection 214(2) of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Sydney office of the Australian Electoral Commission:

E No 178 of 2001

Construction, Forestry, Mining and Energy Union, Construction and General Division

Positions:

See Decision

Relevant Information: Secret attendance ballot

Contact: Mr John Sutton



AUSTRALIAN INDUSTRIAL REGISTRY

9

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0666
Fax: (02) 9380 6990

Electoral Commissioner Through
Australian Electoral Officer for New South Wales

**Re: Construction, Forestry, Mining and Energy Union, Construction and General Division
(E No. 178 of 2001)**

I confirm my facsimile message of 3 September 2001 and enclose a copy of the Registrar's Decision in relation to the conduct of an election in the abovenamed organisation under section 214 of the *Workplace Relations Act 1996*.

Your sincerely

Stephen Kellett
for Deputy Industrial Registrar

3 September 2001



AUSTRALIAN INDUSTRIAL REGISTRY

10
Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0666
Fax: (02) 9380 6990

Mr John Sutton
National Secretary, Construction and General Division
CFMEU
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Sutton

**Re: Arrangements for the conduct of an Election
(E No. 178 of 2001)**

A copy of the Registrar's Decision in relation to the above matter is enclosed.

The Registrar is making arrangements, under subsection 214(2) of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of the staff of the Australian Electoral Commission, New South Wales, telephone (02) 9375 6360 who will contact you in the near future about the election.

Yours Sincerely


Stephen Kellett
for Deputy Industrial Registrar

3 September 2001



Construction Forestry Mining Energy Union

Construction & General Division
National Office

 (02) 9267 7644
Fax (02) 9267 8863

P O BOX Q235
QVB POST OFFICE
SYDNEY NSW 1230



TO: M Buchanan **FAX:** (02) 9380 6990
FROM: John Sutton
DATE: 26 September, 2001 **PAGES TO FOLLOW:** 2
RE:

IF FACSIMILE IS INCOMPLETE PLEASE CONTACT THE WRITER

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If the document is received in error please contact this office immediately and return the document by mail.



CONSTRUCTION

FORESTRY

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**CONSTRUCTION &
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ABN 46 243 168 565**

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25 September 2001

**Industrial Registrar
Australian Industrial Registry
80 William Street
EAST SYDNEY NSW 2010**

Fax: (02) 9380 6990

Attn: M Buchanan

Dear Ms Buchanan

**Re: CFMEU – Construction and General Division
Election of Divisional Officers and Divisional Executive Members**

We refer to previous correspondence relating to this matter.

We wish to further advise that in accordance with Rule 9 sub-rule 6 of the rules of the Construction and General Division, the Returning Officer is to call nominations to determine which of the 2 Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election. It may be necessary to issue a supplementary decision to make it clear that this task is to be undertaken by the AEC as part of the forthcoming election process.

Further, you would be aware that under Rule 9 all Divisional Branch Secretaries not otherwise elected to the 10 specified Divisional Officer positions are members of the Divisional Executive. The Divisional Branch President of the South Australian Divisional Branch is also a member of the Divisional Executive under the same Rule.

Following the elections within our Divisional Branches in 2000, the persons elected to each of those positions are as follows:

- (a) Queensland Construction Workers Divisional Branch – W Trohear
- (b) Queensland Construction Labourers Divisional Branch – G Simcoe
- (c) Victorian Building Unions Divisional Branch – M Kingham
- (d) Tasmanian Divisional Branch – A Benson
- (e) NSW Divisional Branch – A Ferguson
- (f) ACT Divisional Branch – G Wason
- (g) West Australian Divisional Branch – K Reynolds
- (h) South Australian Divisional Branch – M O'Malley
- (i) Clay and Ceramics Industry Divisional Branch – T Melksham
- (j) South Australian Divisional Branch – B Carslake (President)

We have not included this information in the prescribed information since these persons or some of them take up positions on the Divisional Executive by virtue of their positions as Divisional Branch Secretaries (and Divisional Branch President in the case of South Australia). We have been advised by the Returning Officer however, that this information may be required for the AEC to make a final declaration as to the composition of the Divisional Executive. Consequently we thought it appropriate that the information also be given to the Registry.

