

Construction, Forestry, Mining and Energy Union C & G Division - Divisional Executive New Offices

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Fair Work(Registered Organisations) act 2009 and the rules of the organisation.

E2010/2521

Divisional Executive

Divisional Senior Vice-President (QLD Construction Workers Divisional Branch)

Candidate

MURPHY, Keith Richard

Divisional Vice-President (Victoria Divisional Branch)

Candidate

SPERNOVASILIS, Elias

Divisional Vice-President (New South Wales Divisional Branch)

Candidate

TULLOCH, Malcolm

Divisional Vice-President (QLD Builders Labourers Divisional Branch)

Candidate

HANNA, David Arthur

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

Noopur Madan
Returning Officer

16 April 2010

**AEC**

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009**POST ELECTION REPORT****Client:** Construction, Forestry, Mining and Energy Union, Construction & General Division**Contact details:** Dave Noonan
Assistant National Secretary
Level 12/ 276 Pitt St
SYDNEY NSW2000**Email:** queries@fed.cfmeu.asn.au
Tel: 02 8524 5801**AIR contact officer:** David Vale**Email:** Industrial.elections@air.gov.au**ELECTIONS COVERED IN THIS REPORT****Election Decision No/s:** E2010/2521**RULES****Rules used for elections Rule ID:** [105N: - incorporates alterations of 16/02/2010] in the matter R2009/10066**Rules difficult to apply/interpret:** N/A**Model Rule reference (if any):****ROLL OF VOTERS**

As there were no contested offices, no roll of voters was required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

ATTACHMENTS**A:** Declaration of Uncontested Offices – Election of Divisional Executive New Offices 2010Noopur Madan
Returning Officer
16 April 2010



FAIR WORK
AUSTRALIA

24 February 2010

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

Dear Mr Noonan

**Re: Arrangements for the conduct of an Election
(E2010/2521)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, 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

David Vale
Fair Work Australia



FAIR WORK
AUSTRALIA

DECISION

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

Construction, Forestry, Mining and Energy Union
(E2010/2521)

B.R. JENKINS

SYDNEY, 24 FEBRUARY 2010

Arrangement for conduct of election.

[1] On 18 February 2010 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 Senior Vice-President (Queensland Construction Workers
Divisional Branch) (1)

Divisional Vice-President (Victoria Divisional Branch) (1)

Divisional Vice-President (New South Wales Divisional Branch) (1)

Divisional Vice-President (Queensland Builders Labourers Divisional Branch) (1)

[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

VALE, David

From: VALE, David
Sent: Wednesday, 24 February 2010 2:43 PM
To: 'Industrial Elections'
Subject: E2010/2521
Attachments: E2010_2521 CFMEU signed decision 24022010.pdf; E2010_2521 CFMEU C&G_24022010.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of the C&G Division of the Construction, Forestry, Mining and Energy Union (E2010/2521).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwa.gov.au



FAIR WORK
AUSTRALIA

24 February 2010

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

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

E No 2010/2521

RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION – Construction & General Division

Position:

See Decision

Relevant Information: secret ballot; collegiate voting system.

Contact: Mr David Noonan
National 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.

David Vale
Fair Work Australia

Terrace Towers
80 William Street
East Sydney NSW 2011

Telephone: (02) 8374 6666
International: (612) 8374 6666
Facsimile: (02) 9380 6990
Email: sydney@fwa.gov.au

VALE, David

From: VALE, David
Sent: Thursday, 18 February 2010 3:40 PM
To: 'Industrial Elections'
Subject: E2010/2521
Attachments: CFMEU E2010_2521 lodged 18022010.pdf; CFMEU Const & Gen 105N-BWIU_R2009_10066_16022009.doc

Dear AEC,

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

Yours sincerely,

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwa.gov.au

18/02/2010



17 February 2010

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

By Email: Sydney@fwa.gov.au

Attention: Mr. B. Jenkins



Dear Sir,

Re: CFMEU Construction and General Division – Prescribed Information

In accordance with the *Fair Work (Registered Organisations) Act 2009 (Cth)* 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

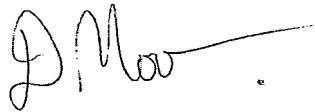
Dave Noonan
National Secretary
CFMEU Construction and General

Enc

Fair Work (Registered Organisations) Regulations

**Statement Pursuant to Regulation 138(2)
Fair Work (Registered Organisations) Regulations**

I, David Noonan, Assistant National Secretary CFMEU and National Secretary CFMEU (Construction and General Division), of Level 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

17.02.10
.....
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 Senior Vice-President (Queensland Construction Workers Divisional Branch)
- (ii) One (1) Divisional Vice-President (Victoria Divisional Branch)
- (iii) One (1) Divisional Vice-President (New South Wales Divisional Branch),
- (iv) One (1) Divisional Vice-President (Queensland Builders Labourers Divisional Branch),

(b) The reason for the election;

The new offices (above) were created by the certification of Rule alterations approved by the Divisional Conference of the Construction and General Division of the CFMEU (R2009/10063).

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

See information provided in (a) above.

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

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) is elected by and from the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents is elected by and from the Divisional Conference delegates from their respective Divisional Branches.

- (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.

- (f) **The day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;**

No electoral roll closure date is specified in Rule 9, however Rule 38 (p) provides that in the case of Divisional Branch elections, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date).

- (g) **The kind of 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 from each of the respective Divisional Branches.