

Construction, Forestry, Mining and Energy Union 2009 Construction and General Divisional Executive 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.

E2009/E 10036

Construction and General Division, Divisional Conference

Divisional Secretary

Candidate

NOONAN, Dave

Divisional Assistant Secretary (2)

Candidates

FRASER, Lindsay James - Designated Assistant Secretary
KINGHAM, Martin

Divisional President

Candidate

WATSON, Tommy

Joint Divisional Senior Vice-President (3)

Candidates

MCCLELLAND, Peter
MCDONALD, Joe
SETKA, John

Divisional Vice-President (2)

Candidates

EDWARDS, Ralph
WASHINGTON, Noel

Divisional Trustee (3)

Candidates

FERGUSON, Andrew
MCCLELLAND, Peter
PARKER, Brian

Divisional Branch Assistant Secretaries (Plasterers)

Divisional Vice-President (Plasterers)

Candidate

CLOSE, Peter Andrew

Divisional Executive Member (Plasterers)

Candidate

HALL, Dean

C&G Divisional Conference Delegates from NSW Divisional Branch

Additional Divisional Executive Member (NSW) (2)

Candidates

PARKER, Brian
SUTTON, John

C&G Divisional Conference Delegates from WA Divisional Branch

Additional Divisional Executive Member (WA)

Candidate

MCCULLOUGH, Campbell George

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

Matthew Tranter
Returning Officer

13 October 2009



Fair Work (Registered Organisations) Act 2009 (the RO Act).

POST ELECTION REPORT

Construction, Forestry, Mining and Energy Union 2009 Construction and General Divisional Executive Election

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2009/10036*

RULES

Rules used for the election: [105N-FED: incorporates alterations of 29/08/2008 in matter R2008/316

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

ROLL OF VOTERS

As there were no contested offices, Roll of Voters was not required for this election.

IRREGULARITIES

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

Other irregularities identified, and action taken: *Nil.*

ATTACHMENTS

- 1) Declaration of Results – 13 October 2009.

Matthew Tranter
Returning Officer

30 October 2009



Fair Work Australia

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

Dear Mr Noonan

**Election – s189 Fair Work Act 2009 - Construction, Forestry, Mining and Energy Union,
Construction and General Division – (E2009/10036)**

I refer to the prescribed information in relation to an election for offices comprising the Divisional Executive and also Divisional Trustees of the Construction and General Division, which was lodged with Fair Work Australia on 21 August 2009.

I have granted the election. My Decision is enclosed.

Yours sincerely,

Barry Jenkins
Delegate of the General Manager
Fair Work Australia

1 September 2009



Australian Government
Australian Industrial Registry

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

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

Under subsection 189 of the Fair Work (Registered Organizations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2009/10036

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

Positions:

See Decision

Contact: Construction, Forestry, Mining and Energy Union, Construction and General Division
Dave Noonan
National Divisional Secretary

Phone: (02) 8524 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@fwa.gov.au

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

Barry Jenkins
Delegate of the General Manager
Fair Work Australia

1 September 2009



Fair Work
Australia

DECISION

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

Construction, Forestry, Mining and Energy Union (E2009/10036)

B.R. JENKINS

SYDNEY, 1 SEPTEMBER 2009

Arrangement for conduct of election.

[1] On 21 August 2009 the Construction and General Division of the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Divisional Executive

Divisional President	(1)
Joint Divisional Senior Vice Presidents	(3)
Divisional Vice Presidents [one to be elected by and from the Divisional Branch Assistant Secretaries (Plasterers)]	(3)
Divisional Secretary	(1)
Divisional Assistant Secretaries	(2)
Divisional Executive Member (Plasterers)	(1)
Additional Divisional Executive Members (NSW)	(2)
Additional Divisional Executive Member (WA)	(1)
Divisional Trustees	(3)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Delegate of the General Manager
Fair Work Australia

Printed by authority of the Commonwealth Government Printer

<Price code A, PR985746 >

VALE, David

From: VALE, David

Sent: Friday, 21 August 2009 9:40 AM

To: 'industrial.elections@aec.gov.au'

Subject: E2009/10036

Attachments: CFMEU E2009_10036 C&G lodged 21082009.pdf; CFMEU Const & Gen 105N-
BWIU_R2009_249_16032009.doc

Dear AEC,

Please find attached a copy of the prescribed information and a copy of the current rule book of the Construction, Forestry, Mining and Energy Union – Construction & General Division for an upcoming election.