Yours faithfully



John Sutton
National Secretary
Construction & General Division

cc AEC
Attn Mr R Hill



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0666
Fax: (02) 9380 6990

Mr John Sutton
National Secretary, Construction & General Division
CFMEU
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Sutton

**Re: Arrangements for the conduct of an Election
(E No. 178 of 2001)**

Thank you for your letter dated 25 September 2001 providing information in relation to the above election, which was received in the Registry on 26 September 2001.

As the position of designated Divisional Secretary does not appear to be an office within the meaning of the *Workplace Relations Act 1996*, it is the Registry's view that it is not required to be the subject of a Registrar's decision under section 214 of the Act. It appears however, that following a discussion with Mr Roy Hill of the Australian Electoral Commission ('the A.E.C.'), there should be no problem regarding the conduct by the A.E.C. of any election necessary for the position of designated Divisional Secretary.

Mr Hill also confirmed that those persons who are members of the Divisional Executive by virtue of holding the office of Divisional Branch Secretary and who are not elected to any of the specified Divisional Executive offices will not be included in any declaration by the A.E.C. following the above election because they were not included in the Decision issued on 3 September 2001. Again, as the positions held by these persons were the subject of the Divisional Branch elections held last year, it was not appropriate that they should have been included in the recent Decision. However, those persons were included in the declaration of results for last year's Divisional Branch elections as Delegates to the Divisional Conference and, as your letter rightly points out, the Rules of the organisation make clear that they are members of the Divisional Executive.

I trust that this clarifies the situation in regard to both matters. If you have any queries in relation to the above, please do not hesitate to contact me on 8374 6607.

Yours Sincerely

Stephen Kellett
for Deputy Industrial Registrar

26 September 2001

DECLARATION OF RESULTS OF UNCONTESTED OFFICES

Election: E No 178 of 2001

Construction, Forestry, Mining and Energy Union

Construction and General Division

Office: Divisional President

Candidate/s: **Number of Vacancies: 1**

PRICE Christopher Roland

Office: Divisional Vice President

Candidate/s: **Number of Vacancies: 3**

CRACKNELL Dale Leslie

HEMSWORTH Barry

HOWCROFT Gary John

Office: Divisional Secretary

Candidate/s: **Number of Vacancies: 1**

SUTTON John

Office: Divisional Assistant Secretary

Candidate/s: **Number of Vacancies: 2**

FRASER Lindsay

STEIN Jason

Office: Divisional Executive Member (Plasterers)

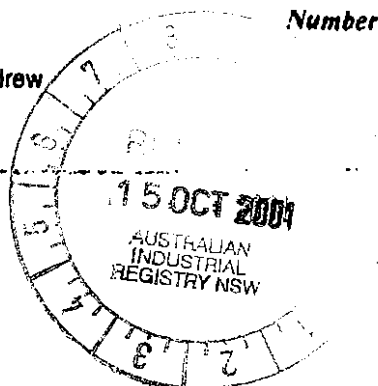
Candidate/s: **Number of Vacancies: 1**

PARRY Glenn

Office: Divisional Trustee

Candidate/s: **Number of Vacancies: 3**

FERGUSON Andrew



MCCLELLAND

Peter

WASON

George

As the number of nominations accepted did not exceed the number of vacancies, a ballot was not necessary. Accordingly, I declare the abovenamed candidate/s elected unopposed.

Roy Hill

Roy Hill
Returning Officer
12 October 2001

**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
CONSTRUCTION AND GENERAL DIVISION**

DECLARATION OF RESULTS

Results of the elections for the following offices conducted under the rules of the organisation –
E. No. 178 of 2001.

Ballot conducted at the Divisional Conference of the Construction and General Division held in
Launceston on Monday 15 October 2001.

JOINT DIVISIONAL SENIOR VICE PRESIDENTS (3)

Ballot papers issued	30
Duplicate ballot papers issued	Nil
TOTAL BALLOT PAPERS ISSUED	30
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	30
Percentage of ballot papers returned to number issued	100%

<u>Candidates</u>	<u>Votes</u>
ZDRILIC, Ante	1
LITTLER, Albert	30
McCLELLAND, Peter	30
WATERS, Paul Brian	29
Formal ballot papers	30
Informal ballot papers	0

I declare Albert LITTLER, Peter McCLELLAND and Paul Brian WATERS elected.

Roy Hill

Roy Hill
Returning Officer
Australian Electoral Commission
Sydney

23 October 2001