

Construction, Forestry, Mining and Energy Union C & G Division - ACT Branch

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.

E2012/308

Construction and General Division - ACT Divisional Branch

Divisional Branch President

Candidate

JASON, Jennings

Divisional Branch Vice President (2)

Candidates

DYMOCK, Mark
VITLER, Anthony

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

Candidate

HALL, Dean

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

Candidate

O'MARA, Jason

Divisional Branch Council Member (9)

Candidates

AGETT, Jamie
BROADRICK, Garry
CLEMENCE, Mark
EAGLES, Marcus
GAIR, Daniel
HALL, Shayne

HANCOCK, Mark
KING, Stephen
STEPHENSON, Joshua

Divisional Branch Management Committee Member (11)

Candidates

ARNOLD, Leon
BENNETT-BURLEIGH, Duncan
DRIVER, Rodney
GARRETY, Richard
HARDY, Cameron
HARRISON, Brett
KIVALU, Halafihi
MARLAND, Desmond
POLSEN, Jeffery
PUCKETT, Timothy
SCOTT, Trevor

Divisional Branch Organiser

Candidate

HARRISON, Brett

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

4 October 2012



FAIR WORK
COMMISSION

5 February 2013

Mr Dave Noonan
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

Re: Elections - s198 Fair Work (Registered Organisations) Act 2009 - Construction, Forestry, Mining and Energy Union, Construction and General Division - (E2012/308)

I acknowledge receipt of your letter dated 1 February 2013 and the attached copies of the relevant extract of the post-election report given under section 197 of the Act, the response given by the Division to the Australian Electoral Commission ('the AEC'), and the declaration that the Division will provide a copy of the extract and the response to any member who requests it. The documents were lodged in accordance with sub-section 198(6)(b)(i) of the Act

I draw your attention, for future reference, to sub-section 198(1) which provides that a response must be given to the AEC within 30 days after the AEC has given its report.

I also note that a notice has been published on the Division's website at <http://www.cfmeu.asn.au/news/notices-to-members> in accordance with regulation 141(4) of the Fair Work (Registered Organisations) Regulations 2009.

There is no further action required and the documents have been filed.

Yours sincerely,

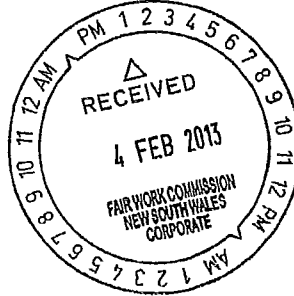
Stephen Kellett
Senior Adviser, Regulatory Compliance Branch

cc. Mr Tom Roberts, National Legal Officer

1 February 2013

The Delegate of the General Manager
Fair Work Commission
Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

Attention; Ms. A Carruthers



Dear Ms Carruthers,

**Re: CFMEU Elections
E2012/308**

I refer to the above matter.

In accordance with section 198 of the *Fair Work (Registered Organisations) Act 2009* I hereby lodge the relevant extracts from the AEC's post-election report, a copy of the response given by the CFMEU and a declaration as referred to in s198(6)(b)(i).

Should you require anything further please contact this office.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Dn", followed by a long horizontal line.

Dave Noonan
National Secretary
CFMEU C&G National Office

**Post Election Report Extracts
E2012/308**

Construction, Forestry, Mining and Energy Union

1. Queensland Construction Workers Divisional Branch

Rules used for the election: 105N-FED Incorporates alterations of 27/9/2012
R2010/90

105N-BWIU Incorporates alterations of 20/8/2012
R2012/132

Rules difficult to
apply/interpret:

Rule 40 (2) (ii) (A) (A) (vi) (a)

2. South Australian Divisional Branch

Rules used for the election: [105N-BWIU Incorporates alterations of 05/07/2012 in
matter R2012/83

Rules different to
apply/interpret:

There is no reference to SA Divisional Branch Trustees
in Rule 38 (d).

Interpretation of the rules sort (sic) from National
Returning Officer who sort (sic) clarification from the
CFMEU legal team.

Outcome:

In the absence of a reference to SA Divisional Branch
Trustee in Rule 38(d), advised take action under Section
193 1 (b) (ii) of the Fair Work (Registered
Organisations) Act 2009 and have 5 nominators each.

