

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION CONSTRUCTION AND GENERAL DIVISION ACT DIVISIONAL BRANCH

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:	E2008/204
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RULES

Rules used for the election:	<i>[105N-BWIU: Incorporates alterations of 23/5/2008 in matter R2008/250]</i>
Rules difficult to apply/interpret:	<i>C & G Division rules 40(2) (iv) and 42(b)(iv) – require the Divisional Branch Council and Divisional Branch Committee to include a certain number of Delegates and Committee members from various trades, non-trades and industry classes. Although the final result at this election satisfied these rules, the rules themselves do not assist the returning officer in determining the method of counting the votes and ascertaining the successful candidates where a ballot is necessary.</i>
Model Rule reference (if any):	- None

ROLL OF VOTERS

<u>ROLL OF VOTERS STATE: ACT</u>		
<u>Total number of voters on the roll</u>	1127	
<u>Number of private addresses</u>	1127	100%
<u>Number of apparent workplace addresses</u>	nil	0%
<u>Number of non-current addresses</u>	nil	0%

IRREGULARITIES

<p>Details of written allegations of irregularities, and action taken by AEC:</p>	<ol style="list-style-type: none">1. Letter from Maurice Blackburn, Lawyers, of 26 September 2008 concerning the admission/rejection of various nominations. Action by AEC – nominations were admitted or rejected in accordance with the rules of the organisation and the membership records of the union.2. Letter from a member, Gary McCarthy of 3 October 2008, concerning the accuracy of the roll of voters, the eligibility of certain persons to be admitted as members and the eligibility of certain candidates Action by AEC- the returning officer responded to the allegations by email on 9 October and 15 October 20083. Email from the CFMEU ACT of 10 October 2008 from the Divisional Branch concerning the circulation of unauthorized electioneering material and flyers Action taken by AEC – response provided by returning officer on 16 October 20084. Email from Gary McCarthy of 23 October 2008 concerning the eligibility of certain candidates in relation to their trade qualifications Action taken by AEC – candidates' trade qualifications were confirmed with the union5. Emails from member Peter Wenderoth of 6 November and 7 November 2008 concerning allegations of unauthorized collection of ballot material from members by a candidate. Action taken by AEC- email from returning officer to candidate on 10 November 2008 advising offence provisions in the Workplace Relations Act in relation to the conduct of elections and advising candidate that if allegations were correct, to refrain from collecting or offering to collect ballot material from members.
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Other irregularities identified, and action taken:	- None
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ATTACHMENTS

1)	Declaration of Results – CFMEU, C&G Division, ACT Divisional Branch – E2008/204
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Jeff Howarth
Returning Officer
Australian Electoral Commission Canberra
Ph 02 62497908
Fax 02 6248 7559
Mob 0401 140 672

10 December 2008

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
Construction and General Division
ACT Divisional Branch

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED 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.

E2008/204

Construction and General Division - ACT Divisional Branch

Total number of persons on the roll of voters	1127
Ballot papers issued	1127
Duplicate ballot papers issued	38
TOTAL BALLOT PAPERS ISSUED	1165
Ballot papers / envelopes returned for scrutiny	430
Less ballot papers / envelopes rejected at preliminary scrutiny	7
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	423
Percentage of ballot papers returned to number issued	38%
Ballot papers returned as unclaimed mail	10
Ballot papers not returned	725

Divisional Branch Council Members (9)

<u>Candidates</u>	<u>Primary Votes</u>	<u>Final Votes*</u>
HAMBESIS, Stanley	343	392
EAGLES, Gerard	88	0
POLSEN, Jeff	386	402
KNOWLES, Thomas	92	99
BENAC, Zvonko	381	402
RODRIGUEZ, Tony	382	400
CALVERT, Tom	382	401
VITLER, Anthony	341	403
GARRETY, Dick	346	404
HEYCOX, Shawn	329	395
JAMES, Neil	75	0
ALLAN, Richie	349	356
GAUL, Scott Leslie	78	0
GAUL, Mervyn Dennis	82	0
Total votes	3654	3654
Formal ballot papers	406	406
Informal ballot papers	17	17

I declare Dick Garrety, Anthony Vitler, Zvonko Benac, Jeff Polsen, Tom Calvert, Tony Rodriguez, Shawn Heycox, Stanley Hambesis and Richie Allan elected.

Divisional Branch Management Committee Members (11)

<u>Candidates</u>	<u>Primary Votes</u>	<u>Final Votes*</u>
BOX, Justin	391	399
MARLAND, Des	386	405
HARMER, Max	337	402
KING, Andrew John	82	0
GUNNER, Malcolm John	80	0
ARNOLD, Leon	384	402
BROADRICK, Garry	386	404
DRIVER, Rod	339	397
STEVENS, Brett	88	0
SCOTT, Trevor	382	400
KIVALU, Halafih	335	400
HEWITT, Edward	335	401
SALCEDO, Tony	84	0
VUKELIC, Nikola	334	357
MCCARTHY, Gary	81	0
JENNINGS, Jason	338	393
DILLON, Allan	93	95
Total votes	4455	4455
Formal ballot papers	405	405
Informal ballot papers	18	18

I declare Des Marland, Garry Broadrick, Leon Arnold, , Max Harmer, Edward Hewitt, Halafih Kivalu, Trevor Scott, Justin Box, Rod Driver, Jason Jennings, and Nikola Vukelic elected.

Divisional Branch Organiser

<u>Candidates</u>	<u>Votes</u>
HARDY, Cameron	343
MCCARTHY, Gary	70
Total votes	413
Formal ballot papers	413
Informal ballot papers	10

I declare Cameron Hardy elected.

Divisional Branch President

<u>Candidate</u>
O'MARA, Jason

I declare Jason O'Mara elected.

Divisional Branch Vice Presidents (2)

<u>Candidates</u>
DYMOCK, Mark
STEWART, Clyde

I declare Mark Dymock and Clyde Stewart elected.

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

Candidate

SCHOONWATER, Sarah

I declare Sarah Schoonwater elected.

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

Candidate

HALL, Dean

I declare Dean Hall elected.

*Full details of the distribution of preferences are available from my office on request.

Jeff Howarth
Returning Officer
Australian Electoral Commission Canberra
Ph 02 6249 7908

18 November 2008



GPO Box 1824
Canberra ACT 2601

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

Reference: ACT N08/223

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

Ms Sarah Schoonwater
ACT Divisional Branch Secretary
Construction, Forestry, Mining and Energy Union
PO Box 498
DICKSON ACT 2602

Dear Sarah

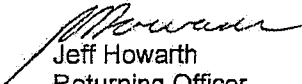
Construction, Forestry, Mining and Energy Union
Construction and General Division
ACT Divisional Branch
E2008/204

I refer to my letter of 20 August 2008 concerning the arrangements for me to conduct an election for various positions in your Organisation.

My declaration of the results is attached.

The election is now complete.

Yours sincerely


Jeff Howarth
Returning Officer

18 November 2008

cc all candidates

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
Construction and General Division
ACT Divisional Branch

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EAGLES, Gerard	88	0
POLSEN, Jeff	386	402
KNOWLES, Thomas	92	99
BENAC, Zvonko	381	402
RODRIGUEZ, Tony	382	400
CALVERT, Tom	382	401
VITLER, Anthony	341	403
GARRETY, Dick	346	404
HEYCOX, Shawn	329	395
JAMES, Neil	75	0
ALLAN, Richie	349	356
GAUL, Scott Leslie	78	0
GAUL, Mervyn Dennis	82	0
Total votes	3654	3654
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Divisional Branch Management Committee Members (11)

<u>Candidates</u>	<u>Primary Votes</u>	<u>Final Votes*</u>
BOX, Justin	391	399
MARLAND, Des	386	405
HARMER, Max	337	402
KING, Andrew John	82	0
GUNNER, Malcolm John	80	0
ARNOLD, Leon	384	402
BROADRICK, Garry	386	404
DRIVER, Rod	339	397
STEVENS, Brett	88	0
SCOTT, Trevor	382	400
KIVALU, Halafih	335	400
HEWITT, Edward	335	401
SALCEDO, Tony	84	0
VUKELIC, Nikola	334	357
McCARTHY, Gary	81	0
JENNINGS, Jason	338	393
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Divisional Branch President

<u>Candidate</u>
O'MARA, Jason

I declare Jason O'Mara elected.

