

CONSTRUCTION  
FORESTRY  
MINING  
ENERGY  
UNION

30 June 2004

Deputy Industrial Registrar  
Australian Industrial Registry  
80 William Street  
SYDNEY NSW 2000

Fax: 9380 6990

Attn: Mr B Jenkins

Dear Sir

**Re: Prescribed Information - Elections**

I refer to the requirement to lodge prescribed information under s189 of RAO Schedule.

I note that the Registry is currently considering a number of rule alterations which have a bearing on the content of the information to be provided [R2004/329]. In the circumstances I request an extension of time be granted in respect of the relevant information.

Would you kindly let me have your response at your earliest convenience.

Yours faithfully



John Sutton  
National Secretary  
Construction & General Division



CONSTRUCTION &  
GENERAL DIVISION  
ABN 46 243 168 585

JOHN SUTTON  
National Secretary

FEDERAL OFFICE  
LEVEL 2  
15 WENTWORTH AVENUE  
SYDNEY NSW 2000

PO BOX Q235  
QUEEN VICTORIA BLDG  
POST OFFICE  
SYDNEY NSW 1230

PH: (02) 9267 7844  
FAX: (02) 9267 8863  
WEB:

[www.cfmeu.asn.au/construction](http://www.cfmeu.asn.au/construction)

**JENKINS, Barry**

---

**From:** 0292678863  
**Sent:** Thursday, 1 July 2004 2:47 PM  
**To:** JENKINS, Barry  
**Subject:** Success: Lodgement of PI - CFMEU C&G Div (Fax sent to 00292678863)



0021E6D0.fax

\*\*\*\*\*

**SENT FAX REPORT**

\*\*\*\*\*

Status: sent  
Date/Time: 1/07/04 14:54:37  
Speed: 9600 bps  
Connection time: 01:42  
Pages: 2  
Total pages: 2  
Resolution: fine  
Remote ID: 61 2 92678863  
Line number: 3  
Retries: 0  
Description: Fax sent successfully : Success

\*\*\*\*\*



**Australian Government**  
**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

Mr John Sutton  
National Secretary  
Construction & General Division, CFMEU  
PO Box Q235  
Queen Victoria Building PO  
SYDNEY NSW 1230

By facsimile: (02) 9267 8863

Dear Mr Sutton

**Re: Lodgement of Prescribed information for the conduct of an election**

I refer to your letter dated 30 June 2004 that I received by facsimile on that date.

Pursuant to s189(2) of Schedule 1B of the *Workplace Relations Act 1996* I hereby allow the Division a further 14 days within which to lodge the prescribed information.

As noted in your letter there are rule alterations currently before me that have a bearing on the election. At this stage I envisage that allowing a further 14 days should be sufficient but I can indicate that should there be difficulties in meeting the timeframe I would be prepared to give consideration to allowing a further short period for the lodgement if that proved necessary.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barry Jenkins'.

Barry Jenkins  
Deputy Industrial Registrar


1 July 2004

E2004/244



# 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

## *FACSIMILE*

**TO:** Barry Jenkins

**FAX:** 9380 6990

**FROM:** John Sutton

**DATE:** 22 July, 2004

**PAGES TO FOLLOW:** 7

**RE:**



**IF FACSIMILE IS INCOMPLETE PLEASE CONTACT THE WRITER**

*This document is confidential and may contain legally privileged information. If you are not a named, intended or authorised recipient you must not read, copy, distribute or act in reliance on it.*

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



# CFMEU



22 July, 2004.

Deputy Industrial Registrar  
 Australian Industrial Registry  
 80 William Street  
 SYDNEY 2000.

CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

Attention: Mr. B. Jenkins.

Dear Sir,

**Re: CFMEU Construction and General Division –  
 Elections**

In accordance with Regulation 138 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003* the CFMEU Construction and General Division hereby provides the following information:-

**1. Name of Offices in Respect of Which an Election is Required**

**Queensland Construction Workers Divisional Branch**

Divisional Branch President  
 Divisional Branch Vice-President (3)  
 Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
 Divisional Branch Assistant Secretary (Plasterers)/ Divisional Branch Delegate to Divisional Conference  
 Divisional Branch Assistant Secretary (Painters)/ Divisional Branch Delegate to Divisional Conference  
 Divisional Branch Assistant Secretary  
 Divisional Branch Executive Member (3)  
 State Management Committee Member (16)  
 Divisional Branch Delegate to Divisional Conference (5)

**Queensland Builders Labourers Divisional Branch**

Divisional Branch President  
 Divisional Branch Vice-President



CONSTRUCTION &  
 GENERAL DIVISION  
 ABN 46 243 168 565

JOHN SUTTON  
 National Secretary

FEDERAL OFFICE  
 LEVEL 2  
 15 WENTWORTH AVENUE  
 SYDNEY NSW 2000

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[www.cfmeu.asn.au/construction](http://www.cfmeu.asn.au/construction)

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Trustee (2)  
Divisional Branch Treasurer  
Divisional Branch Guardian  
Divisional Branch Executive Member (4)  
Divisional Branch Delegate to Divisional Conference (2)

**New South Wales Divisional Branch**

Divisional Branch President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Council Members (36) comprising –  
    Sydney Zone (27)  
    Newcastle Zone (3)  
    Wollongong Zone(3)  
    Country Zone (3)

Divisional Branch Management Committee Member (26)  
Divisional Branch Delegate to Divisional Conference (13)

**ACT Divisional Branch**

Divisional Branch President  
Divisional Branch Vice-President (2)  
Divisional Branch Secretary/Divisional Branch Treasurer/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Plasterer)/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Council Member (9)  
Divisional Branch Management Committee Member (11)

**South Australian Divisional Branch**

Divisional Branch Senior Vice-President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch President  
Divisional Branch Vice-President

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Treasurer  
Divisional Branch Trustee (2)  
Divisional Branch Management Committee Member (5)  
Divisional Branch Organiser/Divisional Branch Management Committee Member (2)  
Divisional Branch Council Member (13)  
Divisional Branch Delegate to Divisional Conference (1)

**Western Australia Divisional Branch**

Divisional Branch President  
Divisional Branch Senior Vice-President  
Divisional Branch Vice-President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Trustee (3)  
Divisional Branch Treasurer  
Divisional Branch Council Member (20)  
Divisional Branch Management Committee Member (5)  
Divisional Branch Delegate to Divisional Conference (3)

**Tasmanian Divisional Branch**

Divisional Branch President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Management Committee Member (13)  
Divisional Branch Council Member (5) comprising –

Hobart and Southern Zone (3)  
Launceston Zone (1)  
North West Zone (1)

**Brick, Tile, Pottery Construction Materials and Related Products Industry Divisional Branch**

Divisional Branch President/Divisional Branch Delegate to Divisional Conference

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Victoria)  
Divisional Branch Assistant Secretary (New South Wales)  
Divisional Branch Assistant Secretary (Western Australia)  
Divisional Branch Management Committee Member (New South Wales)  
Divisional Branch Management Committee Member (Victoria)

**Victorian Building Unions Divisional Branch**

Divisional Branch President  
Divisional Branch Vice-President (3)  
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Management Committee Member (17)  
Divisional Branch Council Member (71) comprising –

Metropolitan Melbourne Zone (58)  
Geelong Zone (4)  
Central Victoria Zone (4)  
Northern Victoria Zone (4)  
Latrobe Zone (4)

Divisional Branch Delegate to Divisional Conference (12)

**Victorian FEDFA Divisional Branch\* (see special notation hereunder)**

Divisional Branch President  
Divisional Branch Vice-President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Management Committee Member (5) comprising:-

Metropolitan District (3)  
Non-metropolitan District (1)  
Organiser's Representative (1)

Divisional Branch Council Member (8) comprising:-

Metropolitan District (5)  
Country/Provincial District (3)  
Latrobe Valley Sub-Branch (1)



Divisional Branch Delegate to Divisional Conference (2)

**2. Reason for the Election**

An election is required because of the expiry of the current term of office of the existing officers.

**3. Number of Offices with the Same Name**

The number of such offices is set out at 1. above with the number appearing in brackets.

**4. Electorate**

Members of each of the Divisional Branches referred to in 1. above vote for representatives of their Divisional Branches in accordance with the rules.

**5. Nomination Period**

The rules provide that nominations will open on or before Tuesday 31 August, 2004 and close at 4.00pm Friday 17 September, 2004.

**6. Closure of Voting Roll**

The rules provide that the roll of voters shall be deemed to have closed 8 days before the date on which nominations open i.e. 8 days before 31 August, 2004.

**7. Voting System**

A direct voting system is to be employed in the conduct of the election. In the case of the Victorian FEDFA Divisional Branch Organiser's representative on the Divisional Branch Management Committee, a collegiate electoral system is to be employed pursuant to rule 37(vi)(b). In the case of the Queensland Construction Workers Divisional Branch Vice-Presidents and Divisional Branch Executive members, a collegiate electoral system is to be employed pursuant to rules 40(2)(iii)(B) and 42(iii)(a) respectively.

The information herein is provided under subsection 189(1) of the *RAO Schedule*.

**Victorian FEDFA Divisional Branch**

We also wish to advise that in the case of the Victorian FEDFA Divisional Branch, the rules provide that the maximum term of office for each of the offices referred to above in respect of that Divisional Branch is until 30 September, 2005 [see esp. Construction and General Division rules, Rule 18(e)(ii)]. Rule 38(ee) also provides that holders of various

offices within the Victorian FEDFA Divisional Branch shall, upon the merger of the two Victorian Divisional Branches, occupy the offices in the merged Divisional Branch as set out in that rule. It may be necessary to make explicit reference to this in any election notice for these offices so that potential candidates are aware of these provisions.

#### **Rule 8 – Construction and General Division Rules**

We draw your attention to Rule 8(vii) which relevantly provides that certain officers may nominate in Divisional Branch elections provided that a Divisional Branch Secretary is notified in writing prior to the date of calling for nominations. The information above relating to Divisional Branch delegates to Divisional Conference takes this provision into account. The number of such delegates is specified on the basis that each of the Divisional Secretary, Divisional President and Divisional Assistant Secretaries (2) have or will, by the time of the calling of nominations, notified/notify the Divisional Branch Secretary of the Divisional Branch from which they derive, of their intention to nominate for the office of Divisional Branch delegate to Divisional Conference.

#### **Other Positions**

The rules of the CFMEU Construction and General Division also require that an election be held for various positions which are not offices as defined by s 9 of the *RAO Schedule*. In accordance with s 187 of the *RAO Schedule* we hereby request that the AEC conduct an election for the following positions within the specified Divisional Branches at the same time as the election for the above offices:-

**(a) Queensland Construction Workers Divisional Branch**

Divisional Branch Organiser (17)

**(b) Queensland Builders Labourers Divisional Branch**

Divisional Branch Organiser (10)

**(c) New South Wales Divisional Branch**

Divisional Branch Organiser (26)

**(d) ACT Divisional Branch**

Divisional Branch Organiser (1)

**(e) Western Australia Divisional Branch**

- (f) Divisional Branch Organiser (6)  
**Victorian Building Unions Divisional Branch**

Divisional Branch Organiser (13)

- (g) **Victorian FEDFA Divisional Branch**

Divisional Branch Organiser (4)

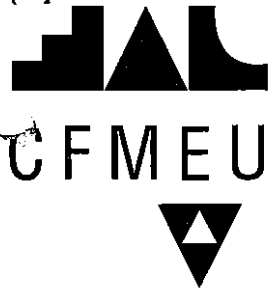
We also refer to your letter dated 1 July, 2004 in which you granted a 14 day extension of time in which to lodge this information and foreshadowed the possibility of a further short extension given the rule alterations being considered by the Registry. We have today received the Registry's certificates in respect of those changes and consequently ask that a further extension be granted to today's date in respect of the information set out herein.

Yours faithfully,



John Sutton  
National Secretary  
CFMEU Construction and General Division





FAXED

22 July, 2004.

Deputy Industrial Registrar  
Australian Industrial Registry  
80 William Street  
SYDNEY 2000.

CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

Attention: Mr. B. Jenkins.

Dear Sir,

**Re: CFMEU Construction and General Division –  
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Divisional Branch Executive Member (3)  
State Management Committee Member (16)  
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Divisional Branch President  
Divisional Branch Vice-President



CONSTRUCTION &  
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JOHN SUTTON  
National Secretary

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Divisional Branch Assistant Secretary

Divisional Branch Trustee (2)

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Divisional Branch Guardian

Divisional Branch Executive Member (4)

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Divisional Branch President

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary (2)

Divisional Branch Council Members (36) comprising –

Sydney Zone (27)

Newcastle Zone (3)

Wollongong Zone(3)

Country Zone (3)

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Divisional Branch Delegate to Divisional Conference (13)

### **ACT Divisional Branch**

Divisional Branch President

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Divisional Branch Secretary/Divisional Branch Treasurer/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary (Plasterer)/Divisional Branch Delegate to Divisional Conference

Divisional Branch Council Member (9)

Divisional Branch Management Committee Member (11)

### **South Australian Divisional Branch**

Divisional Branch Senior Vice-President/Divisional Branch Delegate to Divisional Conference

Divisional Branch President

Divisional Branch Vice-President

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Divisional Branch Trustee (2)  
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Divisional Branch Management Committee Member (17)  
Divisional Branch Council Member (71) comprising –

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Non-metropolitan District (1)  
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**Victorian FEDFA Divisional Branch**

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**(a) Queensland Construction Workers Divisional Branch**

Divisional Branch Organiser (17)

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Divisional Branch Organiser (10)

**(c) New South Wales Divisional Branch**

Divisional Branch Organiser (26)

**(d) ACT Divisional Branch**

Divisional Branch Organiser (1)

**(e) Western Australia Divisional Branch**

Divisional Branch Organiser (6)  
(f) **Victorian Building Unions Divisional Branch**

Divisional Branch Organiser (13)

(g) **Victorian FEDFA Divisional Branch**

Divisional Branch Organiser (4)

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Yours faithfully,



John Sutton  
National Secretary  
CFMEU Construction and General Division

**Superina, Dean**  
**From:** Superina, Dean  
**Sent:** Thursday, 22 July 2004 3:00 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Election - CFMEU C & G Div - E2004/244

See attached PI and rulebooks for the abovementioned election.



E2004\_244.FA CFMEU Const & CFMEU Federal  
X in R2004-368 (25N R2004-326 (

Dean Superina  
NSW RIA Branch  
Australian Industrial Registry  
Ph: 02 8374 6506  
Fax: 02 9380 6990  
Email: Dean.Superina@air.gov.au



CONSTRUCTION

FORESTRY

MINING

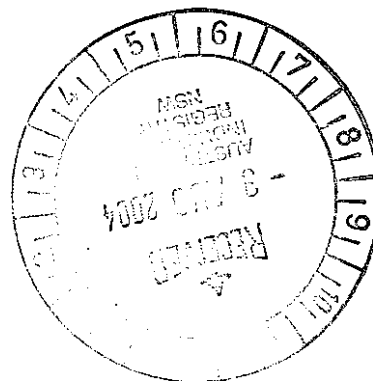
ENERGY

UNION

3<sup>rd</sup> August, 2004

Mr Barry Jenkins  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8, Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

By facsimile: (02) 9380 6990



Dear Mr Jenkins

Construction & General Division, Divisional Branch  
elections 2004

I write to you on behalf of myself and the Divisional Branch Secretaries of the Queensland Construction Labourers', South Australian, Victorian FEDFA and Western Australian Divisional Branches of the CFMEU's Construction & General Division ("the Division").

John Sutton, the Division's National Secretary, has circulated to us a copy of his letter to you of 22 July 2004 providing prescribed information in relation to the 2004 Divisional Branch elections.

Our concern in writing to you is the information which John has provided to you in relation to the number of Divisional Branch delegates to Divisional Conference to be elected from each Divisional Branch.

VICTORIAN  
DIVISIONAL BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

PH: (03) 9341 3444  
FAX: (03) 93413427

The Divisional Conference is the supreme governing body of the Division (Divisional Rule 8(i)). The Divisional Executive, which, pursuant to Divisional Rule 9(15), has the care, control, superintendence, management and administration of the Division in all respects and has and can exercise all the powers of Divisional Conference, is elected by and from the Divisional Conference (Divisional Rule 9(2)).

The proper composition of Divisional Conference is, therefore, of pre-eminent importance to the Division.

Divisional Branches are entitled to elect, including the Divisional Branch Secretary, one delegate for the first 2000 members or part thereof and one delegate for each succeeding 2000 members or part thereof (Divisional Rule 8(iii)). A number of other Divisional Rules provide for additional delegates.

Divisional Rule 8(iv) sets out a formula to determine the number of members of a Divisional Branch. This involves a calculation based on the amount of Divisional Branch income received, and the annual contribution for, each of the three years prior to the elections.

For the 2004 elections, the calculation therefore involves the amount of income each Divisional Branch has received in 2001, 2002 and 2003 (the financial year for the Division and the Divisional Branches is the year ending 31 December: Divisional Rules 15 and 36 (a)).

Although each of us is a member of Divisional Executive, we do not have access to details of the amount of income each Divisional Branch has received for those years, despite requesting the details from John Sutton. The financial statements for each Divisional Branch filed with the Registry as required by the RAO Schedule and Regulations and posted on the AIRC website do not include all of the relevant years for all of the Divisional Branches.

However, we have done some calculations based on the information which is publicly available and we have serious concerns about the information which John provided to you in relation to the number of Divisional Branch delegates to be elected from each Divisional Branch. For example, our calculations show that there would have had to have been a surprising increase in the amount of income received by the NSW Divisional Branch in 2003 compared to 2001 and 2002 for it to be entitled to elect the number of delegates suggested in John's letter to you.

There are other aspects of the Divisional Rules which we think are ambiguous as to the number of Divisional Conference delegates to be elected.

In light of our concerns and in view of our previous requests for information not having been met, I wrote to

John on 27 July 2004 asking that he provide relevant details by midday on 30 July 2004. I enclose a copy of my letter to him. He has not replied.