Declaration


I, David Noonan, Union official of Level 9, 215-217 Clarence Street, Sydney, in the State of New South Wales make the following declaration for the purposes of section 198(6)(b)(i) of the *Fair Work (Registered Organisations) Act 2009*:

1. That the CFMEU will provide a copy of the extract of the post-election report provided by the AEC in respect of election E2012/308 and the CFMEU's response thereto, to any member who so requests.

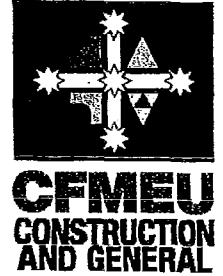
Declared in Sydney
On 1 February 2013



Before me:



Solicitor.



1 February 2013

Ms N Madan
National Returning Officer
Industrial and Commercial Elections
Australia Electoral Commission
NSW State Office
Level 4, Roden Cutter House
24 Campbell Street
Sydney NSW 2000

By post and email: Noopur.Madan@aec.gov.au

Dear Ms Madan,

**Re: CFMEU Elections
E2012/308**

I refer to the above matter and in particular to the post-election reports provided by the AEC by email on 9 January 2013.

I note that in relation to the reports provided by the Returning Officers for the Divisional Branch elections in South Australia and Queensland a number of rules have been identified as being difficult to interpret or apply. These are Rule 40(2)(ii)(A)(A) (vi)(a) in the case of Queensland and Rule 38 (d) in the case of South Australia.

In accordance with s. 198 of the *Fair Work (Registered Organisations) Act 2009* and having regard to the content of the reports referred to above, I wish to advise that the CFMEU (Construction and General Division) intends to take the following action in relation to the rules mentioned in the AEC's post-election report.

1. Details of the AEC's post-election report will be provided to the next meeting of the CFMEU (Construction and General Division) Divisional Executive, presently scheduled for March 2013.
2. Draft rule alterations will be prepared and tabled at the Divisional Executive meeting for the consideration of the Executive. These alterations will be drafted with a view to overcoming any difficulties identified by the AEC in its post election report.
3. Any rule alterations arising out of this process which are approved by the Executive will be submitted to the Fair Work Commission for certification and a copy of any such application will be provided to the AEC.
4. A copy of any rule alterations certified by the FWC will be provided by the CFMEU to the AEC.

Should the AEC wish to provide any further comment on these rules or the process outlined above, please contact Mr. Tom Roberts at this office.

Thank you for your assistance with this matter and the election process generally.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'DN' followed by a long horizontal line.

Dave Noonan
National Secretary
CFMEU C&G National Office

Construction, Forestry, Mining and Energy Union Qld 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 Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E2012/308

Queensland Construction Workers Divisional Branch

Divisional Branch President

Candidate

GASKE, Steven

Divisional Branch Vice-President

Candidate

DANIEL, Bradley

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

INGHAM, Jade

Divisional Branch Executive Member

Candidate

MCKEWIN, Ian John



Divisional Branch Council Member - Regional Queensland (4)

Candidates

CLARK, Andrew
DITTMAN, Marcus
No further nominations were accepted

Divisional Branch Delegate to Divisional Conference (4)

Candidates

GASKE, Steven
GENRICH, Laurence
INGHAM, Jade
MCKEWIN, Ian John

Divisional Branch Organiser (18)

Candidates

ANDERSON, Marshal Alan
CRADDEN, Paul
GENRICH, Laurence
HIGGINS, Barry
HUDDY, Michael
KONG, Anthony
LOAKES, Ben
LOWTH, William Kane
O'BRIEN, Mark
RAMSAY, Andrew
ROBINSON, Michael
SUTHERLAND, Andrew
TAYLOR, Shaun
TEMOHO, Andrew
TOYER, Steven
TUCKER, John
VINK, Scott
WILLIAMS, Brynn

Northern Territory

Divisional Branch Delegate to Divisional Conference (Northern Territory)

Candidate

HUDDY, Michael

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

8 November 2012

Construction, Forestry, Mining and Energy Union Qld Construction Workers 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 Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E2012/308

Queensland Construction Workers Divisional Branch

Total number of persons on the roll of voters	7172
Ballot papers issued	7172
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	7172
Ballot papers / envelopes returned for scrutiny	864
Less ballot papers / envelopes rejected at preliminary scrutiny	31
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	833
Percentage of ballot papers returned to number issued	12%
Ballot papers returned as unclaimed mail	139
Ballot papers not returned	6169

Divisional Branch Council Member - SE Queensland (5)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SMITH, Thomas	638	638
CUMMINS, John Patrick	703	703
DOUGHERTY, Anthony	690	690
BARBER, Paul	691	691
SCOBIE, Wayne Alex	657	657
O'HARA, John McIntosh	471	471
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	3850	3850
Formal ballot papers	771	771
Informal ballot papers	62	62

I declare Paul Barber, John Patrick Cummins, Anthony Dougherty, Wayne Alex Scobie and Thomas Smith elected.