Divisional Branch Vice Presidents (2)

<u>Candidates</u>
DYMOCK, Mark
STEWART, Clyde

I declare Mark Dymock and Clyde Stewart elected.

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

Candidate

SCHOONWATER, Sarah

I declare Sarah Schoonwater elected.

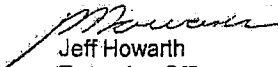
Divisional Branch Assistant Secretary (Plasterer)/Divisional Branch Delegate to Divisional Conference

Candidate

HALL, Dean

I declare Dean Hall elected.

*Full details of the distribution of preferences are available from my office on request.



Jeff Howarth
Returning Officer
Australian Electoral Commission Canberra
Ph 02 6249 7908

18 November 2008

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
Construction and General Division
ACT Divisional Branch

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Divisional Branch Management Committee Members (11)

<u>Candidates</u>	<u>Primary Votes</u>	<u>Final Votes*</u>
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HARMER, Max	337	402
KING, Andrew John	82	0
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ARNOLD, Leon	384	402
BROADRICK, Garry	386	404
DRIVER, Rod	339	397
STEVENS, Brett	88	0
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JENNINGS, Jason	338	393
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Divisional Branch Organiser

<u>Candidates</u>	<u>Votes</u>
HARDY, Cameron	343
MCCARTHY, Gary	70

Total votes	413
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I declare Cameron Hardy elected.

Divisional Branch President

<u>Candidate</u>
O'MARA, Jason

I declare Jason O'Mara elected.

Divisional Branch Vice Presidents (2)

<u>Candidates</u>
DYMOCK, Mark
STEWART, Clyde

I declare Mark Dymock and Clyde Stewart elected.

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

Candidate

SCHOONWATER, Sarah

I declare Sarah Schoonwater elected.

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

Candidate

HALL, Dean

I declare Dean Hall elected.

*Full details of the distribution of preferences are available from my office on request.

Jeff Howarth
Returning Officer
Australian Electoral Commission Canberra
Ph 02 6249 7908

18 November 2008

**Construction, Forestry, Mining and Energy Union
CFMEU Construction and General Division Collegiate Election**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED 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.

E2008/E 204

**State Management Committee
Divisional Branch Vice-President**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
MCKEWIN, Ian John	3	3
DANIEL, Bradley Victor	18	18
Total votes	21	21
Formal ballot papers	21	21
Informal ballot papers	0	0

I declare Bradley Victor Daniel elected.

Divisional Branch Executive Member

Candidate

GASKE, Steven Clayton

I declare Steven Clayton Gaske.

Steve Gillespie
Returning Officer
Australian Electoral Commission
27 February 2009

Construction, Forestry, Mining and Energy Union Builders Labourers' Divisional Branch Collegiate 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.

E2008/E 204

Divisional Branch Management Committee

Divisional Branch Trustee (2)

Candidates

EZZY, Dallas
KUPSCH, Royce

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

Steve Gillespie
Returning Officer
4 February 2009

Mr Ralph Edwards
Divisional Branch President
CFMEU, Construction & General Division
500 Swanston Street
CARLTON VIC 3053

**Post Election Report For: Construction, Forestry, Mining and Energy Union
Construction and General Division
Victoria Divisional Branch
Election E2008/204**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 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.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. 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.

Please contact me if you wish to clarify any aspect of this report.

Michael Pryor
Returning Officer

7 January 2009

Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

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

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2008/204

RULES

Rules used for the election: [105N-BWIU: Incorporates alterations of 4/07/2008 in matter R2008/288]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 25005

Number of apparent workplace addresses: Nil

Number of non-current addresses: 10

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Michael Pryor
Returning Officer

7 January 2009

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

CONSTRUCTION AND GENERAL DIVISION

VICTORIA DIVISIONAL BRANCH

DECLARATION OF RESULT

Result 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.

E2008/204

DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS (6)

Candidates

BEATTIE, Bill
BOOTH, Peter
CODY, Mick
CORDIER, Anthony
PERKOVIC, John
ROUND, Paul

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

Michael Pryor
Returning Officer
Australian Electoral Commission, Melbourne

2 January 2009

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

CONSTRUCTION AND GENERAL DIVISION

VICTORIA DIVISIONAL BRANCH

DECLARATION OF RESULT

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

E2008/204

DIVISIONAL BRANCH SECRETARY/DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

Ballot papers issued	25005
Duplicate ballot papers issued	393
TOTAL BALLOT PAPERS ISSUED	25398
Ballot papers returned for scrutiny	8397
Less ballot papers rejected at preliminary scrutiny	226
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	8171
Percentage of ballot papers returned to number issued	33%
Ballot papers returned as unclaimed mail	168
Ballot papers not returned	16833

<u>Candidates</u>	<u>Votes</u>
KESSARIS, Chris	1244
OLIVER, Bill	6878
Formal ballot papers	8122
Informal ballot papers	49

I declare Bill Oliver elected.

Michael Pryor
Returning Officer
20 November 2008

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

CONSTRUCTION AND GENERAL DIVISION

VICTORIA 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.

E2008/204

DIVISIONAL BRANCH PRESIDENT

Candidate

EDWARDS, Ralph

DIVISIONAL BRANCH SENIOR VICE PRESIDENT (FEDFA)

Candidate

WASHINGTON, Noel

DIVISIONAL BRANCH VICE PRESIDENTS (4)

Candidates

HUDSON, Matt
O'GRADY, Frank
REARDON, Shaun
SPERNOVASILIS, Elias

***DIVISIONAL BRANCH SECRETARY/DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE (BALLOT REQUIRED)**

Candidates

KESSARIS, Chris (Chickenman)

OLIVER, Bill

DIVISIONAL BRANCH ASSISTANT SECRETARY

Candidate

SETKA, Johnny

DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)/DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

Candidate

WATSON, Tommy

DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS (17)

Candidates

AKBARI, Frank
BALTA, Steven
BERARDI, Danny
BERGIC, Sam Sakib
BOOTH, Raymond
CHRISTOPHER, Derek Kyriarkian Ayisilou
DOYLE, Fergal Joseph
DUGGAN, John
IOANNIDIS, Anthony
LITTLER, Albert Edward
MCLOUGHLIN, Adrian Micheal
NEILSON, Bill
SAVRONIDIS, Christos
STEPHENSON, Gareth
STRADIJOT, Fabio
THEODOROU, Theo
WILLIAMS, Roy Edward

DIVISIONAL BRANCH COUNCIL MEMBERS - MELBOURNE METROPOLITAN ZONE (64)

Candidates

AMATO, Dominic
AYERS, John
AYRES, Gerry
BROOMHALL, Mark
CAMILLERI, Phillip
CASSIDY, Bill
CASTLES, Peter
CATHIE, Matthew
CHRISTOPHER, Alex
CONSTANTINOU, John
DALE, James Gallagher
DATEMA, John
EGAN, Mick
FILARDO, Felice
FLANAGAN, Colin
FURLONG, John
GIAGNACOVO, Bernard
GREGORY, Joe
GRIFFITHS, Dave
GRITZALIS, Dennis
HALL, Adam
HART, Rod

HOPKINS, Ciaran
JOHNSTON, Craig
KADZIELA, Jan
KOLOUOS, Evan
LECKIE, Philip Stephen
LONG, Steve
MANTIS, John
MARKHAM, Ian
MATES, Robert Anthony
MCINTYRE, Wayne
MEDLYN, John
MILARDOVIC, Tommy
MILLS, Steve
MULDEARY, Peter
MURPHY, Martin
NEWHAM, Malcolm
NICOLI, Victor
O'CONNOR, Danny
ORTERGA, Ricky
PATERSON, George
PATTINSON, Kevin J
POWELL, Mick
PRESTI, Salvatore
RASPUVIC, Rudy
REED, Trevor
RISTEVSKI, George
RUSSELL, Jim
SAVINO, John
SAYERS, Mark
SCAFFIDI, Bart
SEADON, Matthew
SPIVEY, Darrel
STEPHEN, Gary
SUFFERN, Tony
SULLIVAN, Paul
TADIC, Alexander
TODD, Rick
VULETIC, Ivan
WILSON, Russell
WISE, Kevin J
WOLFE, Eamonn
ZANATTA, Lisa

