

**Construction, Forestry, Mining and Energy Union  
Vacancy Election Divisional Executive Construction and  
General Division**

**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.

**E2010/2549**

**Construction & General Division of the Construction, Forestry, Mining and Energy  
Union : Divisional Executive**

**Divisional Assistant Secretary**

Candidate

O'GRADY, Frank

**Divisional Executive Member (Plasterers)**

Candidate

O'MARA, Jason

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

Kathryn Montgomery  
Returning Officer

18 May 2010



**Fair Work (Registered Organisations) Act 2009**  
**POST ELECTION REPORT**

**Client:** Construction, Forestry, Mining and Energy Union

**Contact details:** Dave Noonan  
National Secretary  
PO Box Q235  
QVB P O SYDNEY 2000  
**Email:** queries@fed.cfmeu.asn.au

**AIR contact officer:** David Vale  
**Email:** Industrial.elections@fwa.gov.au  
**Tel:**

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2010/2549

**RULES**

**Rules used for elections Rule ID:** [105N-BWIU: Incorporates alterations of 16/02/2010  
in matter R2010/10066]

**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: NIL

Other irregularities identified, and action taken: NIL

**ATTACHMENTS**

**A:** Declaration of Uncontested Offices

Kathryn Montgomery  
Returning Officer

17 June 2010



Dave Noonan  
National Secretary  
Construction, Forestry, Mining and Energy Union  
PO Box Q235  
QVB Post Office  
Sydney NSW 2000

**Post Election Report For: Construction, Forestry, Mining and Energy Union  
E2010/2549**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Delegate of the General Manager, Fair Work Australia 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 Fair Work (Registered Organisations) Act 2009 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.

Kathryn Montgomery  
Returning Officer

17 June 2010



FAIR WORK  
AUSTRALIA

6 April 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  
(E2010/2549)**

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**  
(E2010/2549)

B.R. JENKINS

MELBOURNE, 6 APRIL 2010

*Arrangement for conduct of election.*

[1] On 24 March 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 the conduct of an election for the following offices:

### **Divisional Executive**

Divisional Assistant Secretary (1)

Divisional Executive Member (Plasterers) (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

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**VALE, David**

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**From:** VALE, David  
**Sent:** Tuesday, 6 April 2010 2:25 PM  
**To:** 'Industrial Elections'  
**Subject:** E2010/2549  
**Attachments:** E2010\_2549 CFMEU signed decision 06042010.pdf; E2010\_2549 CFMEU C&G\_06042010.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of the Construction & General Division of the Construction, Forestry, Mining and Energy Union (E2010/2549).

Yours sincerely

**DAVID VALE**  
Manager, Organisations - NSW

**Fair Work Australia**  
Tel: 02 8374 6509  
Fax: 02 9380 6990  
[david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)

Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011  
[www.fwa.gov.au](http://www.fwa.gov.au)



FAIR WORK  
AUSTRALIA

6 April 2010

Electoral Commissioner Through  
Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto: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 2010/2549**

**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](mailto:industrial.elections@fwa.gov.au).

David Vale  
Fair Work Australia

**VALE, David**

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**From:** Elisa Fernandes [elisaf@fed.cfmeu.asn.au]  
**Sent:** Wednesday, 31 March 2010 9:25 AM  
**To:** VALE, David  
**Subject:** CFMEU C&G ACT Divisional Executive Member - Plasterers

David

Please see email below regarding the position for Divisional Executive Member (Plasterers).

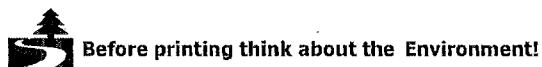
If you need any further information, please don't hesitate to contact me.

Regards

**Elisa Fernandes**  
Executive Assistant  
CFMEU C&G National Office  
P: +613 9341 3416 E: [elisaf@fed.cfmeu.asn.au](mailto:elisaf@fed.cfmeu.asn.au)  
500 Swanston St Carlton South VIC 3053



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**From:** Tom Roberts  
**Sent:** Wednesday, 31 March 2010 9:23 AM  
**To:** Elisa Fernandes  
**Subject:** RE: Plasterers Position

Elisa,

As to Dean Hall vacating Div Exec (Plasterers) position on Exec., please see extract below from the minutes of the Divisional Branch Management Committee meeting of ACT Div Branch on 27 January 2010. The motion was carried.

As Dean is no longer occupying the position of DB Assistant Secretary (Plasterer) and now sits on the Exec ex officio, as DB Secretary, and given the position of Div Exec member (Plasterers) is filled by and from DB Assistant Secretaries (Plasterers), an election is now required to fill the Exec position.

Please pass this information on to relevant person within FWA in response to their recent request. Please ask FWA to speak to me if they have any questions.

I understand that a copy of Martin Kingham's resignation has already been provided.

**MOTION 1**

**Kivalu / Driver**

"Noting the resignation of Sarah Schoonwater from the position of Secretary of the CFMEU (ACT Branc), that, in accordance with rule 38 (cc) of the CFMEU, Dean Hall be appointed as Secretary;



Jason O'Mara be appointed as Assistant Secretary (Plasterer); Jason Jennings be appointed as President; Cameron Hardy be appointed to the Divisional Branch Committee of Management (Builders Labourer), each having resigned their previously held positions prior to their appointment listed here."

**Tom Roberts**

*Senior National Legal Officer*

*CFMEU C&G Division*

*Ph: (02) 8524 5800*

*Fax: (02) 8524 5801*



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**VALE, David**

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**From:** VALE, David  
**Sent:** Wednesday, 24 March 2010 11:21 AM  
**To:** 'Industrial Elections'  
**Subject:** E2010/2549  
**Attachments:** CFMEU E2010\_2549 C&G lodged\_24032010.pdf; CFMEU Const & Gen 105N-BWIU\_R2009\_10066\_16022010.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](mailto:david.vale@fwa.gov.au)

Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011  
[www.fwa.gov.au](http://www.fwa.gov.au)



22 March 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

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

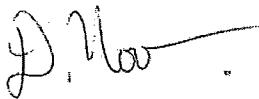
PO Box Q235  
Queen Victoria Building  
Post Office  
Sydney NSW 1230

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

***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

22.03.10

.....  
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 Assistant Secretary
- (ii) One (1) Divisional Executive Member (Plasterers)

**(b) The reason for the election;**

The resignation from office of the office-holders elected to the offices referred to in (a) above in October 2009 (E 2009/10036).

**(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;**

Not applicable.

**(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 Assistant Secretary is elected by the Divisional Branch delegates to Divisional Conference.

The Divisional Executive Member (Plasterers) is elected by and from persons holding the office of Divisional Branch Assistant Secretary (Plasterers) (see Rule 9. 1.)

**(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 in the case of ordinary elections 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.