Steve Gillespie
Returning Officer
Australian Electoral Commission

26 November 2012



Australian Electoral Commission/AEC

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Construction, Forestry, Mining and Energy Union

Queensland Branch

**Builders Labourers' & Construction Workers Divisional Branch
Elections**

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2012/308*

RULES

Rules used for the election: *105N-FED: Incorporates alterations of
27/09/2010 – R2010/90.
105N-BWIU: Incorporates alterations of
20/08/2012 – R2012/132.*

Rule Changes:

Rules difficult to apply/interpret: *Rule 40 (2)(ii)(A)(A)(vi)(a)*
Model Rule reference (if any): *N/A*

ROLL OF VOTERS

Total number of voters on the Roll: Construction Workers Divisional Branch – SE Qld	7172
Number of apparent workplace addresses:	42 (0.58%)
Number of non-current addresses:	0
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

- 1 Declaration of Results for Uncontested Offices BL Branches 9 October 2012.
- 2 Declaration of Results for Uncontested Offices CW Branch 8 November 2012.
- 3 Declaration of Results for Contested Offices CW Branch 26 November 2012

Steve Gillespie
Returning Officer
26 November 2012



Construction, Forestry, Mining and Energy Union Part 1 Western Australia Divisional Branch

DECLARATION OF RESULTS FOR CONTESTED 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.

E2012/308

Construction and General Division

Total number of persons on the roll of voters	11687
Ballot papers issued	11687
Duplicate ballot papers issued	53
TOTAL BALLOT PAPERS ISSUED	11740
Ballot papers / envelopes returned for scrutiny	3509
Less ballot papers / envelopes rejected at preliminary scrutiny	149
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	3360
Percentage of ballot papers returned to number issued	29%
Ballot papers returned as unclaimed mail	135
Ballot papers not returned	8096

Divisional Branch Assistant Secretary (2)

Candidates

HUDSTON, Mark John
PALLOT, Graham
MCDONALD, Joe

Exhausted Votes
Loss/Gain by Fraction
Total votes
Formal ballot papers
Informal ballot papers



Votes

1384
3148
2122

0
0
6654
3325
33

I declare Joe McDonald and Graham Pallot elected.

Total number of persons on the roll of voters	11687
Ballot papers issued	11687
Duplicate ballot papers issued	53
TOTAL BALLOT PAPERS ISSUED	11740
Ballot papers / envelopes returned for scrutiny	3509
Less ballot papers / envelopes rejected at preliminary scrutiny	149
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	3360
Percentage of ballot papers returned to number issued	29%
Ballot papers returned as unclaimed mail	135
Ballot papers not returned	8096

Divisional Branch Delegate to Divisional Conference (5)

<u>Candidates</u>	<u>Votes</u>
PALLOT, Graham	3268
HUDSTON, Mark John	1553
MCDONALD, Joe	2280
WATERS, Matthew	3216
MCCULLOUGH, Cam	3223
MILNE, Phillip	2985
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	16525
Formal ballot papers	3305
Informal ballot papers	55

I declare Cam McCullough, Joe McDonald, Phillip Milne, Graham Pallot and Matthew Waters elected.



Simon Bulloch
Returning Officer
Australian Electoral Commission
27 November 2012

Construction, Forestry, Mining and Energy Union Part 1 Western Australia Divisional Branch

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.