DIVISIONAL BRANCH COUNCIL MEMBERS - GEELONG ZONE (7)

Candidates

BENSTEAD, Gerard
GOODEN, Tim
GRAAUWMANS, Rob
MANCOR, Robert C
MURPHY, Brendan
MUSGROVE, Glenn
PITT, Brendan

DIVISIONAL BRANCH COUNCIL MEMBERS - CENTRAL VICTORIA ZONE (4)

Candidates

ALLEN, John
BELL, Jason
TRAVERS, Mark
WHITFORD, Doug

DIVISIONAL BRANCH COUNCIL MEMBERS - NORTHERN VICTORIA ZONE (4)

Candidates

HARTWIG, Peter
MAGGS, Joseph
NEWBY, Dennis
TAIT, Mark

DIVISIONAL BRANCH COUNCIL MEMBERS - LATROBE ZONE (4)

Candidates

MALONE, Tom
PARKER, John
SMITH, Malcolm Ross
THORNTON, Toby

DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE (12)

Candidates

EDWARDS, Ralph
HUDSON, Matt
KINGHAM, Martin
MCLOUGHLIN, Adrian
MURPHY, Brendan
NEILSON, Bill
NOONAN, David John
O'GRADY, Frank
REARDON, Shaun
SETKA, Johnny
SPERNOVASILIS, Elias
WASHINGTON, Noel

DIVISIONAL BRANCH ORGANISERS (21)

Candidates

BELL, Jason
BENSTEAD, Gerard
BERARDI, Danny
CHRISTOPHER, Derek Kyriarkian Ayisilou
DOYLE, Fergal Joseph
FLANAGAN, Colin
GRAAUWMANS, Rob
HUDSON, Matt
LONG, Steve
MCCLOUGHLIN, Adrian Micheal
MURPHY, Brendan
O'GRADY, Frank
PARKER, John
PITT, Brendan
POWELL, Mick
REARDON, Shaun
SMITH, Malcolm Ross
SPERNOVASILIS, Elias
STEPHENSON, Gareth
TAIT, Mark
TRAVERS, Mark

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

Michael Pryor
Returning Officer
Australian Electoral Commission, Melbourne

8 October 2008

VALE, David

From: industrial.elections@air.gov.au
Sent: Thursday, 30 October 2008 2:01 PM
To: VALE, David
Subject: FW: CFMEU Post election report E2008/204 [SEC=UNCLASSIFIED]
Attachments: Uncontested declaration 2008.docx; PER.docx; Letter Sec Uncontested dec 2008.docx



From: karen.stacey@aec.gov.au [mailto:karen.stacey@aec.gov.au]
Sent: Thursday, 30 October 2008 1:25 PM
To: industrial.elections@air.gov.au
Cc: industrial.elections@aec.gov.au; momalley@sa.cfmeu.asn.au
Subject: CFMEU Post election report E2008/204 [SEC=UNCLASSIFIED]

Post Election Report For: Construction, Forestry, Mining and Energy Union, Construction and General Division

Election E No 2008/204

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 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.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. 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.

Please contact me if you wish to clarify any aspect of this report.

Karen Stacey
 Divisional Returning Officer
 Division of Boothby
 Australian Electoral Commission
 Tel: 08 8375 7113
 Fax: 08 8358 3285

30/10/2008

Mobile: 0413 452 531
email:karen.stacey@aec.gov.au

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Construction, Forestry, Mining and Energy Union South Australian 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.

E2008/E204

Construction and General Division, South Australia Divisional Branch

Divisional Branch President

Candidate

BELCHER, Gavin

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

Candidate

FEEHAN, Justin

Divisional Branch Vice-President

Candidate

GAVA, Mark

Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference

Candidate

O'MALLEY, Martin

Divisional Branch Assistant Secretary (2)

Candidates

CARTLEDGE, Aaron
ROBERTS, Darren

Divisional Branch Treasurer

Candidate

MCEWEN, Mark

Divisional Branch Trustee (2)

Candidates

LANE, Ross
MCCABE, Michael

Divisional Branch Management Committee Member (5)

Candidates

BOLTON, Dave
JARRETT, Anthony Grant
MCKAY, Duncan
PRIDDLE, Tony
SAXTON, Jason

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

Candidates

GAVA, Mark
MCDERMOTT, Michael

Divisional Branch Council Member (16)

Candidates

BAKER, Shaun Robert
BOOTS, Natalie A
CHRISTOPHER, Peter Stanley
CLIFTON, Alan
DAY, Geoffrey
FURNARI, Carmelo
GERTZ, Herold
GUDGEON, Tim Roy
JEFFS, Scott
KAPPELLE, Jack Angus
KRIARIS, Steve
MIDDLETON, Tommy
NATT, Gregory
O'DONOHUE, Gregory
PICKERING, Graham
POPE, Peter

Divisional Branch Delegate to Divisional Conference

Candidate

BELCHER, Gavin

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

Karen Stacey
Returning Officer



Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

CFMEU

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

CONSTRUCTION AND GENERAL DIVISION

ELECTIONS COVERED IN THIS REPORT

Election Decision No: *E2008/204*

RULES

Rules used for the election: *[105N-BWIU: Incorporates alterations of 4/07/2008 IN MATTER R2008/288 (105N-FED: Incorporates alterations of 12/9/07 in matter D2007/108]*

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): Nil

ROLL OF VOTERS

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

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

- 1) Declaration of Uncontested Offices

Karen Stacey
Returning Officer
30 October 2008

PO Box 438
OAKLANDS PARK SA 5046

Division of Hindmarsh
5th Floor Marion Tower
297 Diagonal Rd
OAKLANDS PARK SA 5046

Reference: SA 08/29

Contact: Karen Stacey
Phone: 08 8375 7124
Facsimile: 08 88358 3287
E-mail: karen.stacey@aec.gov.au

Mr Martin O'Malley
Secretary
Construction, Forestry, Mining and Energy
Union
Level 1
32 South Tce
ADELAIDE SA 5000

Dear Mr O'Malley

**Construction, Forestry, Mining and Energy Union
South Australian Divisional Branch
E2008/E204**

I refer to my letter of 14/8/2008 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

Karen Stacey
Returning Officer

30 October 2008

cc all uncontested nominees

TEECE, Steve

From: industrial.elections@air.gov.au
Sent: Tuesday, 25 November 2008 10:17 AM
To: TEECE, Steve
Subject: FW: CFMEU C&G E2008/204 [SEC=UNCLASSIFIED]

Attachments: ContestDec.rtf; Uncontest Dec Both.rtf



ContestDec.rtf (76 KB)



Uncontest Dec Both.rtf (61 KB)...

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

From: steve.gillespie@aec.gov.au [mailto:steve.gillespie@aec.gov.au]
Sent: Tuesday, 25 November 2008 9:42 AM
To: industrial.elections@air.gov.au; steve.teece@aeccav001-mail.intellicentre.net.au
Cc: brendan.carroll@aec.gov.au
Subject: CFMEU C&G E2008/204 [SEC=UNCLASSIFIED]

Hello AIRC

Attached are copies of Declarations for both the Contested and Uncontested first tier positions, CFMEU, Construction & General Division, Queensland Branch election. E2008/204.

(See attached file: ContestDec.rtf) (See attached file: Uncontest Dec Both.rtf)

The second tier elections are scheduled for February 2009

Regards

Steve Gillespie
Returning Officer
Ph: 5495 5600, Fax: 5495 7185
PO Box 646, CABOOLTURE Q 4510
Email: steve.gillespie@aec.gov.au

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Construction, Forestry, Mining and Energy Union 2008 Queensland Builders Labourers' Divisional Branch Election

DECLARATION OF RESULTS FOR CONTESTED 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.

E2008/E 204

Queensland Builders Labourers' Divisional Branch

Total number of persons on the roll of voters	3143
Ballot papers issued	3143
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	3143
Ballot papers / envelopes returned for scrutiny	714
Less ballot papers / envelopes rejected at preliminary scrutiny	31
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	683
Percentage of ballot papers returned to number issued	22%
Ballot papers returned as unclaimed mail	75
Ballot papers not returned	2354

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
FENNELLY, Dan	162	162
SIMCOE, Greg	519	519
Total votes	681	681
Formal ballot papers	681	681
Informal ballot papers	2	2

I declare Greg Simcoe elected.