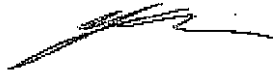
Section 189(3)(b) of the RAO Schedule of course requires that you be satisfied that an election for each Divisional Branch delegate to Divisional Conference is required to be held under our Rules.

In light of the foregoing, we submit that you should not be satisfied on the basis of the information which John has provided to you that an election is required to be held for each delegate suggested in John's letter to you.

We submit that in order to be so satisfied, you should require John to provide to you the details and calculations which he has used and made to arrive at the number of delegates to be elected by each Divisional Branch.

If you accept our submission and John provides the relevant details and calculations, we request that you provide to me on our behalf a copy of them.

Yours faithfully



**Martin Kingham**  
**Branch Secretary**



27 July 2004

John Sutton  
Secretary  
Construction and General – National Divisional Office  
Construction, Forestry, Mining and Energy Union  
2<sup>nd</sup> Floor, 15 Wentworth Ave  
Sydney NSW 2000

**CONSTRUCTION**

**FORESTRY**

**MINING**

**ENERGY**

**UNION**

**By facsimile: (02) 9267 8863**

Dear John

**Divisional Branch Conference delegates**

We refer to your correspondence dated 23 July 2004 and received at approximately at 4.30pm.

Thank you for providing us with the document setting the numbers of delegates for Divisional Conference. As we have only been provided with the raw numbers of delegates we are interested in being provided with further information which would have provided the basis for determining the numbers expressed in the document. Accordingly, we would appreciate some further information which would have been used to arrive at the figures in the document which is addressed to the Deputy Industrial Registrar. We believe that it is important that the process is seen to be totally transparent so as there can be no allegations of any impropriety given the importance of the delegates for Divisional Conference.

Therefore, we request the following information. In relation to Rule 8 (iii) and (iv) we request:

- (a) the gross number of members for each branch;
- (b) what is the Divisional Branch income used to divide the amount for each Branch;
- (c) what years were used to complete the above calculation; and
- (d) what average number of members was arrived at.

In relation to Victoria and New South Wales does the number of Divisional Conference delegates include Dave Noonan and Albert Littler in respect to Victoria and yourself and Lindsay Fraser in respect to the New South Wales delegate numbers.

Further we would like to know the method of calculating the number of delegates to Divisional Conference and whether the method of calculating the Divisional Branch conference delegates this time differed from the method which has been adopted in the past.

I look forward to your speedy response in relation to these issues and request a response by midday Friday, 30 July 2004.

VICTORIAN  
DIVISIONAL BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

PH: (03) 9341 3444

FAX: (03) 9348 1794

Yours sincerely,



**MARTIN KINGHAM  
STATE SECRETARY  
VICTORIAN BRANCH**

Cc Branch State Secretaries





**Australian Government**  
**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

# FACSIMILE

TO	Mr John Sutton, National Secretary,		
Organisation	CFMEU, Construction and General Division		
Fax Number	02 9267 8863	Phone Number	
FROM	Barry Jenkins		
Email	peter.mckerrow@air.gov.au		
Location	AIR Sydney		
Fax Number	02 9380 6990	Phone Number	02 8374 6666
No of Pages (including cover)	8	Date	9/08/2004
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**MESSAGE:**

Attn: Mr Tom Roberts

Please find attached a letter from the Deputy Industrial Registrar to Mr Sutton.

Peter McKerrow

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
063	MEMORY TX		92678863	08/08	OK

## ERRORS

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



Australian Government

Australian Industrial Registry

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

## FACSIMILE

TO	Mr John Sutton, National Secretary		
Organisation	CFMEU, Construction and General Division		
Fax Number	02 9267 8863	Phone Number	
FROM	Barry Jenkins		
Email	peter.mckerrow@air.gov.au		
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## MESSAGE:

Attn: Mr Tom Roberts



**Australian Government**

**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

Mr John Sutton  
National Secretary  
CFMEU  
Construction and General Division  
PO Box Q235  
QUEEN VICTORIA BUILDING NSW 1230

Dear Mr Sutton

**CFMEU - Construction and General Division Elections (E2004/244)**

I refer to the prescribed information lodged in the Registry on 22 July 2004 for elections for offices and other positions specified.

I have considered the information and the Federal and Divisional rules of the union. As explained below, before determining this matter I will require additional information. I also seek your comments on various matters.

South Australian Divisional Branch

The prescribed information states the number of (additional) members of Divisional Branch Council required to be elected is 13. Sub-rule 42(a)(vii) sets out the composition of the Branch's management committee. The total number of members of which the committee "consists" appears to be 16. Therefore it would appear that the requirement in sub-rule 40 (2)(vii) that the Branch Council "shall consist of the Divisional Branch Committee of Management together with an *equal number* of delegates" means that 16 not 13 additional members or delegates must be elected.

Victorian Building Unions Divisional Branch

Sub-rule 40(vi)(a) B provides for the composition of the Branch Council which comprises the Branch Management Committee and a number of "Zone Delegates" or "Zone Councillors" as they also appear to be described. Sub-rule 40(vi)(a) C provides for a formula for determining the number of delegates or councillors to which a particular Zone is entitled by reference to financial members "attached to the zone as at 5.00 p.m. on 30 July preceding the calling of nominations...".

The prescribed information states that the total number to be elected from all Zones is 71 and also lists against each Zone the number to be elected from that Zone. However, no figures for membership of each Zone are provided at the relevant date of 30 July 2004.

Please provide the membership figures for each Zone at the relevant date.

Victorian FEDFA Divisional Branch

The Registry received on 20 July 2004 prescribed information from the Divisional Branch Secretary of this Branch (E2004/242). I enclose a copy for your information. The prescribed information lodged by the Branch differs in the following respects from that lodged by the Division.

Office	FEDFA lodgement E2004/242	C&G Division lodgement
Members of Divisional Branch Management Committee	4	5
Organiser's Representative	Not referred to	1 (included as one of 5 members of committee of management above)
Delegates to Divisional Conference	3	2

Sub-rule 18(e)(iii) provides for the "offices" of the Divisional Branch which include 4 "Branch Management Committee Members" and also provides for an "Organiser's representative" on the committee. The organiser's representative is elected pursuant to sub-rule 37(vi)(a) "as soon as practicable after the branch elections".

Although the organiser's representative is not elected until after the branch elections when the composition of the college of branch organisers is determined, I believe there is nothing to prevent the organisation including it in the prescribed information. However, the FEDFA prescribed information does not call for an election for this position. If you have any comment on this matter, please provide it.

You will also note that the prescribed information lodged by FEDFA states that 3 delegates to Divisional Branch Conference are required whereas that lodged by the Division states 2. Please provide your comments on this matter.

#### Divisional Branch Delegates to Divisional Conference

The prescribed information for each Branch states a number of delegates required to be elected by members of each Branch to the Divisional Conference. There is no indication of how these entitlements have been determined. The number of delegates which must be elected is provided for in sub-rule 8(iii) and the method of determining the number of members of each branch is found in sub-rule 8(iv).

To assist me determine this matter, please provide:

- for each branch:
  - the amount of Divisional Branch income referred to in rule 14(j) received for each of the three years prior to 2004
  - the amount of the annual contribution for each year
- your working of the formula which is applied to produce the average number of notional members for the purposes of determining entitlements
- details of any branches to which it is considered the formula or method of determining entitlement in the second or third paragraph of sub-rule 8(iv) applies and your reasons.

If you wish to discuss any of these matters, please contact me on (02) 8374 6666 or in my absence, Peter McKerrow.

Yours sincerely



Barry Jenkins  
Deputy Industrial Registrar

9 August 2004

**Construction Forestry Mining & Energy Union**  
FEDFA – Victorian Divisional Branch



ASN 40 943 811 848

34-40 Barry Street,  
Carlton Victoria 3053

Telephone: (03) 9347 9777

Fax: (03) 9347 3365

Email: [service@fedfa.cfmeu.asn.au](mailto:service@fedfa.cfmeu.asn.au)

Mr Barry Jenkins  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8, Terrace Towers  
80 William Street  
East Sydney NSW 2011

By Fax: (02) 9380 6990

Dear Mr Jenkins

Lodgement of Prescribed Information  
Section 189, RAO Schedule

I refer to my letters to you of 4 May 2004 and 30 June 2004 and to your reply dated 30 June 2004.

I now enclose the prescribed information in relation to our forthcoming Divisional Branch elections.

It has not been possible for us to lodge the prescribed information before now because it was necessary for our Divisional Branch Council to determine several matters relating to the forthcoming elections, and the Council only met on 20 July 2004.

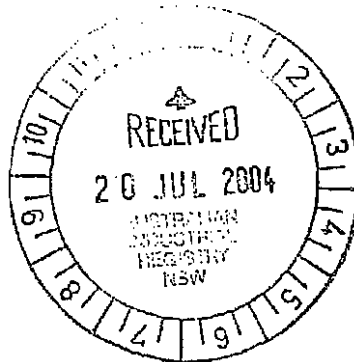
Accordingly I seek that you exercise your discretion under s189(2) of the RAO Schedule to allow us to lodge the prescribed information now.

Please advise me in writing whether you are prepared to exercise your discretion in that manner.

Yours faithfully

Tom Watson  
Divisional Branch Secretary

20 July 2004



*Workplace Relations Act 1996**Schedule 1B, Subsection 189(1)  
Prescribed information in relation to elections*

In the matter of

**Elections required to be conducted for offices or positions  
in the Victorian FEDFA Divisional Branch  
of the Construction and General Division  
of the Construction, Forestry, Mining and Energy Union**

**Prescribed Information**

1. Paragraph 138(1)(a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003* ("the RAO Regulations")

The name of each office or position for which an election is required is set out in the table below. The table identifies the name of the office or position in the first column, the number of positions which have the same name in the middle column, and, in the third column, a reference to the appropriate clause of the rules of the Union by which the existence of that office or position is established, identified or provided for.

Name of office or position	No. of positions	Rule
Divisional Branch President	1	18(e)(iii)
Divisional Branch Vice President	1	18(e)(iii)
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference	1	18(e)(iii)
Divisional Branch Assistant Secretary	1	18(e)(iii)
Organiser	4	18(e)(iii)
Member of Divisional Branch Management Committee (Metropolitan)	3	42(a)(vi)(B)
Member of Divisional Branch Management Committee (non-Metropolitan)	1	42(a)(vi)(B)
Divisional Branch Delegate to Divisional Conference	3	8(iv)
Member of Divisional Branch Council (Metropolitan District)	5	40(2)(vi)(b)(a)
Member of Divisional Branch Council (Country/Provincial District)	3	40(2)(vi)(b)(b)
Member of Divisional Branch Council (Latrobe Valley Sub-Branch)	1	40(2)(vi)(b)(c)

-2-

2. **Paragraph 138(1)(b) of the RAO Regulations**

The reason for the election, in relation to each of the offices or positions referred to in the table in the preceding paragraph, is that the term of the office or position is due to expire in the normal course of events

3. **Paragraph 138(1)(c) of the RAO Regulations**

Some of the offices or positions for which an election is required have the same name. Those offices or positions are identified in the table in section 1 hereof, and are identifiable by reference to the number in the middle column of that table.

4. **Paragraph 138(1)(d) of the RAO Regulations**

With respect to all of the offices or positions referred to in section 1 hereof, other than the offices or positions specified in the following table, the electorate is the whole of the membership of the Branch.

In the following table, offices or positions are specified in which the relevant electorate is a subset of the membership of the Branch. The first column identifies the office or position, and the second column identifies the electorate.

Member of Divisional Branch Management Committee (Metropolitan)	Metropolitan District, as defined in rule 40(2)(vi)(b)(a)
Member of Divisional Branch Management Committee (non-Metropolitan)	All members other than those in the Metropolitan District, as defined in rule 40(2)(vi)(b)(a)
Member of Divisional Branch Council (Metropolitan District)	Metropolitan District, as defined in rule 40(2)(vi)(b)(a)
Member of Divisional Branch Council (Country/Provincial District)	Members not residing within either the Metropolitan District (as defined in rule 40(2)(vi)(b)(a)) or the Latrobe Valley Sub-Branch (as defined by rule 63A(i))
Member of Divisional Branch Council (Latrobe Valley Sub-Branch)	Latrobe Valley Sub-Branch, as defined by rule 63A(i)

5. **Paragraph 138(1)(e) of the RAO Regulations**

In the table set out below, the date and time of the beginning and end of the period in which nominations of candidates will be called for and may be made

-3-

under the rules of the Branch in relation to the election of each of the offices or positions referred to in section 1 hereof is given.

Event	Date specified in rules	Time specified in rules	Rule
Opening of Nominations	"Last day of August", Tuesday 31 August 2004	Not specified	38(c)
Close of Nominations	"Second last Friday of September", 17 September 2004	4.00pm	38(e)

With respect to the opening of nominations, it is noted that the terms of the follows:

*Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.*

It can be observed that, if applied literally, rule 38(c) produces an absurdity. It is submitted that that paragraph should be read as if the reference to "1996" were followed by the words "and each four years thereafter following that date". That approach is consistent with the language of the subrule concerning the close of nominations, subrule 38(e).

#### 6. Paragraph 138(1)(f) of the RAO Regulations

Subrule 38(p) provides, *inter alia*, that "[f]or the purposes of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date)."

In the case of the elections which are the subject of the prescribed information hereby provided, nominations open on Tuesday 31 August 2004.

Accordingly, by operation of subrule 38(p), the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed is Monday 23 August 2004.

#### 7. Paragraph 138(1)(g) of the RAO Regulations

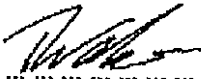
The kind of voting system to be used in the conduct of the election, in respect of each of the offices or positions referred to in section 1 hereof, is a direct voting system.



8. Subregulation 138(2) of the RAO Regulations

The information in this document is lodged under subsection 189(1) of the RAO Schedule, and I, Tom Watson, am authorised to sign this statement on behalf of the Victorian FEDFA Divisional Branch of the Construction and General Division of the Construction, Forestry, Mining and Energy Union.

Signed:

  
.....  
Tom Watson  
Divisional Branch Secretary  
Victorian FEDFA Divisional Branch  
Construction and General Division  
CFMEU

20 July 2004

Address: 34-40 Barry Street  
Carlton  
Victoria 3052

Telephone (03) 9347 9777  
Facsimile (03) 9347 3385



## FACSIMILE

<b>TO</b>	Mr John Sutton, National Secretary		
<b>Organisation</b>	CFMEU, Construction and General Division		
<b>Fax Number</b>	02 9267 8863	<b>Phone Number</b>	
<b>FROM</b>	Barry Jenkins		
<b>Email</b>	peter.mckerrow@air.gov.au		
<b>Location</b>	AIR Sydney		
<b>Fax Number</b>	02 9380 6990	<b>Phone Number</b>	02 8374 6666
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---

### MESSAGE:

Attn: Tom Roberts

As requested, attached is a copy of correspondence from Mr M Kingham attached to file E2004/244 held in the Registry.

Peter McKerrow  
Assistant Manager

AIRC SYDNEY 61 2 93806990

(AUTO)

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
068	MEMORY TX		92678863	06/06	OK

ERRORS

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**Australian Government**  
**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 6374 6666  
Fax: (02) 9380 6990

# FACSIMILE

<b>TO</b>	Mr John Sutton, National Secretary		
<b>Organisation</b>	CFMEU, Construction and General Division		
<b>Fax Number</b>	02 9267 8863	<b>Phone Number</b>	
<b>FROM</b>	Barry Jenkins		
<b>Email</b>	peter.mckerrow@air.gov.au		
<b>Location</b>	AIR Sydney		
<b>Fax Number</b>	02 9380 6990	<b>Phone Number</b>	02 8374 6666
<b>No of Pages (including cover)</b>	6	<b>Date</b>	10/08/2004
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**MESSAGE:**

Attn: Tom Roberts



CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

3<sup>rd</sup> August, 2004

Mr Barry Jenkins  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8, Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

By facsimile: (02) 9380 6990

Dear Mr Jenkins

Construction & General Division, Divisional Branch  
elections 2004

I write to you on behalf of myself and the Divisional Branch Secretaries of the Queensland Construction Labourers', South Australian, Victorian FEDFA and Western Australian Divisional Branches of the CFMEU's Construction & General Division ("the Division").

John Sutton, the Division's National Secretary, has circulated to us a copy of his letter to you of 22 July 2004 providing prescribed information in relation to the 2004 Divisional Branch elections.

Our concern in writing to you is the information which John has provided to you in relation to the number of Divisional Branch delegates to Divisional Conference to be elected from each Divisional Branch.

VICTORIAN  
DIVISIONAL BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

PH: (03) 9341 3444  
FAX: (03) 93413427

The Divisional Conference is the supreme governing body of the Division (Divisional Rule 8(i)). The Divisional Executive, which, pursuant to Divisional Rule 9(15), has the care, control, superintendence, management and administration of the Division in all respects and has and can exercise all the powers of Divisional Conference, is elected by and from the Divisional Conference (Divisional Rule 9(2)).

The proper composition of Divisional Conference is, therefore, of pre-eminent importance to the Division.

Divisional Branches are entitled to elect, including the Divisional Branch Secretary, one delegate for the first 2000 members or part thereof and one delegate for each succeeding 2000 members or part thereof (Divisional Rule 8(iii)). A number of other Divisional Rules provide for additional delegates.

Divisional Rule 8(iv) sets out a formula to determine the number of members of a Divisional Branch. This involves a calculation based on the amount of Divisional Branch income received, and the annual contribution for, each of the three years prior to the elections.

For the 2004 elections, the calculation therefore involves the amount of income each Divisional Branch has received in 2001, 2002 and 2003 (the financial year for the Division and the Divisional Branches is the year ending 31 December: Divisional Rules 15 and 36 (a)).