E2012/308

Construction and General Division

Divisional Branch President

Candidate

MCCULLOUGH, Cam

Divisional Branch Senior Vice President

Candidate

HAWKINS, Ian

Divisional Branch Vice President

Candidate

HAWLINS, Glenn

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Candidate

BUCHAN, Mick

Divisional Branch Treasurer

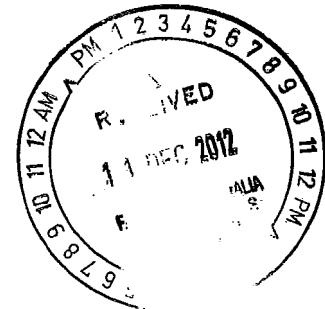
Candidate

WELLINGTON, Leslie John

Divisional Branch Council Member (20)

Candidates

BALDE, Matt
BARRETT, Terry
BATES, Steve
BINSTEAD, Mark
BYRNE, Seamus



CLARKE, Brendan
DARLING, Richard
DELANEY, Peter
EVANS, Mick
EVANS, Steve
GRANT, Leandra
HEATHCOTE, Patrick Matthew Bray
HOGAN, Michael
JOSHUA, Peter
LEE, Robert
MCCANN, Patrick
MILNE, Philip
PETERS, Mal
WYLIE, Les
No further nomination was accepted

Divisional Branch Management Committee Member (5)

Candidates

BALLARD, Peter
KELLY, Tony
MCGRAHAM, Peter
PEARSON, Robert
WATERS, Matthew

Divisional Branch Organiser (5)

Candidates

KENNEDY, Phil
MACKRELL, Aaron
MOLINA, Vinnie
SMART, Troy
UPTON, Brad

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



Simon Bulloch
Returning Officer

8 October 2012

Construction, Forestry, Mining and Energy Union Qld 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 Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E2012/308

Queensland Builders Labourers' Divisional Branch

Divisional Branch President

Candidate

KUPSCH, Royce

Divisional Branch Vice-President

Candidate

WILLIAMS, Darren 'Bob'

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Candidate

HANNA, David

Divisional Branch Assistant Secretary

Candidate

PEARSON, Kane

Divisional Branch Trustee (2)

Candidates

ANDERSEN, Steve
KONING, Mick

Divisional Branch Treasurer

Candidate

EZZY, Dallas



Divisional Branch Guardian

Candidate

HEENAN, Kevin

Divisional Branch Executive Member (4)

Candidates

FISSENDEN, James
HAMILTON, Terry
KUPSCH, Dean
MAHER, Pat

Divisional Branch Delegate to Divisional Conference (2)

Candidates

HAMILTON, Terry
KUPSCH, Royce

Divisional Branch Organiser (7)

Candidates

BLAND, Eddie
BRAGDON, Chad
GRIFFIN, Kevin
JARVIS, Tim
MYLES, Mick
OLSEN, Adam
STOTT, Tony

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

9 October 2012

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.

E2012/E308

Construction and General Division, South Australia Divisional Branch

Divisional Branch President

Candidate

FRY, Craig

Divisional Branch Vice-President

Candidate

PRIDDLE, Antony

Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference

Candidate

CARTLEDGE, Aaron

Divisional Branch Treasurer

Candidate

MCEWEN, Mark

Divisional Branch Trustee (2)

Candidates

JEFFS, Scott
MERKX, Jack

Divisional Branch Management Committee Member (5)

Candidates

CLARK, Jason
FIELD, Jake
NELSON, John
PENNY, Andrew
SAHLBERG, David



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

Candidates

EMMERSON, Mark
JARRETT, Tony

Divisional Branch Council Member (15)

Candidates

CLIFTON, Alan
COOPER, Allen
CREVOLA, Luke Allan
GEYER, Robert Arthur
GUDGEON, Tim
KAPPELLE, Jack
LUCAS, Mostyn Lloyd
MIDDLETON, Tommy
NATT, Greg
NICKELS, Tony L
O'CONNOR, Bernard
O'DONOHUE, Gregory W
POPE, Peter
PRINCE, Brad
YOUNG, Larry

Divisional Branch Delegate to Divisional Conference

Candidate

FRY, Craig

Divisional Branch Assistant Secretary (2)

Candidates

MCDERMOTT, Michael
ROBERTS, Darren

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



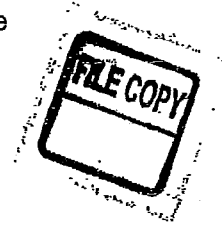
Karen Stacey
Returning Officer

21 September 2012



17 July 2012

Mr Dave Noonan
Divisional 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

Re: Scheduled Elections - Construction and General Divisional Branches (E2012/308)

I refer to the prescribed information lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* in relation to the above matter,

The election has been granted. A copy of the Delegate's Decision is enclosed

Stephen Kellett
Organisations, Research and Advice Branch

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



DECISION

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

Construction, Forestry, Mining and Energy Union
(E2012/308)

AILS A CARRUTHERS

MELBOURNE, 17 JULY 2012

Arrangement for conduct of election.