Divisional Branch Assistant Secretary

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
GAIKO, Ivan Peter	163	163
HANNA, David	515	515
Total votes	678	678
Formal ballot papers	678	678
Informal ballot papers	5	5

I declare David Hanna elected.

Steve Gillespie
Returning Officer
Australian Electoral Commission
18 November 2008

Construction, Forestry, Mining and Energy Union 2008 Queensland Builders Labourers' 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.

E2008/E 204

Queensland Builders Labourers' Divisional Branch

Divisional Branch President

Candidate

KUPSCH, Royce

Divisional Branch Vice-President

Candidate

WILLIAMS, Bob

Divisional Branch Treasurer

Candidate

EZZY, Dallas

Divisional Branch Guardian

Candidate

HEENAN, Kevin

Divisional Branch Executive Member (4)

Candidates

CARTER, Wayne Junior

HENDRY, Darryl

MAHER, Pat

PRATT, Dean

Divisional Branch Delegate to Divisional Conference (2)

Candidates

HANNA, David
KUPSCH, Royce

Divisional Branch Organiser (9)

Candidates

BLAND, Eddie
CARTER, Wayne Junior
JARVIS, Tim
KERR, Daryl
KUPSCH, Royce
LUND, John
MYLES, Joe
PEARSON, Kane
WILLIAMS, Bob

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

Steve Gillespie
Returning Officer

Construction, Forestry, Mining and Energy Union 2008 Queensland Construction Workers 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.

E2008/E 204

Queensland Construction Workers Divisional Branch

Divisional Branch President

Candidate

BLAIR, Phil

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Candidate

RAVBAR, Michael

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

MURPHY, Keith

Divisional Branch Assistant Secretary

Candidate

GENRICH, Laurie

State Management Committee Member (16)

Candidates

BARBER, Paul
DANIEL, Bradley

DITTMAN, Marcus
DOUGHERTY, Tony
GASKE, Steve
HINDLE, Peter
MCGOWAN, Frank
MCKEWIN, Ian
O'HARA, Jackie
POUNTNEY, Alan
PRIEST, Bill
ROBERTS, Paul
SCOBIE, Wayne
SMITH, Geoff
SMITH, Thomas
SPENCER, Gary

Divisional Branch Delegate to Divisional Conference (4)

Candidates

BLAIR, Phil
GENRICH, Laurie
O'NEILL, Wayne
STEIN, Jason

Divisional Branch Organiser (17)

Candidates

BAKER, Guy
BOOTH, Mick
CLARK, Andrew
CROTTY, Rohan
GENRICH, Laurie
GRIFFIN, Damian
INGHAM, Jade
MCLAREN, Gregory
MCQUEEN, Jamie
MURPHY, Keith
NEILAND, Bud
NISBET, Tim
O'NEILL, Wayne
RAMSAY, Andrew
SPINKS, Doug
STEIN, Jason
TAYLOR, Ed

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

Steve Gillespie
Returning Officer



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Dave Noonan
National Secretary
Construction and General Division
Construction, Forestry, Mining and Energy Union
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Noonan

Re: Scheduled Divisional Branch Elections (E2008/204)

A copy of the Registrar's further amending decision is enclosed.

Yours sincerely

A handwritten signature in cursive script that reads 'David Vale'.

David Vale
for Deputy Industrial Registrar.

19 September 2008

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2008/204)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 19 SEPTEMBER 2008

AMENDING DECISION

[1] On 28 July 2008 I made arrangements under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996* for the conduct of elections for various offices and non-office positions in the Construction and General Division of the abovenamed organisation [PR982597].

[2] On 7 August 2008 the Construction and General Division lodged further amending Prescribed Information in relation to offices in the Victorian Divisional Branch and I issued an amending decision on 11 August 2008 [PR982749].

[3] On 18 September 2008 the Construction and General Division lodged further amending Prescribed Information in relation to offices in the Victorian Divisional Branch. The amending prescribed information relates to the number of offices of Divisional Branch Management Committee Members for the Victorian Divisional Branch in accordance with Rule 42(vi)(b) of the Divisional Rules.

[4] My decision of 11 August 2008 is amended by replacing the offices of Divisional Branch Management Committee Member set out in Attachment 1 with the following:

Divisional Branch Management Committee Member (23)

[5] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



VALE, David

From: VALE, David
Sent: Friday, 19 September 2008 12:59 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2008/204
Attachments: CFMEU E2008_204_amended decision_19.09.08.pdf

Dear AEC,

Attention: Michael Pryor

Please find attached the further Amended Decision and correspondence for the upcoming CFMEU Election - E2008/204.

Yours sincerely,

David Vale
Manager, Registered Organisations
New South Wales Registry

Australian Industrial Relations Commission
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2011

Telephone: (02) 8374 6509
Facsimile: (02) 9380 6990
Email: david.vale@airc.gov.au

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2008/204

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION;
CONSTRUCTION AND GENERAL DIVISION**

Positions:

See Amending Decision

Relevant Information: amending decision

Contact: Dave Noonan
National Secretary

Phone: (02) 8254 5800

A copy of the amending decision is enclosed.

A handwritten signature in black ink that reads "David Vale". The signature is written in a cursive, flowing style.

David Vale
for Deputy Industrial Registrar

19 September 2008

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2008/204)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 19 SEPTEMBER 2008

AMENDING DECISION

[1] On 28 July 2008 I made arrangements under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996* for the conduct of elections for various offices and non-office positions in the Construction and General Division of the abovenamed organisation [PR982597].

[2] On 7 August 2008 the Construction and General Division lodged further amending Prescribed Information in relation to offices in the Victorian Divisional Branch and I issued an amending decision on 11 August 2008 [PR982749].

[3] On 18 September 2008 the Construction and General Division lodged further amending Prescribed Information in relation to offices in the Victorian Divisional Branch. The amending prescribed information relates to the number of offices of Divisional Branch Management Committee Members for the Victorian Divisional Branch in accordance with Rule 42(vi)(b) of the Divisional Rules.

[4] My decision of 11 August 2008 is amended by replacing the offices of Divisional Branch Management Committee Member set out in Attachment 1 with the following:

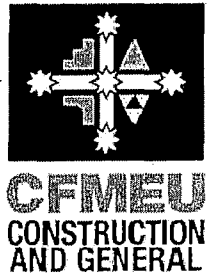
Divisional Branch Management Committee Member (23)

[5] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



18 September 2008

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



Attention: Mr B Jenkins / Mr D Vale

Dear Sir

Re: CFMEU Construction & General Division
Elections E2008/2004



We refer to the above matter and to your decisions dated 28 July and 11 August 2008.

We wish to submit for your further consideration amending information with respect to the number of Divisional Branch Management Committee members for the Victorian Divisional Branch. Having reviewed the terms of Rule 42(vi)(b) of the Construction and General Division rules it would appear that the number of such members to be elected should in fact be twenty three (23) rather than seventeen (17) as originally advised.

We apologise for any inconvenience caused by this amendment to the prescribed information.

Yours faithfully

Dave Noonan
National Secretary
CFMEU
Construction & General Division

TRANSACTION REPORT

11/SEP/2008/THU 17:01

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	11/SEP	17:00	85245801	0:01:03	2	MEMORY OK	ECM 5299



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Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

FACSIMILE

TO	Tom Roberts		
Organisation	CFMEU C & G Division		
Fax Number	02 8524 5800	Phone Number	02 8524 5800
FROM	Barry Jenkins		
Email	barry.jenkins@airc.gov.au		
Location	Sydney Registry		
Fax Number	02-9380 6990	Phone Number	02-8374 6504
No of Pages (Including cover)	2	Date	11/09/2008
Please notify sender if not all pages were received.		Time	4:51 PM

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MESSAGE:

CFMEU – Construction & General Division Elections (E2008/204)

Thank you for forwarding a copy of the correspondence received from Leask & Co with respect to the election in the Western Australia Divisional Branch.

As you are aware I received correspondence in similar terms. Please see following a copy of my response to Leask & Co for your information.