Although each of us is a member of Divisional Executive, we do not have access to details of the amount of income each Divisional Branch has received for those years, despite requesting the details from John Sutton. The financial statements for each Divisional Branch filed with the Registry as required by the RAO Schedule and Regulations and posted on the AIRC website do not include all of the relevant years for all of the Divisional Branches.

However, we have done some calculations based on the information which is publicly available and we have serious concerns about the information which John provided to you in relation to the number of Divisional Branch delegates to be elected from each Divisional Branch. For example, our calculations show that there would have had to have been a surprising increase in the amount of income received by the NSW Divisional Branch in 2003 compared to 2001 and 2002 for it to be entitled to elect the number of delegates suggested in John's letter to you.

There are other aspects of the Divisional Rules which we think are ambiguous as to the number of Divisional Conference delegates to be elected.

In light of our concerns and in view of our previous requests for information not having been met, I wrote to

John on 27 July 2004 asking that he provide relevant details by midday on 30 July 2004. I enclose a copy of my letter to him. He has not replied.

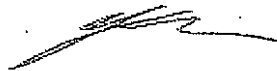
Section 189(3)(b) of the RAO Schedule of course requires that you be satisfied that an election for each Divisional Branch delegate to Divisional Conference is required to be held under our Rules.

In light of the foregoing, we submit that you should not be satisfied on the basis of the information which John has provided to you that an election is required to be held for each delegate suggested in John's letter to you.

We submit that in order to be so satisfied, you should require John to provide to you the details and calculations which he has used and made to arrive at the number of delegates to be elected by each Divisional Branch.

If you accept our submission and John provides the relevant details and calculations, we request that you provide to me on our behalf a copy of them.

Yours faithfully



**Martin Kingham**  
**Branch Secretary**



27 July 2004

John Sutton  
 Secretary  
 Construction and General – National Divisional Office  
 Construction, Forestry, Mining and Energy Union  
 2<sup>nd</sup> Floor, 15 Wentworth Ave  
 Sydney NSW 2000

CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

**By facsimile: (02) 9267 8863**

Dear John

**Divisional Branch Conference delegates**

We refer to your correspondence dated 23 July 2004 and received at approximately at 4.30pm.

Thank you for providing us with the document setting the numbers of delegates for Divisional Conference. As we have only been provided with the raw numbers of delegates we are interested in being provided with further information which would have provided the basis for determining the numbers expressed in the document. Accordingly, we would appreciate some further information which would have been used to arrive at the figures in the document which is addressed to the Deputy Industrial Registrar. We believe that it is important that the process is seen to be totally transparent so as there can be no allegations of any impropriety given the importance of the delegates for Divisional Conference.

Therefore, we request the following information. In relation to Rule 8 (iii) and (iv) we request:

- (a) the gross number of members for each branch;
- (b) what is the Divisional Branch income used to divide the amount for each Branch;
- (c) what years were used to complete the above calculation; and
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In relation to Victoria and New South Wales does the number of Divisional Conference delegates include Dave Noonan and Albert Littler in respect to Victoria and yourself and Lindsay Fraser in respect to the New South Wales delegate numbers.

Further we would like to know the method of calculating the number of delegates to Divisional Conference and whether the method of calculating the Divisional Branch conference delegates this time differed from the method which has been adopted in the past.

I look forward to your speedy response in relation to these issues and request a response by midday Friday, 30 July 2004.

VICTORIAN  
 DIVISIONAL BRANCH  
 500 SWANSTON STREET  
 CARLTON STH, VIC 3053

PH: (03) 9341 3444

FAX: (03) 9348 1794

Yours sincerely,

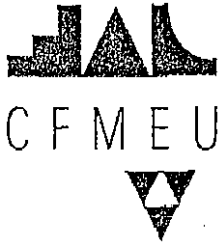


**MARTIN KINGHAM  
STATE SECRETARY  
VICTORIAN BRANCH**

Cc Branch State Secretaries



FACSIMILE



Construction Forestry Mining Energy Union  
Construction and General Division  
National Office

P O BOX Q235  
QVB POST OFFICE  
Sydney, NSW 1230

☎ (02) 9267 7644  
☐ (02) 9267 8863

TO: DEPUTY IND REGISTRAR Fax No: 9380 6990  
ATTENTION MR BARRY JENRINS

FROM: LINDSAY FRASER

DATE: 16-8-04

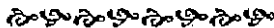
Re: CFMEU CGE ELECTIONS

Pages to follow: 7

Message:

Please find attached a reply to your correspondence 9/8/04 re the CFMEU construction div elections.

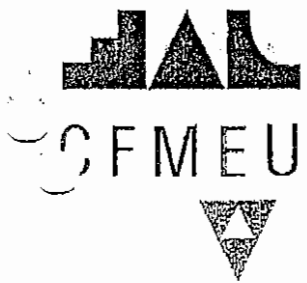
Lindsay Fraser



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



11 August, 2004.

CONSTRUCTION  
FORESTRY  
MINING  
ENERGY  
UNION

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

Attn: Mr. B. Jenkins.

Dear Mr Jenkins,

**Re: CFMEU – C&G Division Elections (E2004/244)**

I refer to your correspondence dated 9 August 2004, and respond to each of the issues you have raised as follows:

**South Australian Division Branch**

I accept that pursuant to Rule 42(a)(vii) the Divisional Branch Management Committee consists of 16 members and that therefore in addition to those members, the number of additional Branch Council members is, by virtue of Rule 40(2)(vii), 16. I ask that the prescribed information be amended accordingly.

**Victorian Building Unions Divisional Branch**

On the basis of the most recent information provided by this Divisional Branch with respect to these zones I advise that the financial membership of the respective zones referred to in Rule 40(vi)(a) is as follows:

Metropolitan Melbourne Zone	19,412
Geelong Zone	1,358
Central Victoria Zone	539
Northern Victoria Zone	240
La Trobe Zone	563

By application of the formula set out in Rule 40(vi)(a)C the total number of Zone Delegates is 74, consisting of

Metropolitan Melbourne Zone	58
Geelong Zone	4
Central Victoria Zone	4
Northern Victoria Zone	4
La Trobe Zone	4

  
CONSTRUCTION &  
GENERAL DIVISION  
ABN 46 243 168 565

JOHN SUTTON  
National Secretary  
  
FEDERAL OFFICE  
LEVEL 2  
15 WENTWORTH AVENUE  
SYDNEY NSW 2000

PO BOX 0235  
QUEEN VICTORIA BLDG  
POST OFFICE  
SYDNEY NSW 1230

PH: (02) 9267 7644  
FAX: (02) 9267 8863  
WEB:

[www.cfmeu.asn.au/construction](http://www.cfmeu.asn.au/construction)

I ask that the prescribed information be amended accordingly.

**Victorian FEDFA Divisional Branch**

The difference in relation to the Divisional Branch Management Committee arises as a consequence of the Organisers' representative as identified in your correspondence. I note that the election for this position is conducted "as soon as practicable after the branch elections" [Rule 37(vi)(b)] and that the total number of Divisional Branch Management Committee members would be 9 on completion of the election for this position. On this basis I do not consider that there is any material difference between the information lodged by this office and that lodged by the Divisional Branch.

**Divisional Branch Delegates to Divisional Conference**

I turn now to your request for information which you state will assist in your determination following my advice to you of information prescribed by Reg. 138 of the RAO Regulations and provided under s.189(1) of Schedule 1B of the Act.

I note that you have received correspondence dated 20 July 2004 from the Divisional Branch Secretary of the FEDFA Divisional Branch of the Division that purports to be a "Lodgement of Prescribed Information" pursuant to Section 189 of Schedule 1B. I further note that you have received a letter dated 3 August 2004 from the Victorian Divisional Branch Secretary of the Division in which representations are made to you as to the prescribed information I lodged in respect of the Division on 22 July 2004.

May I draw your attention to the relevant provisions of CFMEU rules in relation to the provision to the AIRC of required information under the Act or Regulations.

- 1. Rule 27 of the National Rules of the CFMEU provides that each Division of the Union shall have autonomy to decide matters including *"the election of officers within the Division"*.
- 2. Rule 33 of the National CFMEU Rules dealing with the Registered Officer of the Union provides in paragraph (iii):

*"Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary."*

- 3. Rule 13(ii) of the Rules of the Construction and General Division provides:

*"The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional Finance, filing of documents for the Division, industrial returns that are required by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive". (Emphasis added.)*

It follows that I as the Divisional Secretary have sole responsibility for the filing of prescribed information in reg.138 of the RAO Regulations and have done so by my letter

and attachments of 22 July 2004. The communication to you of that date from Mr Watson on behalf of the PEDFA Divisional Branch has no status under, and is contrary to, the rules of the Division. I would thus respectfully suggest that in these circumstances you can have no regard to Watson's communication to you.

I turn now to your determination as to whether elections in the Division are required, following my lodgement of the prescribed information. I regret that others in the Division have chosen to write to you and seek to involve the Industrial Registrar in relation to my duty under the rules of the Division and the requirement under the Act for the Division to provide the prescribed information. In these circumstances I have felt it necessary to here summarise the provisions of the Act and the Regulations dealing with the calling of elections in registered organisations.

Once the prescribed information has been lodged under s.189(1), s.189(3)(b) provides that the Registrar must be, "*satisfied that an election is required to be held under the rules of the organisation or branch*". If so, s.193 provides that, "*a Registrar must arrange for the conduct of the election by the AEC*". I note that Regulation 138(1)(c) of the RAO Regulations requires that if the number of positions for which an election is required can be determined before the prescribed day, the number of positions to be filled in the election is prescribed information that must be provided by the organisation or branch.

I have provided that prescribed information to you on 22 July 2004. Unfortunately some of my colleagues have chosen to question the accuracy of that prescribed information or to raise other issues with you in relation to what I have done. I respectfully suggest that there are other remedies available to any member of the Division if he or she wishes to challenge my actions in this regard or to challenge a resulting election. What is not open to challenge is that I have provided the prescribed information that I am under a duty to provide. I confirm that I have acted at all times in a bona fide manner in relation to those duties.

In my view the Act and the Regulations make it clear that there can be no opportunity for the Industrial Registrar to make further inquiries as to the basis for the particular prescribed information provided pursuant to s.189(1) of Schedule 1B of the Act, despite the pressure on you to do so from some of my colleagues in this particular instance. I respectfully suggest that it is clear from the rules of the Division and the prescribed information I have provided that an election is required for Branch Delegates to the Divisional Conference. If you do not agree you are not able to arrange for the conduct of the election by the AEC. If you agree with my submission that an election is required, it is your duty to arrange for that election to be conducted.

Having made clear our view of the Act and your functions under it, I nevertheless do not want to depart from my past practice of seeking to assist you in the performance of your functions and am happy to provide all of the information in this letter. However, for the reasons I have set out above, I do not believe that the information below as to your queries can have any relevance to your decision as to whether or not an election is required. Nor can it be the subject of a debate between the Registry and the responsible officer of the Division providing the prescribed information, myself, and other members of or office-holders within the Division.

Attachment 1 sets out the information you require for the determination of Divisional Branch Delegates to Divisional Conference and answers your first two dot points.

In relation to the last dot point you will be aware that the rule alterations that created the Victorian FEDFA Divisional Branch as part of the Construction & General Division were certified by the Registry on 28 October 2003 [R No 2003/60]. The Divisional Branch did not exist within the Division for a full half year in the 2003 year. That being the case the approach that has been adopted has been to divide the audited income from contributions for 2003 by the amount of contributions that applied from the period 28 October 2003 to 31 December 2003.

Should you require any further information please contact this office.

Yours faithfully,



John Sutton  
National Secretary  
Construction & General Division

Atch.

**CFMEU**  
**Construction and General Division**  
**Divisional Branch Delegates to Divisional Conference**

Formula - Rule 8 (iv) Construction and General Division Rules

$$\text{Average number of members} = \frac{\text{sum of number of members per annum for 3 years}}{3}$$

Where:  $\text{Number of members per annum} = \frac{\text{annual income}}{\text{annual contributions}}$

Divisional Branch	Annual Contributions (\$)			Annual Income (\$)		
	2001	2002	2003	2001	2002	2003
1. Victoria Average number of members = 23,816 Divisional Conference Delegates including Divisional Branch Secretary = 12 Divisional Officer as Divisional Conference Delegate as per Rule 8 (vii) = 1	290.91	300	318.18	6,564,439	7,291,209	7,820,876
2. Queensland Construction Workers Average number of members = 9,918 Divisional Conference Delegates including Divisional Branch Secretary = 5 Divisional Officer as Divisional Conference Delegate as per Rule 8 (vii) = 1	357.27	370	385.45	3,419,915	3,669,434	3,956,273

16-AUG-2004 10:43 FROM CFMEU C&G NAT OFFICE TO 93806990 P.06/08

Divisional Conference Delegates as per Rule 8 (ii) = 2						
3. <b>Western Australia</b> Average number of members = 7,172 Divisional Conference Delegates including Divisional Branch Secretary = 4	380.90	392.72	410.91	2,787,348	2,764,783	2,941,760
4. <b>South Australia</b> Average Number of members = 2,758 Divisional Conference Delegates including Divisional Branch Secretary = 2 Divisional Conference Delegate as per Rule 8 (ii) = 1	266.36	278.18	310	696,483	783,809	880,892
5. <b>Victoria FEDFA</b> Average number of members = 5,198 Divisional Conference Delegates including Divisional Branch Secretary = 3	-	-	300	-	-	1,559,658
6. <b>NSW</b> Average number of members = 22,992 Divisional Conference Delegates including Divisional Branch Secretary = 12 Divisional Officer as Divisional Conference Delegate as per Rule 8 (vii) = 2	309.09	327.27	340.91	6,404,539	6,701,971	9,470,743
7. <b>Queensland Builders Labourers</b> Average number of members = 5,653	377.27	395.45	413.64	1,992,618	2,191,249	2,538,189

15-AUG-2004 10:43 FROM CFMEU C&S NAT OFFICE TO

Divisional Conference Delegates including Divisional Branch Secretary = 3						
8. ACT  Average number of members = 1,630  Divisional Conference Delegates including Divisional Branch Secretary = 1  Divisional Conference Delegate as per Rule 8 (ii) = 1	300	304.55	340.91	490,143	503,249	546,768
9. Tasmania  Average number of members = 829  Divisional Conference Delegates including Divisional Branch Secretary = 1  Divisional Conference Delegate as per Rule 18 (b) (iii) = 1	268.18	294.55	316.36	245,143	234,602	246,319
10. Brick Tile Pottery  Average number of members = 1,552  Divisional Conference Delegates including Divisional Branch Secretary = 1  Divisional Conference Delegate as per Rule 8 (ii) = 1	260	281.27	328.18	425,077	443,961	522,458





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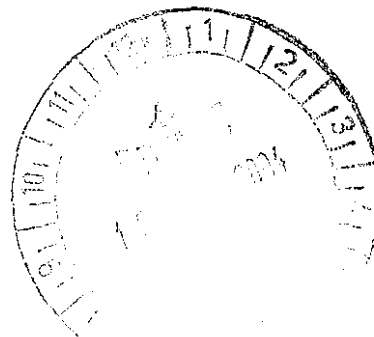
## FACSIMILE

---

To:	Mr Barry Jenkins	Date:	18 August 2004
Firm:	Deputy Industrial Registrar Australian Industrial Registry	Your ref:	
Fax No:	(02) 9380 6990	Our Ref:	ID1:276443
From:	Marcus Clayton	Pages:	4 (including cover)
RE:	<b>CFMEU, Construction &amp; General Division, Divisional Branch elections</b>		

---

Letter to follow



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Our Ref: ID1:276443

18 August 2004

Mr Barry Jenkins  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8  
Terrace Towers  
80 William Street  
East Sydney NSW 2011

By facsimile: (02) 9380 6990

Dear Mr Jenkins

**Re: CFMEU, Construction & General Division, Divisional Branch elections**

I refer to my telephone conversations with Registry staff and confirm that I act for the Queensland Construction Labourers', South Australian, Victorian FEDFA, Victorian Building Unions and Western Australian Divisional Branches of the Construction and General Division of the CFMEU.

I acknowledge receipt of the copy of the Divisional National Secretary's letter to you of 11 August 2004 ("John Sutton's letter"), including the table attached to it in relation to Divisional Branch Delegates to Divisional Conference ("the table").

What follows below is restricted to two aspects of the prescribed information provided to you by John Sutton. However my clients reserve all their rights in relation to other aspects of the prescribed information provided, including the issue of whether the provisions of the Divisional Rules in relation to the composition of the Divisional Conference comply with the Workplace Relations Act 1996 and the RAO Schedule and regulations.

## 1. NSW Divisional Branch

The table shows a literally extraordinary increase in the annual income of the NSW Branch in 2003 compared to 2002.

The table shows an increase of about 41 per cent in annual income which, on the basis of the annual contribution shown in the table, would indicate an increase in membership in that year in the order of 8000 members.

My clients find it impossible to believe that there could have been such an increase in membership. Their incredulity is reinforced by the fact that no member of the Divisional Executive from NSW ever reported such an increase to that body. I am also instructed that there has been no mention of such an increase in membership in the NSW branch journal.

In John Sutton's letter he in effect suggests that, for the purposes of section 189(3) of the RAO Schedule, you should be satisfied by the bald information he first provided to you that the conduct of the elections for the number of Divisional Conference delegates he specified should be arranged.

My clients submit, with respect, that that proposition cannot be correct and that you are entitled to, and indeed obliged, under section 89(3) to satisfy yourself that the election of each delegate is required to be held. My clients respectfully submit that you should require further information from John Sutton about the NSW 2003 annual income figure.

Apart from your duties under section 189(3), my clients note that you have powers under sections 330 and 331 of the RAO Schedule.

## 2. Victorian FEDFA Divisional Branch


As noted in John Sutton's letter, the Victorian FEDFA Divisional Branch only came into existence on 28 October 2003. In those circumstances, my clients do not understand the reference to "the audited income from contributions for 2003" in the second last paragraph of John Sutton's letter.