[1] On 29 June 2012, the Construction and General Division of the above named organisation lodged with Fair Work Australia the prescribed information in relation to an election for the offices set out in Attachment A.

[2] 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 with Fair Work Australia in accordance with sub-section 187(3) of the *Fair Work (Registered Organisations) Act 2009*.

[3] On 9 July 2012 the Division lodged amended prescribed information with respect to the election, and a copy of an amended request to the Australian Electoral Commission.

[4] I am satisfied that an election for the above-named offices and positions 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 of the offices and positions set out in Attachments A and B respectively by the Australian Electoral Commission.

Ailsa Carruthers

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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ATTACHMENT A

Divisional Branch Offices

Queensland Construction Workers Divisional Branch

Divisional Branch President
Divisional Branch Vice-President
Divisional Branch Secretary / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (Plasterers) / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (Painters) / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (General)
Divisional Branch Executive Member
Divisional Branch Council Member (12)
Divisional Branch Delegate to Divisional Conference (4)
Divisional Branch Delegate to Divisional Conference (Northern Territory) (1)

Queensland Builders Labourers' Divisional Branch

Divisional Branch President
Divisional Branch Vice-President
Divisional Branch Secretary / *ex officio* 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 / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)
Divisional Branch Council Member (31) comprising:-
 Cumberland Zone (22)
 Northumberland Zone (3)
 Camden Zone (3)
 Country Zone (3)
Divisional Branch Management Committee Member (26)
Divisional Branch Delegate to Divisional Conference (7)

Western Australia Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President
Divisional Branch Vice-President
Divisional Branch Secretary / *ex officio* 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 (5)

Australian Capital Territory Divisional Branch

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

Victoria-Tasmania Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (FEDFA)
Divisional Branch Vice-President
Divisional Branch Secretary / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)
Sub-Branch President
Sub-Branch Secretary
Sub-Branch Management Committee Member (6)
Divisional Branch Council Member (86) comprising:-
 Metropolitan Melbourne Zone (67)
 Geelong Zone (7)
 Central Victoria Zone (4)
 Northern Victoria Zone (4)
 Latrobe Zone (4)
Divisional Branch Management Committee Member (23)
Divisional Branch Delegate to Divisional Conference (15)

South Australia Divisional Branch

Divisional Branch President
Divisional Branch Vice-President
Divisional Branch Secretary / *ex officio* Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)¹
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 (15)
Divisional Branch Delegate to Divisional Conference (1)

¹ one of the Divisional Branch Assistant Secretaries elected will be determined as the designated Divisional Branch Assistant Secretary by the Divisional Branch Management Committee pursuant to sub-rule 45(b), which designated Divisional Branch Assistant Secretary will thereupon, by operation of sub-rules 8(ii) and 9(1), be and become *ex officio* a member of the Divisional Executive and a Delegate to Divisional Conference.

ATTACHMENT B

Other Positions

Queensland Construction Workers Divisional Branch

Divisional Branch Organiser (18)

Queensland Builders Labourers Divisional Branch

Divisional Branch Organiser (7)

New South Wales Divisional Branch

Divisional Branch Organiser (14)

Australian Capital Territory Divisional Branch

Divisional Branch Organiser (1)

Western Australia Divisional Branch

Divisional Branch Organiser (5)

Victoria-Tasmania Divisional Branch

Divisional Branch Organiser (16)

16

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Tuesday, 17 July 2012 10:52 AM
To: 'queries@fed.cfmeu.asn.au'
Cc: Tom Roberts
Subject: FW: Election Decision E2012 308
Attachments: E2012 308 CFMEU (BWIU) RO Rules Certificate (signed).pdf

Dear Mr Noonan,

Please find attached a copy of the Decision of the Delegate of the General Manager in respect of the Divisional Branch Elections in matter E2012/308.

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA

15

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Tuesday, 17 July 2012 10:43 AM
To: 'industrial.elections@aec.gov.au'
Subject: Election Decision E2012 308
Attachments: E2012 308 CFMEU (BWIU) RO Rules Certificate (signed).pdf; R2012 83 105n-bwiu Certified Rules 5 July 2012.doc

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

Please note the arrangements for the conduct of the following election by the Australian Electoral Commission, under subsection 189 of the Fair Work (Registered Organisations) Act 2009:

E No 2012/308

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

Positions:

See Decision

Contact: Construction, Forestry, Mining and Energy Union, Construction and General Division,

Mr Dave Noonan

Phone: (02) 8524 5800 (Divisional office, Pitt Street, SYDNEY)

A copy of the Delegate's Decision is attached. I also attach a copy of the relevant rules certified 5 July 2012.