Barry Jenkins
Deputy Industrial Registrar



FACSIMILE

TO	Tom Roberts		
Organisation	CFMEU C& G Division		
Fax Number	02 8524 5800	Phone Number	02 8524 5800
FROM	Barry Jenkins		
Email	barry.jenkins@airc.gov.au		
Location	Sydney Registry		
Fax Number	02-9380 6990	Phone Number	02-8374 6504
No of Pages (including cover)	2	Date	11/09/2008
Please notify sender if not all pages were received.		Time	4:51 PM

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MESSAGE:

CFMEU – Construction & General Division Elections (E2008/204)

Thank you for forwarding a copy of the correspondence received from Leask & Co with respect to the election in the Western Australia Divisional Branch.

As you are aware I received correspondence in similar terms. Please see following a copy of my response to Leask & Co for your information.

Barry Jenkins
Deputy Industrial Registrar



Australian Government

Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Leask & Co
Barristers & Solicitors
PO Box 1161
Fremantle WA 6959

Facsimile: 08 9430 4044

Dear Madam/Sir

CFMEU - Construction & General Division Elections (E2008/204)

I refer to your facsimile letter dated 4 September 2008 concerning the "notice issued by the AEC calling for nominations" with respect to the abovementioned election within the Western Australia Divisional Branch. I note the views you have expressed with respect to the offices of Divisional Branch Vice President and Divisional Branch Trustee within the Western Australia Divisional Branch.

A Registrar is required pursuant to s189(3)(b) of Schedule 1 of the *Workplace Relations Act 1996* to be satisfied "that an election is required to be held under the rules of the organisation or branch" and if so satisfied "must arrange for the conduct of the election by the AEC".

Having considered the matters you have raised I am not satisfied that there is anything in the decision I issued on 28 July 2008 (PR982597) which requires amendment. In my view it is a matter for the returning officer of the AEC to determine the basis on which members may nominate for and vote with respect to each of the offices for which an election is due. I note that there is nothing in my decision which purports to direct the returning officer in this regard nor would it be appropriate for me to do so.

On 8 September 2008, Tom Roberts, Senior National Legal Officer of the Construction & General Division, forwarded me a copy of your letter to Mr D Noonan of the C&G Division, which appears to be in the same terms as your letter addressed to me. I have as a courtesy copied this response to Mr Roberts.

I assume that the issues you have raised with me have been raised with the relevant returning officer and if not I encourage you to do so. Please do not hesitate to contact me on (02) 8374 6504 if you wish to discuss this matter.

Yours sincerely

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

Barry Jenkins
Deputy Industrial Registrar

11 September 2008

TRANSACTION REPORT

11/SEP/2008/THU 16:57

FAX (X)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	11/SEP	16:56	0894304044	0:00:26	2	MEMORY OK	SG3 5298



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Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 8380 8990
Email: sydney@air.gov.au

FACSIMILE

TO	Leask & Co		
Organisation			
Fax Number	08 9430 4044	Phone Number	08 9430 6688
FROM	Barry Jenkins		
Email	barry.jenkins@airc.gov.au		
Location	Sydney Registry		
Fax Number	02-9380 6990	Phone Number	02-8374 6504
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MESSAGE:

CFMEU -- Construction & General Division Elections (E2008/204)

Your ref: 1363-TK:gw

Please see letter following.



FACSIMILE

TO	Leask & Co		
Organisation			
Fax Number	08 9430 4044	Phone Number	08 9430 6688
FROM	Barry Jenkins		
Email	barry.jenkins@airc.gov.au		
Location	Sydney Registry		
Fax Number	02-9380 6990	Phone Number	02-8374 6504
No of Pages (including cover)	2	Date	11/09/2008
Please notify sender if not all pages were received.		Time	4:49 PM

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MESSAGE:

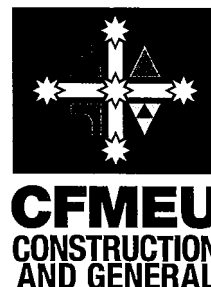
CFMEU – Construction & General Division Elections (E2008/204)

Your ref: 1363-TK:gw

Please see letter following.

8 September 2008

Deputy Industrial Registrar
Australian Industrial Registry
Level 8, 80 William Street
East Sydney NSW 2011



Attn: Mr B Jenkins

Dear Sir

**Re: CFMEU Construction & General Division Elections
E2008/204**

We refer to the above matter and enclose herewith correspondence received from Leask & Co Barristers and Solicitors in Fremantle, Western Australia.

We are presently reviewing the rules referred to in this correspondence. However, given the current election timetable, we thought it desirable to bring this to the Registry's attention as soon as possible.

As an initial observation we note that Rule 44(i) which is referred to in the enclosed letter, expressly provides that certain Divisional Branches, including Western Australia, are exceptions to the proposition that Vice-Presidents are elected by the Divisional Branch Management Committee from among its members.

Please contact this office should you wish to discuss this matter further.

Yours faithfully

A handwritten signature in black ink, appearing to read "Tom Roberts".

Tom Roberts
Senior National Legal Officer
CFMEU
Construction & General Division

LEASK & CO.BARRISTERS & SOLICITORS
ABN 11 113 988 13426 CLIFF STREET FREMANTLE WESTERN AUSTRALIA 6160
PO BOX 1161 FREMANTLE WESTERN AUSTRALIA 6950TELEPHONE (08) 9430 6688
FACSIMILE (08) 9430 4044
EMAIL law@leask.com.auMr D Noonan
National Secretary
CFMEU – Construction & General Division

Our Ref: 1363-TK;gw

Your Ref:

By facsimile : 02 8524 5801

4 September 2008

Dear Sirs

**CFMEU – CONSTRUCTION AND GENERAL DIVISION ELECTIONS
AIRC DECISION E2008/204**

We act for Darren Kavanagh in relation to his candidacy for the position of Divisional Branch Secretary of the Construction, Forestry, Mining & Energy Union, Construction & General Division, Western Australia Divisional Branch (“the WA Branch”).

We refer to the notice issued by the AEC calling for nominations for the positions of Vice-Presidents and Trustees for the WA Branch.

Paragraph (a)(vii) [sic] of Rule 42 – Divisional Branch Management Committee provides:

(a)(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

Paragraph (q) of Rule 42 provides:

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

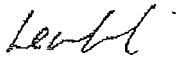
See also rules 44(i) for Vice-Presidents and 45(a) for Trustees.

In summary, these rules provide that the positions of Vice-Presidents and Trustees are elected by and from the members of the Divisional Branch Management Committee, at the first meeting after the General Election. They are not elected by the general membership at the General Election.

Therefore, there is no election currently due for these positions and the call for nominations for them is incorrect.

Please take such steps as are necessary to ensure that elections are held only for currently vacant positions. It may be that the call for nominations needs to be re-issued to avoid confusion amongst candidates and potential candidates and hence, potential irregularity.

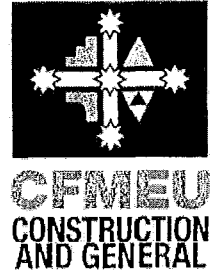
Yours faithfully



LEASK & CO

8 September 2008

Deputy Industrial Registrar
Australian Industrial Registry
Level 8, 80 William Street
East Sydney NSW 2011



Attn: Mr B Jenkins

Dear Sir

**Re: CFMEU Construction & General Division Elections
E2008/204**

We refer to the above matter and enclose herewith correspondence received from Leask & Co Barristers and Solicitors in Fremantle, Western Australia.

We are presently reviewing the rules referred to in this correspondence. However, given the current election timetable, we thought it desirable to bring this to the Registry's attention as soon as possible.

As an initial observation we note that Rule 44(i) which is referred to in the enclosed letter, expressly provides that certain Divisional Branches, including Western Australia, are exceptions to the proposition that Vice-Presidents are elected by the Divisional Branch Management Committee from among its members.

Please contact this office should you wish to discuss this matter further.

Yours faithfully

A handwritten signature in black ink, appearing to read "Tom Roberts".