The situation of the Victorian FEDFA Divisional Branch is provided for in the second paragraph of sub-rule 8(iv) of the Divisional Rules because it has not existed for three years. That paragraph specifies that the relevant Divisional Branch income shall be that received in the number of half years that the Divisional Branch has existed. In the case of the Victorian FEDFA Divisional Branch, it has existed for only one half-year, being from 1 January to 30 June 2004, given that the financial year for the Division and its Branches is that from 1 January to 31 December (Divisional Rules 15 and 36(a)). I am instructed that the Secretary of the Victorian FEDFA Divisional Branch has already provided to you details of the income received by the Branch in that half-year.

In light of the above, my clients submit that you should not be satisfied that elections for the number of delegates by and from the Victorian FEDFA Divisional Branch suggested by John Sutton are required to be held. Our clients submit that rather you should be satisfied on the basis of the information provided to you by the Secretary of the Victorian FEDFA Divisional Branch, that

elections for the number of delegates suggested by him are required to be held.

Yours sincerely,



Marcus Clayton  
Partner  
Industrial, Employment & Public Interest Unit  
**SLATER & GORDON**



# FACSIMILE

<b>TO</b>	Mr John Sutton, National Secretary		
<b>Organisation</b>	CFMEU Construction and General Division		
<b>Fax Number</b>	02 92678863	<b>Phone Number</b>	
<b>FROM</b>	Peter McKerrow		
<b>Email</b>	peter.mckerrow@air.gov.au		
<b>Location</b>	AIR Sydney		
<b>Fax Number</b>	02 9380 6990	<b>Phone Number</b>	02 8374 6666
<b>No of Pages (including cover)</b>	5	<b>Date</b>	20/08/2004
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## MESSAGE:

**ATTN: TOM ROBERTS**

For your information, please find attached a copy of a submission to the Deputy Industrial Registrar received from Slater and Gordon Solicitors.

Peter McKerrow  
Asst. Manager

**McKERROW, Peter**

---

**From:** Tom Roberts [troberts@fed.cfmeu.asn.au]  
**Sent:** Friday, 20 August 2004 1:17 PM  
**To:** 'McKERROW, Peter'  
**Subject:** RE: C&G Division Election

Thanks Peter. Email and fax received.  
Are you able to provide any information about timing of decision regarding election at this stage?

Tom Roberts  
Senior National Legal Officer  
CFMEU Construction & General Division  
Email: troberts@fed.cfmeu.asn.au

-----Original Message-----

From: McKERROW, Peter [mailto:Peter.McKERROW@air.gov.au]  
Sent: 20 August 2004 12:13  
To: 'Tom Roberts'  
Subject: C&G Division Election  
Importance: High

Tom  
I have been trying to get a fax through to you this morning from Barry without apparent success. I have scanned the documents into the attached file. If you have any trouble reading them, please let me know.

Regards <<0001001.TIF>>  
Peter McKerrow  
Australian Industrial Registry  
NSW

\*\*\*\*\*  
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PR950892

WORKPLACE RELATIONS ACT 1996  
s189 RAO Schedule - arrangement for conduct of an election

**Construction, Forestry, Mining and Energy Union**  
**(E2004/242 and E2004/244)**

BARRY JENKINS  
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 24 August 2004

DECISION

On 20 July 2004 the Victorian FEDFA Divisional Branch of the Construction and General Division, and on 22 July 2004 and 16 August 2004 the Construction and General Division of the abovenamed organisation, lodged in the Industrial Registry prescribed information under subsection 189(1) of Schedule 1B of the Workplace Relations Act 1996 in relation to elections for offices and positions.

I am satisfied that an election for the offices in Attachment "A" and the positions in Attachment "B" is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



## Attachment "A"

### Queensland Construction Workers Divisional Branch

Divisional Branch President  
Divisional Branch Vice President (3)  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Plasterers)/Divisional Branch Delegate to  
Divisional Conference  
Divisional Branch Assistant Secretary (Painters)/Divisional Branch Delegate to Divisional  
Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Executive Member (3)  
State Management Committee Member (16)  
Additional Divisional Branch Delegate to Divisional Conference (2)\*

### Queensland Builders Labourers Divisional Branch

Divisional Branch President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Trustee (2)  
Divisional Branch Treasurer  
Divisional Branch Guardian  
Divisional Branch Executive Member (4)  
Additional Divisional Branch Delegate to Divisional Conference (2)\*

### New South Wales Divisional Branch

Divisional Branch President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Council Members (36) comprising -  
    Sydney Zone (27)  
    Newcastle Zone (3)  
    Wollongong Zone (3)  
    Country Zone (3)  
Divisional Branch Management Committee Member (26)  
Additional Divisional Branch Delegate to Divisional Conference (11)\*

### ACT Divisional Branch

Divisional Branch President  
Divisional Branch Secretary  
Divisional Branch Vice President (2)  
Divisional Branch Secretary/Divisional Branch Treasurer/Divisional Branch Delegate to  
Divisional Conference  
Divisional Branch Assistant Secretary (Plasterer)/Divisional Branch Delegate to Divisional  
Conference  
Divisional Branch Council Member (9)  
Divisional Branch Management Committee Member (11)



### South Australia Divisional Branch

Divisional Branch Senior Vice President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Treasurer  
Divisional Branch Trustee (2)  
Divisional Branch Management Committee Member (5)  
Divisional Branch Organiser/Divisional Branch Management Committee Member (2)  
Divisional Branch Council Member (16)

### Western Australia Divisional Branch

Divisional Branch President  
Divisional Branch Senior Vice President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Trustee (3)  
Divisional Branch Treasurer  
Divisional Branch Council Member (20)  
Divisional Branch Management Committee Member (5)  
Additional Divisional Branch Delegate to Divisional Conference (3)\*

### Tasmania Divisional Branch

Divisional Branch President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Management Committee Member (13)  
Divisional Branch Council Member (5) including -  
    Hobart and Southern Zone (3)  
    Launceston Zone (1)  
    North West Zone (1)

### Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch

Divisional Branch President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Victoria)  
Divisional Branch Assistant Secretary (New South Wales)  
Divisional Branch Assistant Secretary (Western Australia)  
Divisional Branch Management Committee Member (New South Wales)  
Divisional Branch Management Committee Member (Victoria)

### Victorian Building Unions Divisional Branch

Divisional Branch President

Divisional Branch Vice President (3)

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary

Divisional Branch Management Committee Member (17)

Divisional Branch Council Member (74) comprising -

Metropolitan Melbourne Zone (58)

Geelong Zone (4)

Central Victoria Zone (4)

Northern Victoria Zone (4)

Latrobe Zone (4)

Additional Divisional Branch Delegate to Divisional Conference (11)\*

### Victorian FEDFA Divisional Branch

Divisional Branch President

Divisional Branch Vice President

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary

Divisional Branch Management Committee Member (5) comprising -

Metropolitan District (3)

Non-Metropolitan District (1)

Organiser's Representative (1)

Divisional Branch Council Member (9) comprising -

Metropolitan District (5)

Country/Provincial District (3)

Latrobe Valley Sub Branch (1)

Additional Divisional Branch Delegate to Divisional Conference (2)\*

\*(Rule 8 (vii): "[...] Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch".

**Attachment "B"**

Queensland Construction Workers Divisional Branch

Divisional Branch Organiser (17)

Queensland Builders Labourers Divisional Branch

Divisional Branch Organiser (10)

New South Wales Divisional Branch

Divisional Branch Organiser (26)

ACT Divisional Branch

Divisional Branch Organiser (1)

Western Australia Divisional Branch

Divisional Branch Organiser (6)

Victorian Building Unions Divisional Branch

Divisional Building Organiser (13)

Victorian FEDFA Divisional Branch

Divisional Branch Organiser (4)

**Superina, Dean**  
**From:** Superina, Dean  
**Sent:** Tuesday, 24 August 2004 2:34 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Election - CFMEU - E2004/242 and E2004/244

See attached decision, amended prescribed information and current rulebooks.



E2004 242 & E2004\_242 Amended PI CFMEU Const & CFMEU Federal  
24 244 CFMEU (td E2004\_244.p=MEU 160804.pn R2004-368 (25N R2004-379 (

Dean Superina  
NSW Statutory Services Branch  
Australian Industrial Registry  
Ph: (02) 8374 6506  
Fax: (02) 9380 6990  
Email: Dean.Superina@air.gov.au



**AUSTRALIAN INDUSTRIAL REGISTRY  
NSW REGISTRY**

*Level 8, Terrace Towers, 80 William Street,  
East Sydney, NSW 2011*

Telephone: 8374 6666

Fax: 9380 6990

**FACSIMILE**

TO

John Sutton

Organisation

CFMEU

Fax Number

9267 8863

Phone  
Number

9267 7644

FROM

Dean Superina

No of Pages  
(including cover)

11

Time

3:30

Date

24/8/04

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Urgent

Routine Transmission

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MESSAGE:

See attached decision & letter. (including copy of letter to T Watson)

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
007	MEMORY TX		92678863	11/11	OK

ERRORS

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



**AUSTRALIAN INDUSTRIAL REGISTRY  
NSW REGISTRY**

*Level 8, Terrace Towers, 80 William Street,  
East Sydney, NSW 2011*

Telephone: 8374 6666  
Fax: 9380 6990

**FACSIMILE**

TO

John Sutton

Organisation

CFMEU

Fax Number

9267 8863

Phone Number

9267 7647

FROM



**Australian Government**  
**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

Mr John Sutton  
National Secretary  
Construction and General Division  
CFMEU  
PO Box Q235  
QUEEN VICTORIA BUILDING NSW 1230

Dear Mr Sutton

**Re: Arrangements for the conduct of an Election  
(E2004/242 and E2004/244)**

I refer to the prescribed information the Division lodged in the Registry on 22 July 2004 and further and amending prescribed information lodged on 16 August 2004. I allow the Division until the relevant dates to lodge the prescribed information in accordance with s189(2) of the RAO Schedule.

Prior to the Division's lodgement, on 20 July 2004 the Victorian FEDFA Divisional Branch (the FEDFA Branch) lodged prescribed information in relation to offices and positions within that Branch including offices and positions referred to in the Division's lodgement of 22 July 2004.

In addition to prescribed information lodged, I received correspondence from Mr Martin Kingham, State Secretary of the Victorian Building Unions Divisional Branch on 3 August 2004 on behalf of specified Branch Secretaries including the Secretary of the FEDFA Branch. Mr Kingham's letter commented on Branches' entitlements to delegates to the Divisional Conference and attached a copy of his letter to you of 27 July 2004 on that issue.

On 9 August 2004 I wrote to you seeking further information to enable me to determine whether elections were required for certain offices of various Branches (including the FEDFA Branch) of the Division and the number of such offices. On the same day I wrote to the Secretary of the FEDFA Branch for his comments on the Division's lodgement in relation to his Branch and seeking other information to enable me to determine the matter.

On 12 August 2004 Secretary of the FEDFA Branch responded to my letter of 9 August 2004.

On 16 August 2004, the Division lodged further and amending prescribed information. In that correspondence you also submitted that under the rules of your organisation only the National Secretary was entitled to lodge prescribed information and that I should have no regard for the prescribed information lodged by the FEDFA Branch on 20 July 2004. Your letter attached a table setting out financial and other information for each Branch illustrating the method by which entitlement of each to Divisional Conference delegates specified in the prescribed information lodged on 22 July 2004 had been calculated.

On 18 August 2004 I received correspondence from solicitors Slater & Gordon representing the FEDFA Branch and other specified Branches in which the figures applied in the table to calculate the Divisional Conference delegate entitlement of the New South Wales Divisional

Branch and the FEDFA Branch were disputed. In particular, it was submitted that whereas the prescribed information lodged by the Division stated the FEDFA Branch entitlement (including the Branch Secretary) was 3, the correct entitlement was as specified in the prescribed information the FEDFA Branch lodged on 20 July 2004 (including the Branch Secretary - 4 delegates).

I have considered all the prescribed information and other comments and information provided in these matters.

I accept that the Divisional Secretary is the responsible officer for the filing of documents for the Division in accordance with the rules of the Union. However, I do not believe that I can "have no regard" to the prescribed information lodged by the FEDFA Branch, at least to the extent that it provides relevant information in relation to the decision I am required to make.

I refer to your submission that a Registrar cannot make "further inquiries as to the basis for the particular prescribed information". I do not accept this submission in circumstances where the rules of the organisation provide a formula for determining the number of offices to be elected. Where rules specify the number of offices to be elected, then it is possible for a Registrar to be satisfied that an election is due for the offices stated in prescribed information by having regard to the rules. Of course, if the prescribed information does not accord with the rules that clarification would be sought before determining the matter. However, where the rules do not specify the number of offices but provide a formula, as is the case with Branch Divisional Conference Delegates here, then it is my view that a Registrar is entitled to be provided with the calculations in accordance with the formula in order to be satisfied that an election for the relevant number of offices is required. I note that as a result of my inquiries on this occasion you have lodged amending prescribed information. I also wish to acknowledge that you have assisted me in the performance of my functions by providing all of the information I sought.

Except to the extent set out in the previous paragraph I am not satisfied that I have the authority to, or that it is appropriate for me to seek to go beyond the calculations provided. I have therefore decided not to require further information about the 2003 annual income figure of the NSW Divisional Branch as the submission of Slater & Gordon dated 18 August 2004 suggested I should. I note that the submission did not address how the powers under ss 330 and 331 of the RAO Schedule could be used in the context of an election decision.

In relation to the FEDFA Branch's entitlement to Divisional Conference delegates, I have decided to make election arrangements for the number of offices contained in your amended prescribed information lodged on 16 August 2004, namely three (3) including the Branch Secretary. The reason I have not made arrangements in accordance with the prescribed information lodged by the FEDFA Branch is that I am not satisfied that I can have regard for the purposes of the formula to income received in the financial year in which the election is due. Sub-rule 8(iv) of the Division's rules requires that the relevant period is "each of the three years prior to the elections" and in its second paragraph the sub-rule sets out a proviso for Branches that had not existed for three years. This proviso applies to the FEDFA Branch and provides a variation on the formula to be applied. However, the second paragraph does not extend the relevant income period into the current financial year in which the election is due and it is my view it must be read subject to the clear statement in the preceding paragraph.

I have therefore decided that although the income referred to was for the former FEDFA Division, Victorian Divisional Branch, it is on balance the only figure that can be arrived at. I am aware the the current FEDFA Branch comprises a significant proportion of, but not all of the members of the former FEDFA Branch. Given the date on which nominations are due to open for this election I have proceeded to make this decision without seeking further submissions. I believe that this is the appropriate course of action at this point in time.

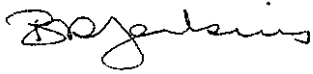


I should indicate that I have serious doubts about whether or not a clear formula can be obtained from paragraph two of sub-rule 8(iv) in any circumstances. I strongly encourage the Division to give consideration to addressing this at an appropriate time.

In respect of the other difference between the prescribed information lodged by the FEDFA Branch and that lodged by the Division I am satisfied that an election is required for an Organiser Representative on the Divisional Branch Management Committee and I am making arrangements for the conduct of that election.

I am making arrangements, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, 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



Barry Jenkins  
Deputy Industrial Registrar

24 August 2004

CC: Mr Tom Watson

Mr Martin Kingham

Slater & Gordon



**Australian Government**

**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

## FACSIMILE

TO	Mr Martin Kingham		
Organisation	Victorian Divisional Branch Construction & General Division CFMEU		
Fax Number	03 9341 3427	Phone Number	
FROM	Barry Jenkins		
Email	barry.jenkins@air.gov.au		
Location	AIR Sydney		
Fax Number	02 9380 6990	Phone Number	02 8374 6666
No of Pages (including cover)	12	Date	24/08/2004
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010	MEMORY TX		0393413427	12/12	OK

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**FACSIMILE**

<b>TO</b>	Mr Martin Kingham		
<b>Organisation</b>	Victorian Divisional Branch Construction & General Division CFMEU		
<b>Fax Number</b>	03 9341 3427	<b>Phone Number</b>	
<b>FROM</b>	Barry Jenkins		
<b>Email</b>	barry.jenkins@air.gov.au		
<b>Location</b>	AIR Sydney		
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Mr Martin Kingham  
Branch Secretary  
Victorian Divisional Branch  
CFMEU Construction and General Division  
500 Swanston St  
CARLTON SOUTH VIC 30053

Dear Mr Kingham

**CFMEU Construction and General Division - Elections E2004/242 and E2004/244**

I refer to your letter of 3 August 2004 on behalf of specified Divisional Branch Secretaries.

I enclose for your information copies of my decision in these matters and of correspondence sent today to Mr Tom Watson, Secretary of the Victorian FEDFA Divisional Branch and to Mr John Sutton, National Secretary of the Division.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barry Jenkins'.

Barry Jenkins  
Deputy Industrial Registrar

24 August 2004

enc.



## FACSIMILE

<b>TO</b>	Mr Marcus Clayton		
<b>Organisation</b>	Slater & Gordon Lawyers		
<b>Fax Number</b>	03 9670 2354	<b>Phone Number</b>	
<b>FROM</b>	Barry Jenkins		
<b>Email</b>	barry.jenkins@air.gov.au		
<b>Location</b>	AIR Sydney		
<b>Fax Number</b>	02 9380 6990	<b>Phone Number</b>	02 8374 6666
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009	MEMORY TX		0396702354	13/13	OK

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**FACSIMILE**

<b>TO</b>	Mr Marcus Clayton		
<b>Organisation</b>	Slater & Gordon Lawyers		
<b>Fax Number</b>	03 9670 2354	<b>Phone Number</b>	
<b>FROM</b>	Barry Jenkins		
<b>Email</b>	barry.jenkins@air.gov.au		
<b>Location</b>	AIR Sydney		
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Fax: (02) 9380 6990

Mr Marcus Clayton  
Slater & Gordon Lawyers  
Dominion Building  
533 Little Lonsdale St  
MELBOURNE VIC 3000

Yr Ref: ID1 276443

Dear Mr Clayton

**CFMEU Construction and General Division - Elections E2004/242 and E2004/244**

I refer to your letter of 18 August 2004 on behalf of specified Divisional Branches including the Victorian FEDFA Divisional Branch of the Construction and General Division of the CFMEU.