Yours sincerely,

David Vale
Manager, Registered Organisations
New South Wales

Fair Work Australia
Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

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

21/08/2009



20 August 2009

General Manager
Fair Work Australia
L 8/ 80 William Street
East Sydney NSW 2011.
By Email: Sydney@fwa.gov.au



Dear Sir/Madam

Re: CFMEU Construction and General Division – Prescribed Information

In accordance with the Fair Work (Registered Organisations) Act 2009 Commonwealth we enclose Prescribed Information in Respect of an Election together with a Statement as required by the Regulations.

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

Yours faithfully

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

Dave Noonan
National Secretary
CFMEU Construction and General

Enc

Construction, Forestry,
Mining and Energy Union

ABN 46 243 168 565

Dave Noonan
National Secretary

Federal Office
Level 12
276 Pitt Street
Sydney NSW 2000

PO Box Q235
Queen Victoria Building
Post Office
Sydney NSW 1230

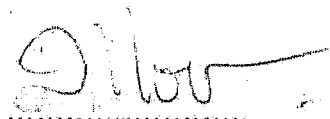
T: (02) 8524 5800
F: (02) 8524 5801
W: www.cfmeu.asn.au/construction
E: queries@fed.cfmeu.asn.au

FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Statement Pursuant to Regulation 138

Fair Work (Registered Organisations) Regulations 2009.

I, David Noonan, Assistant National Secretary CFMEU and National Secretary CFMEU (Construction and General Division), of 12/276 Pitt Street, Sydney state that the information annexed to this Statement is being lodged in accordance with subsection 189 of the *Fair Work (Registered Organisations) Act 2009*.



.....
Signed

.....
20-08-09

Date

FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Prescribed Information in Respect of Election

Regulation 138 – Fair Work (*Registered Organisations*) Regulations 2009.

The following prescribed information is provided pursuant to Regulation 138 of the fair Work (*Registered Organisations*) Regulations 2009:

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

- | | | |
|--------|-----------|---|
| (i) | One (1) | Divisional President |
| (ii) | Three (3) | Joint Divisional Senior Vice-Presidents |
| (iii) | Three (3) | Divisional Vice-Presidents [including one elected by and from Divisional Branch Assistant Secretaries (Plasterers)] |
| (iv) | One (1) | Divisional Secretary |
| (v) | Two (2) | Divisional Assistant Secretaries |
| (vi) | Three (3) | Divisional Trustees |
| (vii) | One (1) | Divisional Executive Member (Plasterers) |
| (viii) | Two (2) | Additional Divisional Executive Members (NSW) |
| (ix) | One (1) | Additional Divisional Executive Member (WA) |

(b) The reason for the election;

Expiry of the term of office of each of the current office holders.

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

See information provided in (a) above.

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

The officers referred to herein are elected by and from Divisional Branch Delegates to Divisional Conference of the Construction and General Division of the CFMEU. One of the three Divisional Vice-Presidents shall be elected by and from such Divisional Branch Delegates to Divisional Conference as hold the office of Divisional Branch Assistant Secretary (Plasterers).

Further Rule 9 l. of the Construction and General Division rules relevantly provides that the additional Divisional Executive members, referred to in (a) above [the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representatives) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative) respectively.

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

Rule 9.5. of the Construction and General Division Rules relevantly provides that nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to sub-rule 8(xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called.

The Divisional Executive has determined that the elections shall be held on Tuesday 13th October, 2009 at Coolangatta in the State of Queensland.

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

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

Ex Officio Divisional Executive Members

We further advise that such Divisional Branch Secretaries who are not elected to any of the positions referred to in (a)(i) to (v) herein shall also be declared elected members of the Divisional Executive although no ballot is required. Further, the rules provide that the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive. The Divisional Branch Senior Vice-President of the South Australian Divisional Branch and the Industry Divisional Branch Secretary of the Brick,

Tile, Pottery, Construction Materials and related Products Industry Divisional Branch shall, ex officio, also be members of the Divisional Executive.

Other Matters

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