Tom Roberts
Senior National Legal Officer
CFMEU
Construction & General Division

LEASK & CO.
BARRISTERS & SOLICITORS
ABN 11 113 988 134

26 CLIFF STREET FREMANTLE WESTERN AUSTRALIA 6160
PO Box 1161 FREMANTLE WESTERN AUSTRALIA 6160
TELEPHONE (08) 9430 6688
FACSIMILE (08) 9430 4044
EMAIL law@leask.com.au

Mr D Noonan
National Secretary
CFMEU – Construction & General Division

Our Ref: 1363-TK:gw

Your Ref:

By facsimile : 02 8524 5801

4 September 2008

Dear Sirs

**CFMEU – CONSTRUCTION AND GENERAL DIVISION ELECTIONS
AIRC DECISION E2008/204**

We act for Darren Kavanagh in relation to his candidacy for the position of Divisional Branch Secretary of the Construction, Forestry, Mining & Energy Union, Construction & General Division, Western Australia Divisional Branch (“the WA Branch”).

We refer to the notice issued by the AEC calling for nominations for the positions of Vice-Presidents and Trustees for the WA Branch.

Paragraph (a)(vii) [sic] of Rule 42 – Divisional Branch Management Committee provides:

(a)(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

Paragraph (q) of Rule 42 provides:

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

See also rules 44(i) for Vice-Presidents and 45(a) for Trustees.

2
CFMEU
4 September 2008

In summary, these rules provide that the positions of Vice-Presidents and Trustees are elected by and from the members of the Divisional Branch Management Committee, at the first meeting after the General Election. They are not elected by the general membership at the General Election.

Therefore, there is no election currently due for these positions and the call for nominations for them is incorrect.

Please take such steps as are necessary to ensure that elections are held only for currently vacant positions. It may be that the call for nominations needs to be re-issued to avoid confusion amongst candidates and potential candidates and hence, potential irregularity.

Yours faithfully



LEASK & CO

LEASK & CO.
BARRISTERS & SOLICITORS
ABN 11 113 988 134

26 CLIFF STREET FREMANTLE WESTERN AUSTRALIA 6160
PO BOX 1161 FREMANTLE WESTERN AUSTRALIA 6959
TELEPHONE (08) 9430 6688
FACEIMILE (08) 9430 4044
EMAIL law@leask.com.au

Mr B Jenkins
Deputy Industrial Registrar
AIRC

Our Ref: 1363-TK:gw

Your Ref:

By facsimile : (02) 9380 6990

4 September 2008

Dear Sirs

**CFMEU – CONSTRUCTION AND GENERAL DIVISION ELECTIONS
AIRC DECISION E2008/204**

We act for Darren Kavanagh in relation to his candidacy for the position of Divisional Branch Secretary of the Construction, Forestry, Mining & Energy Union, Construction & General Division, Western Australia Divisional Branch (“the WA Branch”).

We refer to the notice issued by the AEC calling for nominations for the positions of Vice-Presidents and Trustees for the WA Branch.

Paragraph (a)(vii) [sic] of Rule 42 – Divisional Branch Management Committee provides:

(a)(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

Paragraph (q) of Rule 42 provides:

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

See also rules 44(i) for Vice-Presidents and 45(a) for Trustees.

In summary, these rules provide that the positions of Vice-Presidents and Trustees are elected by and from the members of the Divisional Branch Management Committee, at the first meeting after the General Election. They are not elected by the general membership at the General Election.

Therefore, there is no election currently due for these positions and the call for nominations for them is incorrect.

Please take such steps as are necessary to ensure that elections are held only for currently vacant positions. It may be that the call for nominations needs to be re-issued to avoid confusion amongst candidates and potential candidates and hence, potential irregularity.

Yours faithfully



LEASK & CO

Workplace Relations Act 1996

s.189 RAO Schedule - arrangement for conduct of an election

**Construction, Forestry, Mining and Energy Union
(E2008/204)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 11 AUGUST 2008

AMENDING DECISION

On 28 July 2008 I made arrangements under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996* for the conduct of elections for various offices and non-office positions in the Construction and General Division of the abovenamed organisation [PR982597].

On 7 August 2008 the Construction and General Division lodged further amending Prescribed Information in relation to offices in the Victorian Divisional Branch. The amending prescribed information relates to the number and description of positions of Divisional Branch Vice President in accordance with Rule 37(vi)(c) and to the number of Divisional Branch Council Members for the Metropolitan Melbourne Zone pursuant to Rule 40(2)(vi)c of the Divisional Rules.

My decision of 28 July 2008 is amended by replacing the offices in Attachment A listed under the heading Victoria Divisional Branch with those set out in Attachment 1 to this decision.

I am satisfied that an election for the offices set out in Attachment 1 is required to be held under the rules of the organisation and under subsection 189(3) of Schedule 1 am making arrangements for the conduct of the election by the Australian Electoral Commission.



ATTACHMENT 1

Victorian Divisional Branch

Divisional Branch President

Divisional Branch Senior Vice-President (FEDFA)

Divisional Branch Vice-President (4)

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Divisional Branch Assistant Secretary

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

Divisional Branch Management Committee Member (17)

Divisional Branch Council Member (83) comprising –

Metropolitan Melbourne Zone (64)

Geelong Zone (7)

Central Victoria Zone (4)

Northern Victoria Zone (4)

Latrobe Zone (4)

Divisional Branch Delegate to Divisional Conference (11) *

* The number of Divisional Branch Delegates to Divisional Conference is to be determined having regard to the provisions of rule 8(viii).



Australian Government
Australian Industrial Registry

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Mr Dave Noonan
National Secretary
Construction and General Division
Construction, Forestry, Mining and Energy Union
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Noonan

Re: Scheduled Divisional Branch Elections (E2008/204)

A copy of the Registrar's amending decision is enclosed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D Superina'.

Dean Superina
for Deputy Industrial Registrar.

11 August 2008

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2008/204

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION;
CONSTRUCTION AND GENERAL DIVISION**

Positions:

See Amending Decision

Relevant Information: amending decision

Contact: Dave Noonan
National Secretary

Phone: (02) 8254 5800

A copy of the amending decision is enclosed.



Dean Superina
for Deputy Industrial Registrar

11 August 2008

Superina, Dean

From: Superina, Dean
Sent: Monday, 11 August 2008 12:06 PM
To: 'industrial.elections@aec.gov.au'
Subject: Amending Decision - E2008/204 - CFMEU, Construction and General Division
Attachments: CFMEU_BWIU_E2008_204_Amending Decision.pdf

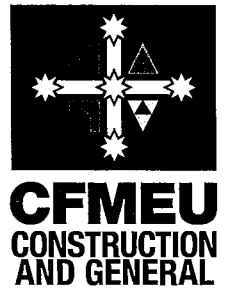


CFMEU_BWIU_E20
18_204_Amending ..

Dean Superina
Research, Information and Advice Branch (NSW)
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Ph: (02) 8374 6519
Fax: (02) 9380 6990
Email: Dean.Superina@air.gov.au

www.airc.gov.au

7 August 2008



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

Attention: Mr B Jenkins

Dear Sir

**Re: Elections
E2008/204**

We refer to the above matter.

Having reviewed the terms of Rule 37(vi)(c) and 40 (2)(vi)c of the Construction and General Division rules we wish to submit for your further consideration the following amending information with respect to the Victorian Divisional Branch:-

Victorian Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (FEDFA)
Divisional Branch Vice-President (4)
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary
Divisional Branch Assistant Secretary (FEDFA)
Divisional Branch Management Committee Member (17)
Divisional Branch Council Member (83) comprising –

Metropolitan Melbourne Zone (64)
Geelong Zone (7)
Central Victoria Zone (4)
Northern Victoria Zone (4)
Latrobe Zone (4)

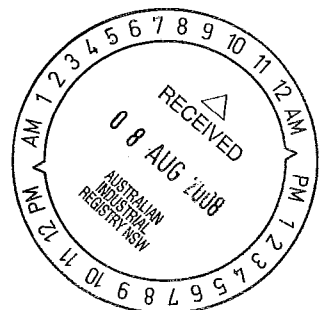
Divisional Branch Delegate to Divisional Conference (15)

Membership figures for the Divisional Branch Zone Council are enclosed.

Yours faithfully

A handwritten signature in black ink, appearing to read "D Noonan".