I enclose for your information copies of my decision and of correspondence sent today to Mr Tom Watson, Secretary of the Victorian FEDFA Divisional Branch and to Mr John Sutton, National Secretary of the Division.

Yours sincerely

A handwritten signature in cursive script that reads "Barry Jenkins".

Barry Jenkins  
Deputy Industrial Registrar

24 August 2004

enc.

**FACSIMILE**



**Construction Forestry Mining Energy Union**  
Construction and General Division  
National Office

P O BOX Q235  
QVB POST OFFICE  
Sydney, NSW 1230

☎ (02) 9267 7644  
☒ (02) 9267 8863

TO: **MR. B. JENKINS**

Fax No:

FROM: **JOHN SUTTON**

DATE: **25.8.04**

Re :

Pages to follow : **1**

Message :



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25 August 2004

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

CONSTRUCTION

FORESTRY

MINING

ENERGY

UNION

Attn: Mr B Jenkins

Dear Mr Jenkins

**Re: Arrangements for the Conduct of an Election  
(E2004/242 and E2004/244)**

I refer to your correspondence dated 24 August 2004, and decision in relation to the above matter.

In relation to Attachment A to the decision I wish to point out that in accordance with our information lodged on 22 July 2004, the figures for the Divisional Conference delegates for the Queensland Construction Workers Division Branch is 5, for the South Australia Division Branch 1, for the NSW Divisional Branch 13 and for the Victorian Building Unions Divisional Branch 12.

As mentioned in our correspondence those figures are inclusive of those Divisional Offices entitled to nominate in a Divisional Branch pursuant to Rule 8 (vii) of the Division's rules. I can advise that those 4 Divisional Officers referred to have notified the Queensland Construction Workers (1 nominee), the NSW (2 nominees) and the Victorian Building Unions (1 nominee) Divisional Branches of their intention to stand as Divisional Conference delegates in accordance with the rules.

We also point out our notation in respect of the term of office for the Victorian FEDFA Divisional Branch. There does not appear to be any reference to this in the decision although we understand that you may take the view that this is a matter that would be dealt with by the AEC during the conduct of the election.

Yours faithfully

John Sutton  
National Secretary  
Construction & General Division



CONSTRUCTION &  
GENERAL DIVISION  
ABN 46 243 168 565

JOHN SUTTON  
National Secretary

FEDERAL OFFICE  
LEVEL 2  
15 WENTWORTH AVENUE  
SYDNEY NSW 2000

PO BOX Q235  
QUEEN VICTORIA BLDG  
POST OFFICE  
SYDNEY NSW 1230

PH: (02) 9267 7844  
FAX: (02) 9267 8863  
WEB:

[www.cfmeu.asn.au/construction](http://www.cfmeu.asn.au/construction)

**Superina, Dean**  
**From:** Superina, Dean  
**Sent:** Wednesday, 25 August 2004 4:26 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2004/242 and E2004/244

**Importance:** High

See amending decision for abovementioned election



Amending  
decision E2004\_242

Dean Superina  
NSW Statutory Services Branch  
Australian Industrial Registry  
Ph: (02) 8374 6506  
Fax: (02) 9380 6990  
Email: Dean.Superina@air.gov.au



**AUSTRALIAN INDUSTRIAL REGISTRY  
NSW REGISTRY**

*Level 8, Terrace Towers, 80 William Street,  
East Sydney, NSW 2011*

Telephone: 8374 6666  
Fax: 9380 6990

**FACSIMILE**

TO

John Sutton

Organisation

CFMEU

Fax Number

(02) 9267 8863

Phone  
Number

(02) 9267 7644

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Dean Superina

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See Amending Decision for E2004/242 &  
E2004/244

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013	MEMORY TX		92678863	06/06	OK

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TO

John Sutton

Organisation

CFMEU

Fax Number

(02) 9267 8863

Phone Number

(02) 9267 7644

FROM



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TO

Martin Kingham

Organisation

CFMEU

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Number

(03) 9341 3444

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E2004/244

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*Level 8, Terrace Towers, 80 William Street,  
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Telephone: 8374 6666  
Fax: 9380 6990

**FACSIMILE**

TO

Martin Kingham

Organisation

CFMEU

Fax Number

(03) 9341 3427

Phone  
Number

(03) 9341 3444

FROM



**AUSTRALIAN INDUSTRIAL REGISTRY  
NSW REGISTRY**

*Level 8, Terrace Towers, 80 William Street,  
East Sydney, NSW 2011*

Telephone: 8374 6666

Fax: 9380 6990

**FACSIMILE**

TO

Marcus Clayton

Organisation

Slater & Gordon Lawyers

Fax Number

(03) 9670 2354

Phone

Number

(03) 9602 6959

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Dean Superina

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25/8/04

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See Amending Decision for E2004/242 &  
E2004/244.

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- 3) NO ANSWER
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NSW REGISTRY**

*Level 8, Terrace Towers, 80 William Street,  
East Sydney, NSW 2011*

Telephone: 8374 6666  
Fax: 9380 6990

**FACSIMILE**

TO

Marcus Clayton

Organisation

Slater & Gordon Lawyers

Fax Number

(03) 9670 2354

Phone Number

(03) 9602 6959

FROM



PR951337

WORKPLACE RELATIONS ACT 1996  
s189 RAO Schedule - arrangement for conduct of an election

**Construction, Forestry, Mining and Energy Union**  
(E2004/242 and E2004/244)

BARRY JENKINS  
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 25 August 2004

AMENDING DECISION

On 24 August 2004 I made arrangements for the conduct of an election for various offices in the Construction and General Division of the abovenamed organisation including the office of Divisional Branch Delegate to Divisional Conference. It has come to my attention that the decision did not state the correct number of Additional Divisional Branch Delegates to Divisional Conference for the Queensland Construction Workers Divisional Branch, the New South Wales Divisional Branch, the South Australian Divisional Branch and the Victorian Building Unions Divisional Branch. I have amended my decision accordingly.

I am satisfied that an election for the offices in Attachment "A" and the positions in Attachment "B" is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



## Attachment "A"

### Queensland Construction Workers Divisional Branch

Divisional Branch President  
Divisional Branch Vice President (3)  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Plasterers)/Divisional Branch Delegate to  
Divisional Conference  
Divisional Branch Assistant Secretary (Painters)/Divisional Branch Delegate to Divisional  
Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Executive Member (3)  
State Management Committee Member (16)  
Additional Divisional Branch Delegate to Divisional Conference (5)\*

### Queensland Builders Labourers Divisional Branch

Divisional Branch President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Trustee (2)  
Divisional Branch Treasurer  
Divisional Branch Guardian  
Divisional Branch Executive Member (4)  
Additional Divisional Branch Delegate to Divisional Conference (2)

### New South Wales Divisional Branch

Divisional Branch President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Council Members (36) comprising -  
    Sydney Zone (27)  
    Newcastle Zone (3)  
    Wollongong Zone (3)  
    Country Zone (3)  
Divisional Branch Management Committee Member (26)  
Additional Divisional Branch Delegate to Divisional Conference (13)\*

### ACT Divisional Branch

Divisional Branch President  
Divisional Branch Secretary  
Divisional Branch Vice President (2)  
Divisional Branch Secretary/Divisional Branch Treasurer/Divisional Branch Delegate to  
Divisional Conference  
Divisional Branch Assistant Secretary (Plasterer)/Divisional Branch Delegate to Divisional  
Conference  
Divisional Branch Council Member (9)  
Divisional Branch Management Committee Member (11)

### South Australia Divisional Branch

Divisional Branch Senior Vice President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Treasurer  
Divisional Branch Trustee (2)  
Divisional Branch Management Committee Member (5)  
Divisional Branch Organiser/Divisional Branch Management Committee Member (2)  
Divisional Branch Council Member (16)  
Additional Divisional Conference Delegate (1)

### Western Australia Divisional Branch

Divisional Branch President  
Divisional Branch Senior Vice President  
Divisional Branch Vice President  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (2)  
Divisional Branch Trustee (3)  
Divisional Branch Treasurer  
Divisional Branch Council Member (20)  
Divisional Branch Management Committee Member (5)  
Additional Divisional Branch Delegate to Divisional Conference (3)

### Tasmania Divisional Branch

Divisional Branch President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary  
Divisional Branch Management Committee Member (13)  
Divisional Branch Council Member (5) including -  
    Hobart and Southern Zone (3)  
    Launceston Zone (1)  
    North West Zone (1)

### Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch

Divisional Branch President/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference  
Divisional Branch Assistant Secretary (Victoria)  
Divisional Branch Assistant Secretary (New South Wales)  
Divisional Branch Assistant Secretary (Western Australia)  
Divisional Branch Management Committee Member (New South Wales)  
Divisional Branch Management Committee Member (Victoria)

Victorian Building Unions Divisional Branch

Divisional Branch President

Divisional Branch Vice President (3)

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary

Divisional Branch Management Committee Member (17)

Divisional Branch Council Member (74) comprising -

Metropolitan Melbourne Zone (58)

Geelong Zone (4)

Central Victoria Zone (4)

Northern Victoria Zone (4)

Latrobe Zone (4)

Additional Divisional Branch Delegate to Divisional Conference (12)\*

Victorian FEDFA Divisional Branch

Divisional Branch President

Divisional Branch Vice President

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary

Divisional Branch Management Committee Member (5) comprising -

Metropolitan District (3)

Non-Metropolitan District (1)

Organiser's Representative (1)

Divisional Branch Council Member (9) comprising -

Metropolitan District (5)

Country/Provincial District (3)

Latrobe Valley Sub Branch (1)

Additional Divisional Branch Delegate to Divisional Conference (2)

\*(This number takes into account the provisions of Rule 8 (vii): "[...] Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch".

Attachment "B"

Queensland Construction Workers Divisional Branch

Divisional Branch Organiser (17)

Queensland Builders Labourers Divisional Branch

Divisional Branch Organiser (10)

New South Wales Divisional Branch

Divisional Branch Organiser (26)

ACT Divisional Branch

Divisional Branch Organiser (1)

Western Australia Divisional Branch

Divisional Branch Organiser (6)

Victorian Building Unions Divisional Branch

Divisional Building Organiser (13)

Victorian FEDFA Divisional Branch

Divisional Branch Organiser (4)

Brendan Carroll  
Returning Officer  
Australian Electoral Commission  
Level 6  
488 Queen Street  
Brisbane QLD 4000

**APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT**

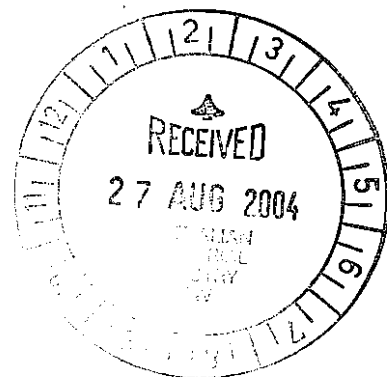
The AEC has made arrangements to conduct the following election and/or ballot.

Scheduled Elections E2004/242 & E2004/244  
Construction & General Division, Queensland Divisional Branches  
Construction, Forestry, Mining and Energy Union

I have appointed you to conduct the above event. Would you please take the necessary steps.

Bernie Morrison  
for the Australian Electoral Officer  
Queensland

27 August 2004



For Information:

Deputy Industrial Registrar  
Australian Industrial Registry  
New South Wales

GPO Box 1824  
Canberra ACT 2601

1st Floor  
8-10 Hobart Place  
Canberra City ACT 2601

**Reference:** ACT 04/272

**Contact:** Jeff Howarth  
Phone: (02) 6249 7908  
Facsimile: (02) 6248 7559  
E-mail: jeff.howarth@aec.gov.au

Mr George Wason  
ACT Divisional Branch Secretary  
Construction, Forestry, Mining and Energy  
Union  
PO Box 498  
DICKSON ACT 2602

Dear Mr Wason,

**Construction, Forestry, Mining and Energy Union - Construction and General Division,  
ACT Divisional Branch.  
E2004/242 & E2004/244 Refers.**

I refer to my letter of 26 August 2004 concerning the arrangements for me to conduct an election for various positions in your Organisation and wish to advise that a ballot will not be necessary.

My declaration of the uncontested offices is attached.

The election is now complete.

Yours sincerely,

Jeff Howarth  
Returning Officer

21 September 2004

cc Deputy Industrial Registrar, VIC  
All candidates

**Construction, Forestry, Mining and Energy Union  
Construction and General Division  
ACT Divisional Branch**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E.No. 2004/242 and E.No. 2004/244 refers.

**Divisional Branch President**

Candidate

SCHOONWATER, Sarah

**Divisional Branch Vice President (2)**

Candidates

JOHNSTONE, Phillip J  
MARTIN, Robert William

**Divisional Branch Secretary/ Divisional Branch Treasurer/ Divisional Branch Delegate to  
Divisional Conference**

Candidate

WASON, George

**Divisional Branch Assistant Secretary (Plasterer)/ Divisional Branch Delegate to Divisional  
Conference**

Candidate

PARRY, Glenn



**Divisional Branch Council Member (9)**

Candidates

CAMPBELL, David  
PATTERSON, Tony  
REDDEN, Wayne  
SCOTT, Trevor  
SLOANE, Michael  
SOUTHWELL, Mark  
STEVENS, Kerry  
VIZY, Steven  
WILLETTS, Steve

**Divisional Branch Management Committee Member (11)**

Candidates

BROADRICK, Garry  
DILLON, Allan  
DRIVER, Rodney James  
DYMOCK, Mark  
HARMER, Maxwell A.  
KIMBERLEY, Ricky James  
LANCSAR, Laszlo  
MacGREGOR, David  
O'MARA, Jason  
RAIL, Don  
WILSON, Wayne

**Divisional Branch Organiser**

Candidate

LANCSAR, Laszlo

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

Jeff Howarth  
Returning Officer  
Australian Electoral Commission, Canberra

21 September 2004

In reply please quote: WIE2004/23

Contact Officer: Van Panegyres  
van.panegyres@aec.gov.au

**INDUSTRIAL AND COMMERCIAL ELECTIONS**

Postal address: GPO Box A16, Perth WA 6001  
Location address: Level 3, 111 St Georges Terrace  
Perth WA 6000

Telephone: (08) 6363 8011  
Fax: (08) 6363 8052

ABN: 21 133 285 851

**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION  
THE CONSTRUCTION AND GENERAL DIVISION  
WESTERN AUSTRALIA DIVISIONAL BRANCH**

Schedule of nominations accepted on behalf of the organisation to the close of nominations at 4 p.m.  
on Friday, 17 September 2004 - E Nos. 242 & 244 of 2004.

**DIVISIONAL BRANCH PRESIDENT**

Candidate  
McPARLAND, Kevin

**DIVISIONAL BRANCH SENIOR VICE-PRESIDENT**

Candidate  
SIMPSON, David

**DIVISIONAL BRANCH VICE-PRESIDENT**

Candidate  
McCULLOUGH, Campbell

**DIVISIONAL BRANCH SECRETARY/DIVISIONAL BRANCH DELEGATE TO  
DIVISIONAL CONFERENCE**

Candidate  
REYNOLDS, Kevin Noel

**DIVISIONAL BRANCH ASSISTANT SECRETARIES (2)**

Candidates  
McDONALD, Joseph  
WELLINGTON, Leslie John

**DIVISIONAL BRANCH TRUSTEES (3)**

Candidates  
BALLARD, Peter  
KELLY, Antony  
REID, James

**DIVISIONAL BRANCH TREASURER**

Candidate  
HAWKINS, Ian

**DIVISIONAL BRANCH COUNCIL MEMBERS (20)**

Candidates  
ARNOLD, Peta  
BRIGHT, Neil  
BUCHAN, Michael  
COCKSHOT, David  
DARLING, Richard  
FERGUSON, Peter  
GANGEMI, Frank  
(Cont'd)

HOGAN, Michael  
INNESS, Mark  
KAVANAGH, Darren  
KAVANAGH, Ricky  
KRSTIC, Eugene  
LEE, Robert  
LEGGO, James  
MILNE, Philip  
MORRISON, Peter  
MURPHY, James  
PALERMO, Angelo  
POUND, John Desmond  
SULLIVAN, Brian Edward

**DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS (5)**

Candidates

ARIAS, Joseph Louis  
HAWKINS, Glenn Alan  
McCANN, Patrick Paul  
McGRAHAN, Peter  
MUSIAL, Bernard

**DIVISIONAL BRANCH ORGANISERS (6)**

Candidates

ENNOR, Kevin  
HUDSTON, Mark John  
MOLINA, Walter Vinicio  
PALLOT, Graham Phillip  
REID, James  
WADE, Robert

**DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE (3)**

Candidates

McDONALD, Joseph  
McPARLAND, Kevin  
WELLINGTON, Leslie John

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

E.M. PANEGYRES  
Returning Officer  
Australian Electoral Commission  
Industrial and Commercial Elections  
Perth, Western Australia

20 September 2004

**INDUSTRIAL AND COMMERCIAL ELECTIONS**

In reply please quote: WIE2004/23

Contact Officer: Van Panegyres  
van.panegyres@aec.gov.au

Postal address: GPO Box A16, Perth WA 6001  
Location address: Level 3, 111 St Georges Terrace  
Perth WA 6000

Telephone: (08) 6363 8011  
Fax: (08) 6363 8052

ABN: 21 133 285 851

The Divisional Branch Secretary  
Western Australia Divisional Branch  
The Construction and General Division  
Construction, Forestry, Mining and Energy Union  
PO Box 6681  
EAST PERTH WA 6892

Dear Sir

I refer to the election I am conducting on behalf of the organisation under Section 189 of Schedule 1B of the *Workplace Relations Act 1996*.

Enclosed is a schedule detailing the nominations accepted on behalf of the organisation to the close of nominations at 4 p.m. on Friday, 17 September 2004.

As the number of nominations accepted did not exceed the number of vacancies, no ballot will be necessary.

A copy of the schedule has been forwarded to each of the candidates.

Yours faithfully

E.M. PANEGYRES  
Returning Officer

Encl.

20 September 2004



## Construction, Forestry, Mining and Energy Union South Australia Divisional Branch Election

### DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/E242 & 244

#### Construction and General Division, South Australia Divisional Branch

##### Divisional Branch President

Candidate

KAINE, Peter L

##### Divisional Branch Senior Vice-President / Divisional Branch Delegate To Divisional Conference

Candidate

CARSLAKE, Ben

##### Divisional Branch Vice-President

Candidate

FEEHAN, Justin

##### Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference

Candidate

O MALLEY, Martin

##### Divisional Branch Assistant Secretary (2)

Candidates

CARTLEDGE, Aaron Michael  
HARRIS, Allen

##### Divisional Branch Treasurer

Candidate

MCEWEN, Mark



**Divisional Branch Trustee (2)**

Candidates

CHISHOLM, Chris  
LANE, Ross

**Divisional Branch Management Committee Member (5)**

Candidates

BELCHER, Gavin  
HILL, Geoffrey Francis  
KING, Warren  
LAMEY, Ben  
PRIDDLE, Tony

**Divisional Branch Organiser / Divisional Branch Management Committee Member (2)**

Candidates

FEEHAN, Justin  
ROBERTS, Darren

**Divisional Branch Council Member (16)**

Candidates

BAKER, Shaun Robert  
BATTYE, Keith  
CAMILLERI, Charles  
CLIFTON, Alan  
DAY, Geoffrey  
DIXON, Terry  
GAVA, Mark  
GERTZ, Herold K  
JEFFS, Scott H  
MCCABE, Michael Andrew  
MCDERMOTT, Michael  
MIDDLETON, Tommy  
NATT, Greg  
O'DONOHUE, Gregory  
PICKERING, Graham  
POPE, Peter

**Divisional Branch Delegate to Divisional Conference**

Candidate

KAINE, Peter L

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



Barry Barons  
Returning Officer

23 September 2004

**Construction, Forestry, Mining and Energy Union**  
**Construction & General Division**  
**Brick, Tile, Pottery, Construction Material & Related**  
**Products Industry Divisional Branch**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

**Brick, Tile & Pottery Industry Divisional Branch Offices**

**Divisional Branch President/Divisional Branch Delegate to Divisional Conference**

Candidate

HODDER, Peter

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

MELKSHAM, Trevor John

**Victoria Sub-Branch**

**Divisional Branch Assistant Secretary**

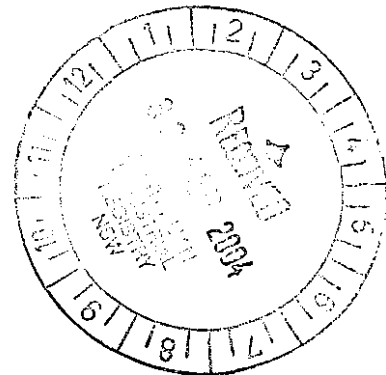
Candidate

ROACH, Stephen Paul

**Divisional Branch Management Committee Member**

Candidate

PRICE, William John



**New South Wales Sub-Branch**

**Divisional Branch Assistant Secretary**

Candidate

STIFF, Shayne R

**Divisional Branch Management Committee Member**

Candidate

GREEN, John Stephen Green

**Western Australia Sub-Branch**

**Divisional Branch Assistant Secretary**

No nomination was received

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

Lee Jones  
Returning Officer

29 September 2004



**Construction, Forestry, Mining and Energy Union  
Construction & General Division  
NSW Divisional Branch 2004**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/244

**NSW Divisional Branch Offices**

**Divisional Branch President**

Candidate

MCCELLAND, Peter

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

FERGUSON, Andrew

**Divisional Branch Assistant Secretary (2)**

Candidates

PARKER, Brian  
ZABOYAK, Peter

**Divisional Branch Delegate to Divisional Conference (13)**

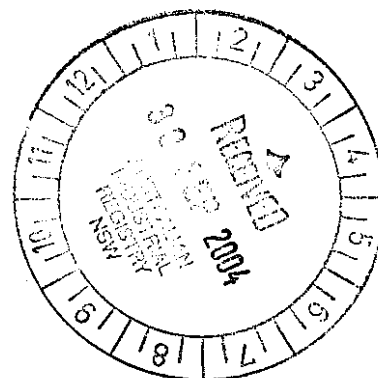
Candidates

BARRIOS, Mario  
BOTIC, Nikola  
FITZPATRICK, Brain  
FRASER, Lindsay  
GAY, Brett  
KNOTT, Mick  
LAWLER, Mick  
MALLIA, Rita  
MCCCELLAND, Peter  
PAPACONSTUNTINOS, Tony  
SUTTON, John  
ZABOYAK, Peter  
ZDRILIC, Ante

**Divisional Branch Management Committee Member (26)**

Candidates

BARRIOS, Mario  
BOTIC, Nick  
BROKENBOROUGH, Catherine  
DOCHERTY, Bill  
FLYNN, Garry  
FULLERTON, Phil  
GAY, Brett  
GENOVESE, Peter



GIFFIN, Doug  
GREENFIELD, Darren  
GROVER, Tom  
HEMSWORTH, Barry  
IOANNOU, George  
JONES, Munro  
LAWSON, Laurie  
MAGEE, Jim  
MCBRIDE, Mark  
MCNAMARA, Denis  
MILUTIN, David  
MITAL, Chris  
PILARINOS, Danny  
PINEIRO, Jose  
PRESTON, Garry  
QUILL, Len  
SGROI, Claude  
ZDRILIC, Ante

**Divisional Branch Organiser (26)**

Candidates

BREIE, Joe  
DIXON, Steve  
FITZPATRICK, Brian  
FRENCH, Malcolm  
GLASS, Dave  
HANLON, Rebel  
HARRIS, Ed  
HARRIS, Peter  
JARMAN, Rod  
KEENAN, Steve  
KELLY, Dave  
KELLY, Warren  
KESBY, Terry  
LANE, Mick  
LAWLER, Mick  
MANNA, Sammy  
MILLER, Brian  
MITCHELL, Tom  
MURPHY, Dan  
PAPACONSTUNTINOS, Tony  
PRENTICE, John  
PRIMMER, Peter  
REDFERN, Brian  
SMITH, Phil  
VINCENTE, Antonio  
WYER, Martyn

**C&G Sydney Zone**

**Divisional Branch Council Member (27)**

Candidates

BEASHEL, Bernie  
BILLINGHAM, Trevor  
BLEVIN, Alan  
BRAZAO, Humberto  
BURNS, John  
CAMERON, Gordon

CHAPMAN, Col  
CORDA, Tom  
COSBY, John  
DOGGETT, Geoffrey  
ERCEG, Tom  
FERGUSON, Graeme  
GROVER, Scott  
KAHROVIC, Fahrudin  
KENNIF, Pat  
LAMOND, Colin  
MCALINEY, Mick  
MCGREGOR, Rusty  
RAWSON, Nick  
SUTCLIFFE, Mark  
VALASTELICA, Steve  
VALESINI, Larry  
WEBSTER, Barry  
WEBSTER, Mick  
WHITEHURST, Mike  
WHITNEY, Warren  
ZANNIN, Mario

### **C&G Newcastle Zone**

#### **Divisional Branch Council Member (3)**

##### Candidates

HALL, Neil  
NIXON, John  
SPAZZAL, Frank

### **C&G Wollongong Zone**

#### **Divisional Branch Council Member (3)**

##### Candidates

DE SOUSA, Jose Pedro  
FISHER, Paul  
HOGAN, Darrell

### **C&G Country Zone**

#### **Divisional Branch Council Member (3)**

##### Candidates

HUTCHEON, Jim  
MULCANY, John  
WRIGHT, Col

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

Lee Jones  
Returning Officer  
29 September 2004

# Construction, Forestry, Mining and Energy Union Construction & General Tasmanian Divisional Branch Elections 2004

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/244

### Construction & General Division, Tasmanian Divisional Branch

#### Divisional Branch President/Divisional Branch Delegate to Divisional Conference

Candidate

CRACKNELL, Dale Leslie

#### Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Candidate

BENSON, Anthony Ross

#### Divisional Branch Assistant Secretary

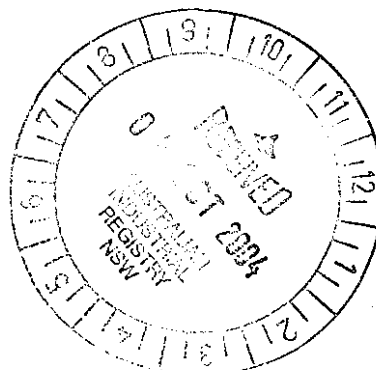
Candidate

WHITE, William Thomas Charles

#### Divisional Branch Management Committee Member (13)

Candidates

HEVEY, Stephen James  
JENKINS, Edward  
JONES, Tyrone  
MCCARTHY, Philip Arthur  
MORGAN, John  
NORRIS, Michael Leonard  
POST, Lindsay Robert  
RIDGEWAY, Peter  
RILEY, Peter  
SMEDLEY, Roy  
VAN DE KAMP, Michael  
VINCENT, Robert William



## **Hobart and Southern Zone**

### **Divisional Branch Council Member (3)**

#### Candidates

EVANS, Tasman James  
JENKINS, Edward  
SPOUSE, Karl

## **Launceston Zone**

### **Divisional Branch Council Member**

#### Candidate

JONES, Tyrone

## **North West Zone**

### **Divisional Branch Council Member**

#### Candidate

DAVIS, Keith John

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

Ron Mann  
Returning Officer  
24 September 2004

**Construction, Forestry, Mining and Energy Union  
Construction and General Division  
2004 QUEENSLAND ELECTION**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Election E2004/242 & E2004/244, conducted in accordance with Section 189 of Schedule 1B of the Workplace Relations Act 1996 and in accordance with the Rules of the Union.

Nominations for the above election closed at 4.00 pm on Friday 17 September 2004.  
The withdrawal period has now passed and defective nominations issues have been dealt with.

I now advise the following results.

**Queensland Construction Workers Divisional Branch**

**Divisional Branch President**

Candidate

SMITH, Thomas

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

TROHEAR, Wallace

**Divisional Branch Assistant Secretary (Plasterers)/Divisional Branch Delegate to Divisional Conference**

Candidate

CLOSE, Peter

**Divisional Branch Assistant Secretary (Painters)/Divisional Branch Delegate to Divisional Conference**

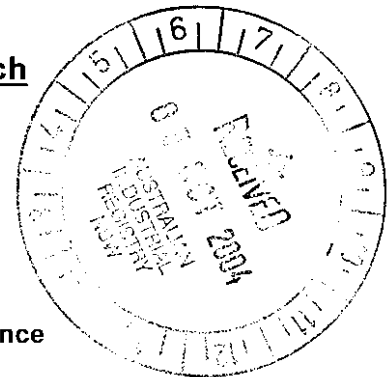
Candidate

RAVBAR, Michael

**Divisional Branch Assistant Secretary**

Candidate

PRICE, Chris



**State Management Committee Member (16)**

Candidates

BEATTIE, Russell  
BOSTOCK, Robert H  
CARROLL, Kevin  
DANIEL, Brad  
GENRICH, Laurie  
HARDY, Jim  
JURSS-LEWIS, Gary  
LORD, Stephen  
MACFARLANE, Gordon  
MATAKOVIC, David  
McLAREN, Gregory  
MILLARD, Ted  
POUNTNEY, Alan  
QUINN, Sean  
SMITH, Geoffrey  
WATERS, Paul

**Divisional Branch Organiser (17)**

Candidates

BOOTH, Mick  
CLARK, Andrew  
FLACK, Garry  
KERSEY, Darrel  
LOGUE, Graeme  
NEILAND, Bud  
NISBET, Tim  
O'NEILL, Wayne  
PERRETT, Bill  
RAMSAY, Andrew  
RIEK, Micheal  
SPINKS, Doug  
STEIN, Jason  
TREMLIN, Russ  
WATERS, Paul  
WATSON, Ted  
YOUNG, Frank

**Divisional Branch Delegate to Divisional Conference (5)**

Candidates

GENRICH, Laurie  
PRICE, Chris  
SMITH, Thomas  
STEIN, Jason  
WATERS, Paul

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

In accordance with Construction and General Division Rules 40 and 42, a second tier collegiate election will also soon be conducted from the newly elected State Management Committee of the *Queensland Construction Worker Divisional Branch*, for three Divisional Branch Vice-Presidents and three Divisional Branch Executive Members.

## Queensland Builders Labourers' Divisional Branch

### **Divisional Branch President**

Candidate

McINTYRE, Terry

### **Divisional Branch Vice-President**

Candidate

KUPSCH, Royce

### **Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

SIMCOE, Greg

### **Divisional Branch Trustee (2)**

Candidates

OLIVE, Phillip John

PRATT, Dean

### **Divisional Branch Treasurer**

Candidate

EZZY, Dallas

### **Divisional Branch Guardian**

Candidate

WILLIAMS, Bob

### **Divisional Branch Executive Member (4)**

Candidates

CHRISTIAN, John Robert

DEEN, Fazal

MAHER, Pat

MINTON, Mark

### **Divisional Branch Organiser (10)**

Candidates

CARNEGIE, Bob

FENNELLY, Dan

KERR, Daryl

KUPSCH, Royce

LUND, John

McHUGH, Jamie

McHUGH, Leith

PUPLETT, Ted

TYE, Terry

WILLIAMS, Bob

### **Divisional Branch Delegate to Divisional Conference (2)**

Candidates

HANNA, David

KUPSCH, Royce Graham

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





**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION  
CONSTRUCTION AND GENERAL DIVISION  
VICTORIAN FEDFA DIVISIONAL BRANCH**

**DECLARATION OF RESULTS**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/242

**Divisional Branch President**

Candidate

WASHINGTON, Noel

**Divisional Branch Vice-President**

Candidate

HILL, Maurie

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

WATSON, Tommy

**Divisional Branch Assistant Secretary**

Candidate

HALLETT, Ray

**Divisional Branch Management Committee Member - Metropolitan District (3)**

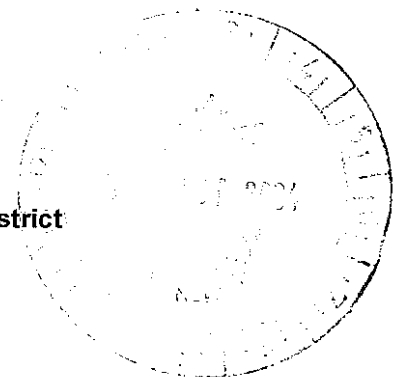
Candidates

ANDRISKE, Peter  
LONG, Steve  
NEILSON, Billy

**Divisional Branch Management Committee Member - Non-Metropolitan District**

Candidate

PITT, Brendan



**Divisional Branch Council Member - Metropolitan District (5)**

Candidates

CECALA, Robert  
DUGGAN, John  
HART, Rod  
KADZIELA, Jan  
RUSSELL, Jimmy

**Divisional Branch Council Member - Country/Provincial District (3)**

Candidates

BOOTH, Ray  
MURPHY, Martin  
STEWART, Colin

**Divisional Branch Council Member - Latrobe Valley Sub-Branch**

Candidate

THORNTON, Toby

**Additional Divisional Branch Delegate to Divisional Conference (2)**

Candidates

NEILSON, Billy  
WASHINGTON, Noel

**Divisional Branch Organiser (4)**

Candidates

ANDRISKE, Peter  
HILL, Maurie  
JOHNS, Ken  
STEWART, Colin

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

Michael Pryor  
Returning Officer

30 September 2004

# CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

## CONSTRUCTION AND GENERAL DIVISION

### VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH

#### DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2004/244

#### DIVISIONAL BRANCH PRESIDENT

Candidate

CUMMINS, John

#### DIVISIONAL BRANCH VICE-PRESIDENTS (3)

Candidates

O'GRADY, Francis  
SETKA, John  
SPERNOVASILIS, Elias

#### DIVISIONAL BRANCH SECRETARY/DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

Candidate

KINGHAM, Martin

#### DIVISIONAL BRANCH ASSISTANT SECRETARY

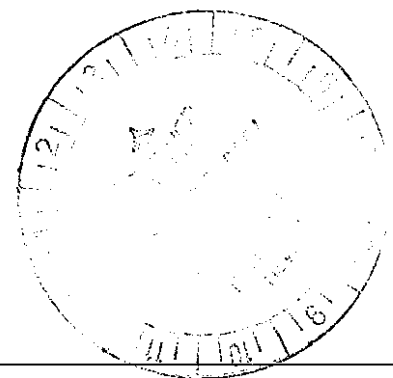
Candidate

OLIVER, Bill

#### DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS (17)

Candidates

AKBARI, Frank  
BERARDI, Danny  
BERGIC, Sam  
BULL, Mick  
CANNING, John  
CHRISTOPHER, Derek Ayisilou Kyriarkian  
LITTLER, Albert  
MC LOUGHLIN, Adrian (Skinner)  
PATERSON, George  
PERHAM, Rex Robert  
REARDON, Shaun  
SPOSITO, Sam  
STEPHENSON, Gareth  
SUCIC, Anton  
THORSON, Grant  
WILLIAMS, Roy  
ZORDAN, Tony John



## **DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE (12)**

### Candidates

CHRISTOPHER, Derek Ayisilou Kyriarkian  
CUMMINS, John  
DOYLE, Fergal  
EDWARDS, Ralph  
FURLONG, John  
HUDSON, Matt  
LITTLER, Albert  
NOONAN, Dave  
O'GRADY, Frank  
OLIVER, Bill  
SETKA, John  
SPERNOVASILIS, Elias