Dave Noonan
National Secretary
CFMEU
Construction & General Division



Victorian Divisional Branch Zone Council – 30 July 2008

Metropolitan Melbourne Zone – 20,842

Geelong Zone – 2,064

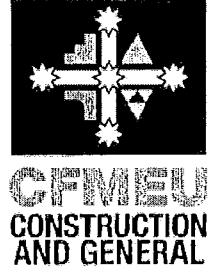
Central Victoria Zone - 654

Northern Victoria Zone - 282

Latrobe Zone - 1040

7 August 2008

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



Attention: Mr B Jenkins

Dear Sir

**Re: Elections
E2008/204**

We refer to the above matter.

Having reviewed the terms of Rule 37(vi)(c) and 40 (2)(vi)c of the Construction and General Division rules we wish to submit for your further consideration the following amending information with respect to the Victorian Divisional Branch:-

Victorian Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (FEDFA)
Divisional Branch Vice-President (4)
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary
Divisional Branch Assistant Secretary (FEDFA)
Divisional Branch Management Committee Member (17)
Divisional Branch Council Member (83) comprising –

Metropolitan Melbourne Zone (64)
Geelong Zone (7)
Central Victoria Zone (4)
Northern Victoria Zone (4)
Latrobe Zone (4)

Divisional Branch Delegate to Divisional Conference (15)

Membership figures for the Divisional Branch Zone Council are enclosed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dave Noonan'.

Dave Noonan
National Secretary
CFMEU
Construction & General Division

Victorian Divisional Branch Zone Council – 30 July 2008

Metropolitan Melbourne Zone – 20,842

Geelong Zone – 2,064

Central Victoria Zone - 654

Northern Victoria Zone - 282

Latrobe Zone - 1040

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

**Construction, Forestry, Mining and Energy Union
(E2008/204)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 28 JULY 2008

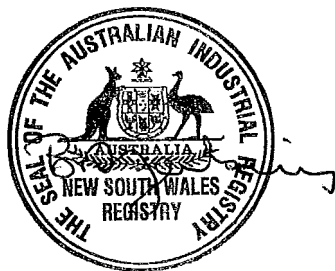
DECISION

On 27 June 2008 the Construction and General Division of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to the conduct of an election for the offices set out in Attachment A.

On the same day, a request that the Australian Electoral Commission conduct an election for positions other than offices, as set out in Attachment B, accompanied the prescribed information and was lodged in the Industrial Registry in accordance with sub-section 187(3) of Schedule 1 of the Workplace Relations Act 1996.

On 23 July 2008 the Division lodged further amending prescribed information with respect to the election.

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



ATTACHMENT A

Divisional Branch offices

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 (4)*

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)
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 (8)*

* The number of Divisional Branch Delegates to Divisional Conference is to be determined having regard to the provisions of rule 8(viii).

Australian Capital Territory 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 (Plasterers)/Divisional Branch Delegate to Divisional
Conference
Divisional Branch Council Member (9)
Divisional Branch Management Committee Member (11)*

South Australian Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice President/Divisional Branch Delegate to Divisional Conference
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)
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 (4)*
Divisional Branch Delegate to Divisional Conference (Northern Territory) (1)

* The number of Divisional Branch Delegates to Divisional Conference is to be determined having regard to the provisions of rule 8(viii).

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, Potter, Construction Materials and Related Products Industry Divisional Branch

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

Victoria Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice President (FEDFA)
Divisional Branch Vice President (3)
Divisional Branch Vice President (FEDFA)
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary
Divisional Branch Assistant Secretary (FEDFA)/Divisional Branch Delegate to Divisional Conference
Divisional Branch Management Committee Member (17)
Divisional Branch Council Member (77) comprising –
 Metropolitan Melbourne Zone (58)
 Geelong Zone (7)
 Central Victoria Zone (4)
 Northern Victoria Zone (4)
 Latrobe Zone (4)
Divisional Branch Delegate to Divisional Conference (11)*

* The number of Divisional Branch Delegates to Divisional Conference is to be determined having regard to the provisions of rule 8(viii).

ATTACHMENT B

Other Positions

Queensland Construction Workers Divisional Branch

Divisional Branch Organiser (17)

Queensland Builders Labourers Divisional Branch

Divisional Branch Organiser (9)

New South Wales Divisional Branch

Divisional Branch Organiser (26)

Australian Capital Territory Divisional Branch

Divisional Branch Organiser (1)

Western Australia Divisional Branch

Divisional Branch Organiser (5)

Victorian Divisional Branch

Divisional Branch Organiser (21)



Australian Government
Australian Industrial Registry

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Email: sydney@air.gov.au

6

Mr Dave Noonan
National Secretary, Construction and General Division
Construction, Forestry, Mining and Energy Union
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Noonan

Re: Scheduled Divisional Branch Elections (E2008/204)

I refer to information lodged as prescribed under s189 of the RAO Schedule on 27 June 2008 and to your correspondence and attachments of 22 July 2008.

I note the references in the formula attachment to additional Divisional Delegates to Divisional Conference which I take to be pursuant to rule 8(viii). I have not included those additional numbers in my Decision, however I have drawn the rule to the Returning Officer's attention so that the final numbers according to nominations received in accordance with subrule 8(viii) can be taken into account.

I am making arrangements, under subsection 189(3) of the RAO Schedule, 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

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

Barry Jenkins
Deputy Industrial Registrar.

28 July 2008

Superina, Dean

From: Superina, Dean
Sent: Monday, 28 July 2008 1:53 PM
To: 'industrial.elections@aec.gov.au'
Subject: Election Decision - E2008/204 - CFMEU, Construction and General Division - Quadrennial Election

Attachments: CFMEU_BWIU_E2008_204.pdf



CFMEU_BWIU_E2008_204.pdf (201 ...)

Dean Superina
Research, Information and Advice Branch (NSW)
Australian Industrial Registry
Ph: (02) 8374 6519
Fax: (02) 9380 6990
Email: Dean.Superina@air.gov.au

www.airc.gov.au

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2008/204

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION;
CONSTRUCTION AND GENERAL DIVISION**

Positions:

See Decision

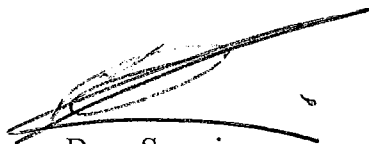
Relevant Information: expiry of term of office, postal ballot

Contact: Dave Noonan
National Secretary

Phone: (02) 8254 5800

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au



Dean Superina
for Deputy Industrial Registrar

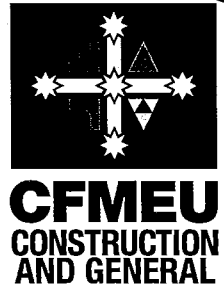
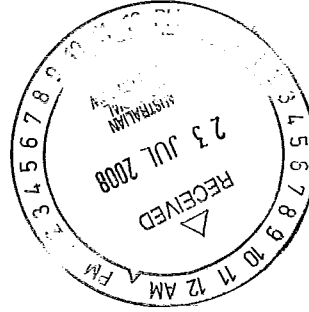
28 July 2008

22 July 2008

Australian Industrial Registrar
Level 8, 80 William Street
East Sydney NSW 2011

Attention: Mr S Kellett

Dear Mr Kellett



**Re: Divisional Branch Elections
E2008/204**

We refer to the above matter and to your letter dated 15 July 2008.

In response to the points you have raised, we advise as follows:-

- 1 Consistent with previous submissions and past practice, we attach herewith relevant details relating to Divisional Branch income and annual contributions.
- 2 Metropolitan Melbourne Zone - 18594 members
Geelong Regional Zone - 1732 members
Ballarat Bendigo Zone - 571 members
Seymour Regional Zone - 242 members
Morwell Regional Zone - 852 members
- 3 The NSW Sub-Branch membership figure is 666 which, by application of the formula set out in Rule 73, would result in one additional Industry Divisional Branch Management Committee member as per the prescribed information dated 27 June 2008. However, upon review of the relevant figure for the Victorian Divisional Branch (less than 500) we have concluded that there is no such additional office-holder to be elected in that Branch. We therefore ask that the prescribed information be amended accordingly.
- 4 We confirm your understanding of the effect of Rule (vii). The person elected to the position of Divisional Branch Assistant Secretary (FEDFA) is, by operation of this sub-rule, ex officio a Delegate to Divisional Conference. The total number of Divisional Conference Delegates from the Victorian Divisional Branch remains 16, including the Divisional Branch Secretary and Divisional Branch Assistant Secretary (FEDFA). We agree that any election decision should make the ex officio position clear with respect to both of those offices.