## **DIVISIONAL BRANCH ORGANISERS (13)**

### Candidates

DOYLE, Fergal  
EDWARDS, Ralph  
HUDSON, Matt  
MCLOUGHLIN, Adrian (Skinner)  
MCPARTLIN, John  
MURPHY, Brendan  
O'GRADY, Frank  
REARDON, Shaun Michael  
SETKA, John  
SMITH, Malcolm Ross  
SPERNOVASILIS, Elias  
SPIVEY, Darrel  
TAIT, Mark "Fozzie"

## **DIVISIONAL BRANCH COUNCIL MEMBERS (74) COMPRISING:**

### **- METROPOLITAN MELBOURNE ZONE (58)**

### Candidates

AMATO, Dominic  
AYERS, Gerry  
BIANCHI, Kevin  
BOCKTING, Theo  
BROOMHALL, Mark "Yogi"  
CARROLL, David  
CASELLA, Angela  
CASTLES, Peter  
COLLINS, Dean  
CONSTANTINO, John  
CORMICK, Peter  
DALE, Jimmy  
DOYLE, Fergal  
EDWARDS, Ralph  
FILARDO, Felice (Phil)  
FLANAGAN, Colin  
FURLONG, John  
GIAGNACOVO, Bernard  
GREGORY, Alfred (Joe)  
GRUNDY, Peter  
HALL, Adam  
HANCY, Terry

HOPKINS, Ciaram  
HUDSON, Matt  
HURD, William Thomas  
IOANNIDIS, Tony  
JACKSON, Cameron Neil  
LECKIE, Philip  
LEIVERS, William  
MANTIS, John  
MARKHAM, Ian  
MATES, Robert  
MAXWELL, Jim  
MAZZONE, John  
MCINTYRE, Wayne "Kiwi"  
MCPARTLIN, John  
MORRISON, Alex  
MULDEARY, Peter  
NEWHAM, Malcolm  
NICOLI, Victor  
O'CONNOR, Danny  
ORTERGIA, Rick  
PATTINSON, Kevin  
PORTELLI, Paul  
PRESTON, Patrick  
RASPUDIC, Rudy  
REED (REEDY), Trevor  
RISTEVSKI, George  
SAVINO, John  
SPIVEY, Darrel  
SULLIVAN, Paul  
SWEENEY, Eddie  
TODD, Rick  
VULETIC, Ivan  
WARD, Donald Thomas  
YIN, Garry  
ZANATTA, Lisa  
ZANATTA, Mick

**- GEELONG ZONE (4)**

Candidates

BENSTEAD, Gerard Peter  
GOODEN, Tim  
MANCOR, Bob  
MURPHY, Brendan

**- CENTRAL VICTORIA ZONE (4)**

Candidates

BELL, Jason  
FRAIETTA, Raff  
MAHER, Peter  
WHITFORD, Doug

**- NORTHERN VICTORIA ZONE (4)**

Candidates

MARTIN, David  
MCLEAN, Peter  
NEWBY, Dennis  
TAIT, Mark "Fozzie"

**- LATROBE ZONE (4)**

Candidates

DILLON, Matt (EJ)  
PARKER, John  
RUST, Norman George  
SMITH, Malcolm Ross

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

Michael Pryor  
Returning Officer  
Australian Electoral Commission  
Melbourne

29 September 2004

**Construction, Forestry, Mining and Energy Union  
FEDFA Collegiate - Organiser's Representative on  
Divisional Branch Committee**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/242 - 244

**Victorian FEDFA Divisional Branch**

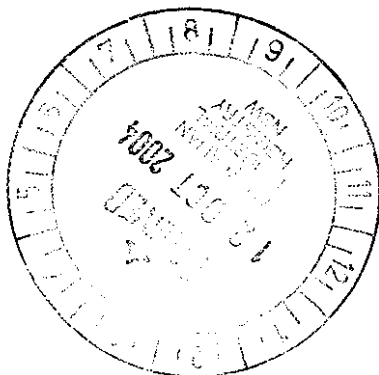
**Organiser's Representative on Divisional Branch Management Committee**

Candidate

JOHNS, Kenneth Charles

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

John Nellor  
Returning Officer  
12 October 2004





# **Australian Electoral Commission / AEC**

Workplace Relations Act 1996 – Schedule 1B

## **RETURNING OFFICER - POST ELECTION REPORT**

<u>Client:</u>	Construction, Forestry, Mining and Energy Union The Construction and General Division-Western Australia Divisional Branch		
<u>Contact details:</u>	Kevin Reynolds Divisional Branch Secretary CFMEU PO Box 6681 EAST PERTH WA 6892	<u>Email:</u> cfmeuwa@cfmeu.com <u>Tel:</u> (08) 9221 1055	
<u>AIR contact officer:</u>	Superina Dean	<u>Email:</u> industrial.elections@air.gov.au <u>Tel:</u> (02) 8374 6506	

### **ELECTIONS COVERED IN THIS REPORT**

<u>Election Decision No/s:</u>	E2004/242 and E2004/244
<u>Election:</u>	Divisional Branch President Divisional Branch Senior Vice-President Divisional Branch Vice-President Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference Divisional Branch Assistant Secretaries (2) Divisional Branch Trustees (3) Divisional Branch Treasurer Divisional Branch Council Members (20) Divisional Branch Management Committee Members (5) Divisional Branch Organisers (6) Divisional Branch Delegates to Divisional Conference (3) <i>(This number takes into account the provisions of rule 8(vii))</i>
<u>Returning Officer:</u>	E.M. Panegyres

### **RULES**

<u>Rules used for elections Rule ID</u>	[105N-FED: incorporates alterations of 3/8/04 in matter R2004/379] [105N-BWIU: Incorporates remaining alterations of 22/7/04 from matter R2004/368]
<u>Rule/s re eligibility to vote</u>	38(m)(o)&(p)

### **ROLL OF VOTERS**

As a Ballot was not required, therefore a Roll of Voters was not requested
--

### **ALLEGATIONS OF IRREGULARITIES RECEIVED**

There were no written complaints or allegations of irregularities
---

### **ATTACHMENTS**

Declaration of Results for Uncontested Offices
--

E.M. Panegyres  
Returning Officer  
21 September 2004



**Construction, Forestry, Mining and Energy Union  
Construction and General Division Western Australia  
Divisional Branch Elections 2004**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2004/244

**Construction and General Division**

**Divisional Branch President**

Candidate

MCPARLAND, Kevin

**Divisional Branch Senior Vice President**

Candidate

SIMPSON, Davie

**Divisional Branch Vice President**

Candidate

MCCULLOUGH, Cam

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

REYNOLDS, Kevin

**Divisional Branch Assistant Secretary (2)**

Candidates

MCDONALD, Joseph  
WELLINGTON, Les

**Divisional Branch Trustee (3)**

Candidates

BALLARD, Peter  
KELLY, Antony  
REID, Jim

**Divisional Branch Treasurer**

Candidate

HAWKINS, Ian

**Divisional Branch Council Member (20)**

Candidates

ARNOLD, Peta  
BRIGHT, Neil  
BUCHAN, Mick  
COCKSHOT, Dave  
DARLING, Richard  
FERGUSON, Peter  
GANGEMI, Frank  
HOGAN, Michael  
INNESS, Mark  
KAVANAGH, Darren  
KAVANAGH, Rick  
KRSTIC, Eugene  
LEE, Robert  
LEGGO, Jaimie  
MILNE, Philip  
MORRISON, Peter  
MURPHY, Jimmy  
PALERMO, Angelo  
POUND, John Desmond  
SULLIVAN, Brian

**Divisional Branch Management Committee Member (5)**

Candidates

ARIAS, Joseph Louis  
HAWKINS, Glenn Alan  
MCCANN, Patrick  
MCGRAHAN, Peter  
MUSIAL, Bernard

**Divisional Branch Organiser (6)**

Candidates

ENNOR, Kevin  
HUDSTON, Mark John  
MOLINA, Walter Vinicio  
PALLOT, Graham  
REID, Jim  
WADE, Bob

**Divisional Branch Delegate to Divisional Conference (3)**

Candidates

MCDONALD, Joseph  
MCPARLAND, Kevin  
WELLINGTON, Les

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

Van Panegyres  
Returning Officer  
20 September 2004

**RATNASINGH, Chrisantha**

**From:** McKERROW, Peter  
**Sent:** Thursday, 20 January 2005 8:48 AM  
**To:** RATNASINGH, Chrisantha  
**Subject:** FW: CFMEU E2004/244 & E2004/242

-----Original Message-----

**From:** **CARNEY, Mary Jo**

**Sent:** Thursday, 20 January 2005 8:43 AM  
**To:** McKERROW, Peter  
**Subject:** FW: CFMEU E2004/244 & E2004/242

-----Original Message-----

**From:** [ice.post.election.reports@aec.gov.au](mailto:ice.post.election.reports@aec.gov.au)  
[mailto:[ice.post.election.reports@aec.gov.au](mailto:ice.post.election.reports@aec.gov.au)]



CFMEU-E2004. National Per PER  
244.242.doc attachment 192.doc Attachments .zip

**Sent:** Thursday, 20 January 2005 8:36 AM  
**To:** lhockey@fed.cfmeu.asn.au  
**Cc:** industrial.elections@air.gov.au; lee.jones@aec.gov.au  
**Subject:** CFMEU E2004/244 & E2004/242

Australian Electoral Commission AEC

John Sutton  
National Secretary  
CFMEU  
Level 2  
15 Wentworth Ave  
Sydney NSW 2000



National Post Election Report For: CFMEU E2004/244 and E2004/242

I refer to the recently completed election for your organisation.

Section 197(1) of Schedule 1B of the Workplace Relations Act 1996 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached. The file can be opened by selecting the 'Read Only' option when prompted.

Further, Regulation 141(4) of the Workplace Relations (RAO) Regulations 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.

# Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

## NATIONAL RETURNING OFFICER – CONSOLIDATED NATIONAL POST ELECTION REPORT

Construction, Forestry, Mining and Energy Union

Construction and General Division

<u>Contact details:</u>	John Sutton National Secretary CFMEU Level 2 15 Wentworth Ave Sydney NSW 2000	<u>Email:</u> lhockey@fed.cfmeu.asn.au <u>Tel:</u> (02) 9267 7644
<u>AIR contact officer:</u>	Dean Superina	<u>Email:</u> industrial.elections@air.gov.au <u>Tel:</u> (02) 8374 6506

### ELECTIONS COVERED IN THIS CONSOLIDATED NATIONAL REPORT

<u>Election Decision No/s:</u>	E2004/244 & E2004/242
<u>Elections:</u>	Construction and General Division – all Divisional Branch Offices
<u>National Returning Officer:</u>	Lee Jones

### RULES

<u>Rules used for each election Rule ID</u>	105N FED Incorporates alterations of 3/8/2004 R2004/379 105N BWIU Incorporates alterations of 22/7/2004 R2004/368
<u>Rule/s re eligibility to vote</u>	C & G Rules 7, 32, 34, 38 (O) (P)

### ROLL OF VOTERS

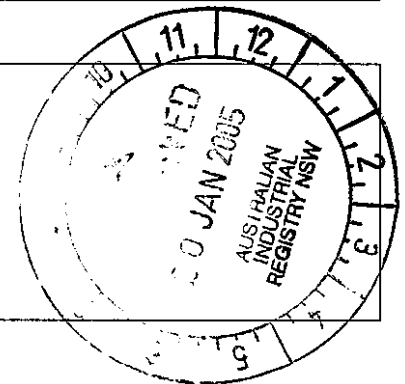
<u>Refer to IC&amp;E 192 attachment</u>
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### OTHER COMMENTS

<b>This declaration does not include 2<sup>nd</sup> Tier positions for the Construction Workers Divisional Branch for QLD. A separate Post Election Report for this election will be sent next year in February/March 2005.</b>
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### ATTACHMENTS

A	Declaration of Uncontested Results - NSW
B	Declaration of Uncontested Results - ACT
C	Declaration of Uncontested Results - VIC
D	Declaration of Uncontested Results - TAS
E	Declaration of Uncontested Results - WA
F	Declaration of Contested and Uncontested Results - QLD



Lee Jones  
National Returning Officer

# **Australian Electoral Commission / AEC**

Workplace Relations Act 1996 – Schedule 1B  
**NATIONAL RETURNING OFFICER – CONSOLIDATED  
NATIONAL POST ELECTION REPORT**  
**Construction, Forestry, Mining and Energy**  
**Construction and General Division**

<b><u>ROLL OF VOTERS STATE: QLD</u></b>		
<b><u>QLD Builders Labourers' Division Branch</u></b>		
<b><u>Total number of voters on the roll</u></b>	6269	
<b><u>Number of private addresses</u></b>	5956	95%
<b><u>Number of apparent workplace addresses</u></b>	313	5%
<b><u>Number of non-current addresses</u></b>	122	1.9%

**Construction, Forestry, Mining and Energy Union  
Construction & General Division  
Brick, Tile, Pottery, Construction Material & Related  
Products Industry Divisional Branch**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

**Brick, Tile & Pottery Industry Divisional Branch Offices**

**Divisional Branch President/Divisional Branch Delegate to Divisional Conference**

Candidate

HODDER, Peter

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

MELKSHAM, Trevor John

**Victoria Sub-Branch**

**Divisional Branch Assistant Secretary**

Candidate

ROACH, Stephen Paul

**Divisional Branch Management Committee Member**

Candidate

PRICE, William John

**New South Wales Sub-Branch**

**Divisional Branch Assistant Secretary**

Candidate

STIFF, Shayne R

**Divisional Branch Management Committee Member**

Candidate

GREEN, John Stephen Green

**Western Australia Sub-Branch**

**Divisional Branch Assistant Secretary**

No nomination was received

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

Lee Jones  
Returning Officer  
29 September 2004



**Construction, Forestry, Mining and Energy Union  
Construction & General Division  
NSW Divisional Branch 2004**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/244

**NSW Divisional Branch Offices**

**Divisional Branch President**

Candidate

MCCELLAND, Peter

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

FERGUSON, Andrew

**Divisional Branch Assistant Secretary (2)**

Candidates

PARKER, Brian  
ZABOYAK, Peter

**Divisional Branch Delegate to Divisional Conference (13)**

Candidates

BARRIOS, Mario  
BOTIC, Nikola  
FITZPATRICK, Brain  
FRASER, Lindsay  
GAY, Brett  
KNOTT, Mick  
LAWLER, Mick  
MALLIA, Rita  
MCCCELLAND, Peter  
PAPACONSTUNTINOS, Tony  
SUTTON, John  
ZABOYAK, Peter  
ZDRILIC, Ante

**Divisional Branch Organiser (26)**

Candidates

BREIE, Joe  
DIXON, Steve  
FITZPATRICK, Brian  
FRENCH, Malcolm  
GLASS, Dave  
HANLON, Rebel  
HARRIS, Ed  
HARRIS, Peter  
JARMAN, Rod  
KEENAN, Steve  
KELLY, Dave  
KELLY, Warren  
KESBY, Terry  
LANE, Mick  
LAWLER, Mick  
MANNA, Sammy  
MILLER, Brian  
MITCHELL, Tom  
MURPHY, Dan  
PAPACONSTANTINOS, Tony  
PRENTICE, John  
PRIMMER, Peter  
REDFERN, Brian  
SMITH, Phil  
VINCENTE, Antonio  
WYER, Martyn

**C&G Sydney Zone**

**Divisional Branch Council Member (27)**

Candidates

BEASHEL, Bernie  
BILLINGHAM, Trevor  
BLEVIN, Alan  
BRAZAO, Humberto  
BURNS, John  
CAMERON, Gordon  
CHAPMAN, Col  
CORDA, Tom  
COSBY, John  
DOGGETT, Geoffrey  
ERCEG, Tom  
FERGUSON, Graeme  
GROVER, Scott  
KAHROVIC, Fahrudin  
KENNIF, Pat  
LAMOND, Colin  
MCALINEY, Mick  
MCGREGOR, Rusty  
RAWSON, Nick  
SUTCLIFFE, Mark  
VALASTELICA, Steve  
VALESINI, Larry  
WEBSTER, Barry  
WEBSTER, Mick  
WHITEHURST, Mike  
WHITNEY, Warren  
ZANNIN, Mario

## **C&G Newcastle Zone**

**Divisional Branch Council Member (3)**

Candidates

HALL, Neil  
NIXON, John  
SPAZZAL, Frank

## **C&G Wollongong Zone**

**Divisional Branch Council Member (3)**

Candidates

DE SOUSA, Jose Pedro  
FISHER, Paul  
HOGAN, Darrell

## **C&G Country Zone**

**Divisional Branch Council Member (3)**

Candidates

HUTCHEON, Jim  
MULCANY, John  
WRIGHT, Col

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

Lee Jones  
Returning Officer

**Construction, Forestry, Mining and Energy Union  
Construction and General Division  
ACT Divisional Branch**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E.No. 2004/242 and E.No. 2004/244 refers.