Please contact this office should you require any further information.

Yours faithfully

Dave Noonan
National Secretary
CFMEU Construction & General Division

CFMEU
Construction and General Division
Divisional Branch Delegates to Divisional Conference

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

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

Where: Numbers of members = $\frac{\text{annual income}}{\text{annual contributions}}$

Divisional Branch	Annual Contributions \$(ex-GST)			Annual Income (\$)		
	2005	2006	2007	2005	2006	2007
1. Victoria Average number of members = 25,289 Divisional Conference Delegates including Divisional Branch Secretary = 13 Divisional Officers as Divisional Conference Delegates as per Rule 8 (vii) = 3	400	400	418.18	9,967,244	10,092,315	10,754,322

<p>2. Queensland Construction Workers</p> <p>Average number of members = 9065</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 5</p> <p>Divisional Conference Delegates as per Rule 8 (ii) = 2</p>	<p>482.73 503.64 522.73</p>	<p>5,118,934 4,506,610 3,995,916</p>
<p>3. Western Australia</p> <p>Average number of members = 8,330</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 5</p> <p>Divisional Conference Delegate (Northern Territory) as per Rule 8(viA) = 1</p>	<p>510.91 510.91 536.36</p>	<p>3,953,745 4,246,936 4,794,384</p>
<p>4. South Australia</p> <p>Average number of members = 2,440</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 2</p>	<p>360 383.64 409.10</p>	<p>921,110 944,022 940,446</p>

Divisional Conference Delegates as per Rule 8 (ii) = 1						
<p>5. NSW</p> <p>Average number of members = 16,069</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 9</p> <p>Divisional/National Officer as Divisional Conference Delegates as per Rule 8 (vii) = 2</p>	377.27	395.45	404.55	7,447,213	5,824,394	5,557,445
<p>6. Queensland Builders Labourers</p> <p>Average number of members = 4,765</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 3</p>	504.55	522.73	540.91	3,189,057	2,381,322	1,848,679
<p>7. ACT</p> <p>Average number of members = 1,324</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 1</p>	372.72	400	427.27	623,106	501,874	446,129

Divisional Conference Delegates as per Rule 8 (ii) = 1						
<p>8. Tasmania</p> <p>Average number of members = 846</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 1</p> <p>Divisional Conference Delegates as per Rule 18 (b) (iii) = 1</p>	354.54	379.82	401.82	338,935	302,434	315,773
<p>9. Brick Tile Pottery</p> <p>Average number of members = 1,206</p> <p>Divisional Conference Delegates including Divisional Branch Secretary = 1</p> <p>Divisional Conference Delegates as per Rule 8 (ii) = 1</p>	378.18	410.10	442	500,424	542,718	429,273



Australian Government
Australian Industrial Registry

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3

Mr Dave Noonan
National Secretary, Construction and General Division
Construction, Forestry, Mining and Energy Union
PO Box Q235, QVB Post Office
SYDNEY NSW 1230

Dear Mr Noonan

Re: Scheduled Divisional Branch Elections (E2008/204)

Thank you for lodging the prescribed information under s189 of the RAO Schedule in relation to the above elections, which was received in the Registry on 27 June 2008.

Before the Registrar can grant the election, additional information in relation to those offices whose numbers are determined by formulae under rules 8(iii) and (iv), 40(2)(vi) and 73 is requested, specifically:

1. Divisional Branch income for the last three years and the respective annual contributions by whose dividend is calculated the average number of members for determining the Divisional Branch Delegates to Divisional Conference (all Branches)[rule 8(iii), (iv)];
2. Zone membership figures by which are calculated the Zone Delegates numbers to Branch Council (all Zones established in the Victorian Divisional Branch)[rule 40(2)(vi)]; and
3. Sub-Branch membership figures by which are calculated the additional Branch Management Committee Members (Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch)[rule 73].

I also seek your clarification with respect to the following: Rule 8(vii) appears to provide that the Divisional Branch Assistant Secretary (FEDFA) is also an *ex officio* Delegate to Divisional Conference. However the description for that particular office where listed under "Victorian Divisional Branch" in the prescribed information does not indicate this connection. Your confirmation that my interpretation of rule 8(vii) is correct and that the election decision can make the *ex officio* connection clear or your advice to the contrary would be appreciated.

Please do not hesitate to contact me on 02 6723 7097 or 0429 462 979 if you wish to discuss.

Yours sincerely

Stephen Kellett
for Deputy Industrial Registrar.

15 July 2008

VALE, David

From: VALE, David
Sent: Friday, 27 June 2008 3:51 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2008/204
Attachments: CFMEU E2008_204_PI_lodged_27.06.08.pdf; CFMEU Const & Gen R2008_250.doc

Dear AEC Officer,

Please find attached the prescribed information (and a copy of the current rule book) for upcoming elections for the CFMEU – Construction & General Division.

Regards

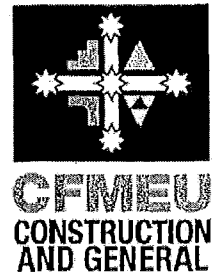
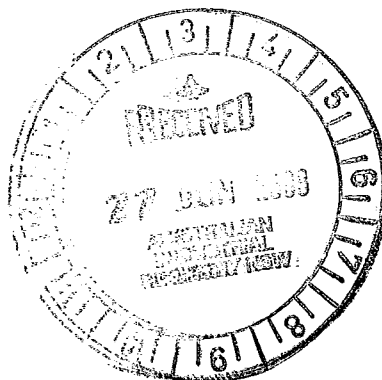
David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au

27 June 2008

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



Attention: Mr B Jenkins

Dear Sir

Re: CFMEU Construction & 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 (4)

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)
- Divisional Branch Delegate to Divisional Conference (2)

Construction, Forestry,
Mining and Energy Union

Dave Noonan
National Secretary

Federal Office
Level 12
276 Pitt Street
Sydney NSW 2000

PO Box 0235
Queen Victoria Building
Post Office
Sydney NSW 1230

T: (02) 8524 5800
F: (02) 8524 5801
W: www.cfmeu.asn.au/construction
E: queries@fed.cfmeu.asn.au

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 (10)

Australian Capital Territory 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 (Plasterers)/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 (16)
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 (4)
Divisional Branch Delegate to Divisional Conference (Northern Territory) (1) (see point 4 below)

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

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

Victorian Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (FEDFA)
Divisional Branch Vice-President (3)
Divisional Branch Vice-President (FEDFA)
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary
Divisional Branch Assistant Secretary (FEDFA)
Divisional Branch Management Committee Member (17)
Divisional Branch Council Member (77) comprising –

Metropolitan Melbourne Zone (58)

Geelong Zone (7)
Central Victoria Zone (4)
Northern Victoria Zone (4)
Latrobe Zone (4)

Divisional Branch Delegate to Divisional Conference (15)

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. The office of Divisional Branch Delegate to Divisional Conference (Northern Territory) is elected by and from members residing or employed in the Northern Territory in accordance with Rule 8(viA) (subject to approval of rule alteration submitted to the Australian Industrial Registry 26 June 2008).

5 Nomination Period

The rules provide that nominations will open on or before Friday 29 August 2008 and close at 4.00pm Friday 19 September 2008.

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 29 August 2008.

7 Voting System

A direct voting system is to be employed in the conduct of the election.

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

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 National Secretary, Divisional Secretary, Divisional President and Divisional Assistant Secretaries (2) have or will have, by the time of the calling of nominations, notified 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 59 of the *RAO Schedule*. In accordance with 5187 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 (9)

c New South Wales Divisional Branch

Divisional Branch Organiser (26)

d Australian Capital Territory Divisional Branch

Divisional Branch Organiser (1)

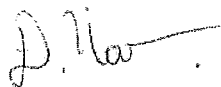
e Western Australia Divisional Branch

Divisional Branch Organiser (5)

f Victorian Divisional Branch

Divisional Branch Organiser (21)

Yours faithfully



Dave Noonan
National Secretary
CFMEU
Construction & General Division