**Divisional Branch President**

Candidate

SCHOONWATER, Sarah

**Divisional Branch Vice President (2)**

Candidates

JOHNSTONE, Phillip J  
MARTIN, Robert William

**Divisional Branch Secretary/ Divisional Branch Treasurer/ Divisional Branch Delegate to  
Divisional Conference**

Candidate

WASON, George

**Divisional Branch Assistant Secretary (Plasterer)/ Divisional Branch Delegate to Divisional  
Conference**

Candidate

PARRY, Glenn

**Divisional Branch Council Member (9)**

Candidates

CAMPBELL, David  
PATTERSON, Tony  
REDDEN, Wayne  
SCOTT, Trevor  
SLOANE, Michael  
SOUTHWELL, Mark  
STEVENS, Kerry  
VIZY, Steven  
WILLETTS, Steve

**Divisional Branch Management Committee Member (11)**

Candidates

BROADRICK, Garry  
DILLON, Allan  
DRIVER, Rodney James  
DYMOCK, Mark  
HARMER, Maxwell A.  
KIMBERLEY, Ricky James  
LANCSAR, Laszlo  
MacGREGOR, David  
O'MARA, Jason  
RAIL, Don  
WILSON, Wayne

**Divisional Branch Organiser**

Candidate

LANCSAR, Laszlo

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

Jeff Howarth  
Returning Officer  
Australian Electoral Commission, Canberra

21 September 2004

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

**CONSTRUCTION AND GENERAL DIVISION**

**VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH**

**DECLARATION OF RESULTS**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2004/244

**DIVISIONAL BRANCH PRESIDENT**

Candidate

CUMMINS, John

**DIVISIONAL BRANCH VICE-PRESIDENTS (3)**

Candidates

O'GRADY, Francis  
SETKA, John  
SPERNOVASILIS, Elias

**DIVISIONAL BRANCH SECRETARY/DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE**

Candidate

KINGHAM, Martin

**DIVISIONAL BRANCH ASSISTANT SECRETARY**

Candidate

OLIVER, Bill

**DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS (17)**

Candidates

AKBARI, Frank  
BERARDI, Danny  
BERGIC, Sam  
BULL, Mick  
CANNING, John  
CHRISTOPHER, Derek Ayisilou Kyriarkian  
LITTLER, Albert  
MC LOUGHLIN, Adrian (Skinner)  
PATERSON, George  
PERHAM, Rex Robert  
REARDON, Shaun  
SPOSITO, Sam  
STEPHENSON, Gareth  
SUCIC, Anton  
THORSON, Grant  
WILLIAMS, Roy  
ZORDAN, Tony John

**DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE (12)**

Candidates

CHRISTOPHER, Derek Ayisilou Kyriarkian  
CUMMINS, John  
DOYLE, Fergal  
EDWARDS, Ralph  
FURLONG, John  
HUDSON, Matt  
LITTLER, Albert  
NOONAN, Dave  
O'GRADY, Frank  
OLIVER, Bill  
SETKA, John  
SPERNOVASILIS, Elias

**DIVISIONAL BRANCH ORGANISERS (13)**

Candidates

DOYLE, Fergal  
EDWARDS, Ralph  
HUDSON, Matt  
MCLOUGHLIN, Adrian (Skinner)  
MCPARTLIN, John  
MURPHY, Brendan  
O'GRADY, Frank  
REARDON, Shaun Michael  
SETKA, John  
SMITH, Malcolm Ross  
SPERNOVASILIS, Elias  
SPIVEY, Darrel  
TAIT, Mark "Fozzie"

**DIVISIONAL BRANCH COUNCIL MEMBERS (74) COMPRISING:**

**- METROPOLITAN MELBOURNE ZONE (58)**

Candidates

AMATO, Dominic  
AYERS, Gerry  
BIANCHI, Kevin  
BOCKTING, Theo  
BROOMHALL, Mark "Yogi"  
CARROLL, David  
CASELLA, Angela  
CASTLES, Peter  
COLLINS, Dean  
CONSTANTINO, John  
CORMICK, Peter  
DALE, Jimmy  
DOYLE, Fergal  
EDWARDS, Ralph  
FILARDO, Felice (Phil)  
FLANAGAN, Colin  
FURLONG, John  
GIAGNACOVO, Bernard  
GREGORY, Alfred (Joe)  
GRUNDY, Peter  
HALL, Adam  
HANCY, Terry

HOPKINS, Ciaram  
HUDSON, Matt  
HURD, William Thomas  
IOANNIDIS, Tony  
JACKSON, Cameron Neil  
LECKIE, Philip  
LEIVERS, William  
MANTIS, John  
MARKHAM, Ian  
MATES, Robert  
MAXWELL, Jim  
MAZZONE, John  
MCINTYRE, Wayne "Kiwi"  
MCPARTLIN, John  
MORRISON, Alex  
MULDEARY, Peter  
NEWHAM, Malcolm  
NICOLI, Victor  
O'CONNOR, Danny  
ORTERGIA, Rick  
PATTINSON, Kevin  
PORTELLI, Paul  
PRESTON, Patrick  
RASPUDIC, Rudy  
REED (REEDY), Trevor  
RISTEVSKI, George  
SAVINO, John  
SPIVEY, Darrel  
SULLIVAN, Paul  
SWEENEY, Eddie  
TODD, Rick  
VULETIC, Ivan  
WARD, Donald Thomas  
YIN, Garry  
ZANATTA, Lisa  
ZANATTA, Mick

**- GEELONG ZONE (4)**

Candidates

BENSTEAD, Gerard Peter  
GOODEN, Tim  
MANCOR, Bob  
MURPHY, Brendan

**- CENTRAL VICTORIA ZONE (4)**

Candidates

BELL, Jason  
FRAIETTA, Raff  
MAHER, Peter  
WHITFORD, Doug



- NORTHERN VICTORIA ZONE (4)

Candidates

MARTIN, David  
MCLEAN, Peter  
NEWBY, Dennis  
TAIT, Mark "Fozzie"

- LATROBE ZONE (4)

Candidates

DILLON, Matt (EJ)  
PARKER, John  
RUST, Norman George  
SMITH, Malcolm Ross

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

Michael Pryor  
Returning Officer  
Australian Electoral Commission  
Melbourne

29 September 2004

**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION  
CONSTRUCTION AND GENERAL DIVISION  
VICTORIAN FEDFA DIVISIONAL BRANCH**

**DECLARATION OF RESULTS**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/242

**Divisional Branch President**

Candidate

WASHINGTON, Noel

**Divisional Branch Vice-President**

Candidate

HILL, Maurie

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

WATSON, Tommy

**Divisional Branch Assistant Secretary**

Candidate

HALLETT, Ray

**Divisional Branch Management Committee Member - Metropolitan District (3)**

Candidates

ANDRISKE, Peter  
LONG, Steve  
NEILSON, Billy

**Divisional Branch Management Committee Member - Non-Metropolitan District**

Candidate

PITT, Brendan

**Divisional Branch Council Member - Metropolitan District (5)**

Candidates

CECALA, Robert  
DUGGAN, John  
HART, Rod  
KADZIELA, Jan  
RUSSELL, Jimmy

**Divisional Branch Council Member - Country/Provincial District (3)**

Candidates

BOOTH, Ray  
MURPHY, Martin  
STEWART, Colin

**Divisional Branch Council Member - Latrobe Valley Sub-Branch**

Candidate

THORNTON, Toby

**Additional Divisional Branch Delegate to Divisional Conference (2)**

Candidates

NEILSON, Billy  
WASHINGTON, Noel

**Divisional Branch Organiser (4)**

Candidates

ANDRISKE, Peter  
HILL, Maurie  
JOHNS, Ken  
STEWART, Colin

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

Michael Pryor  
Returning Officer

30 September 2004

**Construction, Forestry, Mining and Energy Union  
Construction & General Tasmanian Divisional Branch  
Elections 2004**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation

E2004/244

**Construction & General Division, Tasmanian Divisional Branch**

**Divisional Branch President/Divisional Branch Delegate to Divisional Conference**

Candidate

CRACKNELL, Dale Leslie

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

BENSON, Anthony Ross

**Divisional Branch Assistant Secretary**

Candidate

WHITE, William Thomas Charles

**Divisional Branch Management Committee Member (13)**

Candidates

HEVEY, Stephen James

JENKINS, Edward

JONES, Tyrone

MCCARTHY, Philip Arthur

MORGAN, John

NORRIS, Michael Leonard

POST, Lindsay Robert

RIDGEWAY, Peter

RILEY, Peter

SMEDLEY, Roy

VAN DE KAMP, Michael

VINCENT, Robert William

**Hobart and Southern Zone**

**Divisional Branch Council Member (3)**

Candidates

EVANS, Tasman James  
JENKINS, Edward  
SPOUSE, Karl

**Launceston Zone**

**Divisional Branch Council Member**

Candidate

JONES, Tyrone

**North West Zone**

**Divisional Branch Council Member**

Candidate

DAVIS, Keith John

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

Ron Mann  
Returning Officer  
24 September 2004

**Construction, Forestry, Mining and Energy Union  
Construction and General Division Western Australia  
Divisional Branch Elections 2004**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2004/244

**Construction and General Division**

**Divisional Branch President**

Candidate

MCPARLAND, Kevin

**Divisional Branch Senior Vice President**

Candidate

SIMPSON, Davie

**Divisional Branch Vice President**

Candidate

MCCULLOUGH, Cam

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

REYNOLDS, Kevin

**Divisional Branch Assistant Secretary (2)**

Candidates

MCDONALD, Joseph

WELLINGTON, Les

**Divisional Branch Trustee (3)**

Candidates

BALLARD, Peter

KELLY, Antony

REID, Jim

**Divisional Branch Treasurer**

Candidate

HAWKINS, Ian

**Divisional Branch Council Member (20)**

Candidates

ARNOLD, Peta  
BRIGHT, Neil  
BUCHAN, Mick  
COCKSHOT, Dave  
DARLING, Richard  
FERGUSON, Peter  
GANGEMI, Frank  
HOGAN, Michael  
INNESS, Mark  
KAVANAGH, Darren  
KAVANAGH, Rick  
KRSTIC, Eugene  
LEE, Robert  
LEGGO, Jaimie  
MILNE, Philip  
MORRISON, Peter  
MURPHY, Jimmy  
PALERMO, Angelo  
POUND, John Desmond  
SULLIVAN, Brian

**Divisional Branch Management Committee Member (5)**

Candidates

ARIAS, Joseph Louis  
HAWKINS, Glenn Alan  
MCCANN, Patrick  
MCGRAHAN, Peter  
MUSIAL, Bernard

**Divisional Branch Organiser (6)**

Candidates

ENNOR, Kevin  
HUDSTON, Mark John  
MOLINA, Walter Vinicio  
PALLOT, Graham  
REID, Jim  
WADE, Bob

**Divisional Branch Delegate to Divisional Conference (3)**

Candidates

MCDONALD, Joseph  
MCPARLAND, Kevin  
WELLINGTON, Les

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

Van Panegyres  
Returning Officer

20 September 2004

**Construction, Forestry, Mining and Energy Union**  
**Construction and General Division**  
**2004 QUEENSLAND BUILDERS LABOURERS' DIVISIONAL BRANCH ELECTION**  
**DECLARATION OF RESULTS FOR CONTESTED OFFICES**

Election E2004/242 & E2004/244, conducted in accordance with Section 189 of Schedule 1B of the Workplace Relations Act 1996 and in accordance with the Rules of the Union.

Further to my advice of 4 October 2004, declaring the results for uncontested offices, I now advise the results of the postal ballot that closed at 12.00 noon on Tuesday 16 November 2004.

**Queensland Builders Labourers' Divisional Branch**

Total number of persons on the roll of voters	6,269
Ballot papers issued	6,269
Duplicate ballot papers issued	2
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>6,271</b>
Ballot papers / Envelopes returned for scrutiny	1,941
Less ballot papers / envelopes rejected at preliminary scrutiny	108
<b>TOTAL BALLOT PAPERS/DECLARATION ENVELOPES ADMITTED TO SCRUTINY</b>	<b>1,833</b>
Percentage of ballot papers returned to number issued	30.96%
Ballot papers returned as unclaimed mail	179
Ballot papers not returned	4,151

**Divisional Branch Assistant Secretary**

<u>Candidates</u>	<u>Votes</u>
HANNA, David	902
BEKAVAK, Jack	908
Formal ballot papers	1,810
Informal ballot papers	5
Declaration envelopes not containing this ballot paper	18

I declare Jack Bekavak elected.

Brendan Carroll  
 Returning Officer  
 Australian Electoral Commission  
 18 November 2004.



**Construction, Forestry, Mining and Energy Union  
Construction and General Division  
2004 QUEENSLAND ELECTION**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Election E2004/242 & E2004/244, conducted in accordance with Section 189 of Schedule 1B of the Workplace Relations Act 1996 and in accordance with the Rules of the Union.

Nominations for the above election closed at 4.00 pm on Friday 17 September 2004.  
The withdrawal period has now passed and defective nominations issues have been dealt with.

I now advise the following results.

**Queensland Construction Workers Divisional Branch**

**Divisional Branch President**

Candidate

SMITH, Thomas

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

TROHEAR, Wallace

**Divisional Branch Assistant Secretary (Plasterers)/Divisional Branch Delegate to Divisional Conference**

Candidate

CLOSE, Peter

**Divisional Branch Assistant Secretary (Painters)/Divisional Branch Delegate to Divisional Conference**

Candidate

RAVBAR, Michael

**Divisional Branch Assistant Secretary**

Candidate

PRICE, Chris

**State Management Committee Member (16)**

Candidates

BEATTIE, Russell  
BOSTOCK, Robert H  
CARROLL, Kevin  
DANIEL, Brad  
GENRICH, Laurie  
HARDY, Jim  
JURSS-LEWIS, Gary  
LORD, Stephen  
MACFARLANE, Gordon  
MATAKOVIC, David  
McLAREN, Gregory  
MILLARD, Ted  
POUNTNEY, Alan  
QUINN, Sean  
SMITH, Geoffrey  
WATERS, Paul

**Divisional Branch Organiser (17)**

Candidates

BOOTH, Mick  
CLARK, Andrew  
FLACK, Garry  
KERSEY, Darrel  
LOGUE, Graeme  
NEILAND, Bud  
NISBET, Tim  
O'NEILL, Wayne  
PERRETT, Bill  
RAMSAY, Andrew  
RIEK, Micheal  
SPINKS, Doug  
STEIN, Jason  
TREMLIN, Russ  
WATERS, Paul  
WATSON, Ted  
YOUNG, Frank

**Divisional Branch Delegate to Divisional Conference (5)**

Candidates

GENRICH, Laurie  
PRICE, Chris  
SMITH, Thomas  
STEIN, Jason  
WATERS, Paul

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

In accordance with Construction and General Division Rules 40 and 42, a second tier collegiate election will also soon be conducted from the newly elected State Management Committee of the *Queensland Construction Workers Divisional Branch*, for three Divisional Branch Vice-Presidents and three Divisional Branch Executive Members.

**Queensland Builders Labourers' Divisional Branch**

**Divisional Branch President**

Candidate

McINTYRE, Terry

**Divisional Branch Vice-President**

Candidate

KUPSCH, Royce

**Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference**

Candidate

SIMCOE, Greg

**Divisional Branch Trustee (2)**

Candidates

OLIVE, Phillip John  
PRATT, Dean

**Divisional Branch Treasurer**

Candidate

EZZY, Dallas

**Divisional Branch Guardian**

Candidate

WILLIAMS, Bob

**Divisional Branch Executive Member (4)**

Candidates

CHRISTIAN, John Robert  
DEEN, Fazal  
MAHER, Pat  
MINTON, Mark

**Divisional Branch Organiser (10)**

Candidates

CARNEGIE, Bob  
FENNELLY, Dan  
KERR, Daryl  
KUPSCH, Royce  
LUND, John  
McHUGH, Jamie  
McHUGH, Leith  
PUPLETT, Ted  
TYE, Terry  
WILLIAMS, Bob

**Divisional Branch Delegate to Divisional Conference (2)**

Candidates

HANNA, David  
KUPSCH, Royce Graham

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

For the following contested office, where the number of nominations received exceeds the number of positions available, a postal ballot of eligible members of the *Queensland Builders Labourers' Divisional Branch*, will open on 2 November 2004 and close at 12.00 noon on Tuesday 16 November 2004.

Office: **Divisional Branch Assistant Secretary**      No. of Vacancies: 1

Candidates:                                      HANNA, David  
    BEKAVAK, Jack

Candidates are shown in the order they will appear on the ballot paper, following the draw conducted on 28 September 2004.

In accordance with CFMEU Construction and General Division Rule 38(t), any candidate in the ballot may appoint one other financial member of the Union (not being a candidate) as a scrutineer, by notice in writing to me. Scrutineers must produce a letter of authority or suitable identification on their initial introduction to me or my staff. Absence of a scrutineer will not delay any step in the election.

A list of members of the organisation qualified to vote, will be made available to members for inspection or copying, in accordance with the WR(RAO) Regulation 131. Any member wishing to inspect or copy the list, should make an appointment with me. All costs relating to inspection or copying are the responsibility of the member.

The election is conducted under Section 189 of Schedule 1B of the Workplace Relations Act 1996, and in accordance with the Rules of the Union. Copies of the Workplace Relations Act and of Schedule 1B, as well as the Registration and Accountability of Organisations Regulations, are available under "Procedures & Legislation" on the Australian Industrial Relations Commission website at: [www.airc.gov.au](http://www.airc.gov.au) Copies of the rules of the CFMEU and the Construction and General Division, are also available at the same location under "Organisations", as well as in accordance with CFMEU Construction & General Division Rule Union Rule 33.

Brendan Carroll  
Returning Officer  
Australian Electoral Commission  
6<sup>th</sup> floor, 488 Queen Street  
GPO Box 2590  
Brisbane Qld 4001.  
4 October 2004.

Telephone: (07) 3834 3406  
Facsimilie: (07) 3832 4727

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

## QUEENSLAND CONSTRUCTION WORKERS DIVISIONAL BRANCH ELECTION DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Election E2004/242 & E2004/244, conducted in accordance with Section 189 of Schedule 1B of the Workplace Relations Act 1996 and in accordance with the Rules of the Union.

Further to my advice of 4 October 2004, declaring the results for the election of first tier offices, I now advise the results of the collegiate election for which nominations closed at the State Management Committee Meeting this morning.

### State Management Committee

#### Divisional Branch Vice-President (3)

Candidates

CARROLL, Kevin Francis  
DANIEL, Brad  
GENRICH, Laurence John

#### Divisional Branch Executive Member (3)

Candidates

BEATTIE, Russell  
BOSTOCK, Robert Herbert  
DANIEL, Brad

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

The election is now complete.

Brendan Carroll  
Returning Officer  
4 March 2005.