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA

17 July 2012

13

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Tuesday, 10 July 2012 11:02 AM
To: 'Tom Roberts'
Subject: RE: C&G Election E2012/308

Dear Mr Roberts,

Thank you for your advice regarding the description of the offices of Divisional Branch Assistant Secretary/ies of the South Australian Divisional Branch.

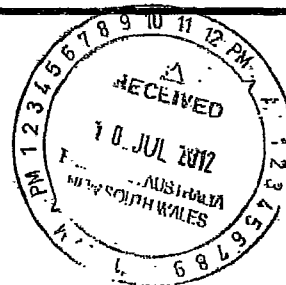
Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA

12

KELLETT, Stephen

From: Tom Roberts [troberts@fed.cfmeu.asn.au]
Sent: Tuesday, 10 July 2012 10:43 AM
To: KELLETT, Stephen
Cc: Dave Noonan
Subject: C&G Election E2012/308



Dear Stephen,

I refer to our discussion yesterday in relation to the information provided by the Division in respect of the forthcoming election and in particular, the description of the offices of Divisional Branch Assistant Secretary/ies of the South Australian Divisional Branch.

As discussed and as reflected in the information provided, the rules of the Division currently provide that there shall be two Divisional Branch Assistant Secretaries in the State of South Australia [Rule 37(vii) and see also Rule 42(a)(vii)].

Rule 9. 1. also provides, inter alia, that:

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

Further, Rule 8(ii) includes the following:

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

According to our records the two immediately preceding sub-rules were inserted into the rules in Matter R 2010/100 on 23 November 2010. When they were inserted, those sub-rules rescinded and replaced two earlier sub-rules which were, respectively, in the following terms:

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference

and

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The previous sub-rules made it clear that it was one and the same office-holder namely, the holder of the office of Divisional Branch President [and later, the office of Divisional Branch Senior Vice-President], who held positions on both the Divisional Executive and Divisional Conference ex officio, i.e. on the basis of the office which they occupied at the Divisional Branch level. This is consistent with our understanding outlined yesterday that it is now the Divisional Branch Assistant Secretary (designated) who also holds and will hold the office of Divisional Executive member and Divisional Conference delegate.

I also draw your attention to Rule 45(b) of the Division's rules which provides, inter alia:

..... The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management.

In the circumstances, and having regard to the above including the fact that the determination of the designated Assistant Secretary would appear to be a matter for the Divisional Branch Management Committee, FWA may wish to give consideration to simply describing the South Australian offices for the purposes of this election as including "Divisional Branch Assistant Secretary (2)". It may also be desirable that a notation be included to make it clear that one of these Assistant Secretaries, will, by operation of the rules and following a decision of the Divisional Branch Management Committee, also be and become a member of the Divisional Executive and a delegate to Divisional Conference.

I trust this information is of some assistance. Please do not hesitate to contact this office should you need to discuss the matter further.

Yours faithfully,

Tom Roberts

Senior National Legal Officer
CFMEU Construction and General Division
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P: +612 8524 5800 F: +612 8524 5801
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Fair Work Australia

Application by CFMEU
for Alteration of Rules

COPY

R2010/100

STATEMENT

I, Martin O'Malley, union official of 1st floor Trades Hall 32 South Terrace, Adelaide in the State of South Australia, state as follows:

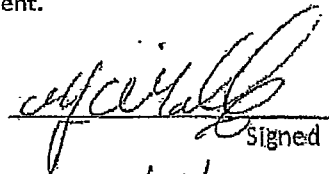
1. I am the Divisional Branch Secretary of the CFMEU Construction and General Division South Australian Divisional Branch (the Branch). I have held this position since 1 August 1996.
2. The matters set out in this statement are recorded for the purpose of assisting Fair Work Australia consider proposed alterations to the rules of the CFMEU Construction and General Division which were filed with FWA on 14 October 2010 and which relate to various offices and office-holders of the Branch. The matters are true and correct to the best of my knowledge and belief.
3. Following the merger between various state registered counterparts of the former Australia Building and Construction Employees and Builders Labourers Federation (BLF) and the CFMEU in the early 1990's, two Divisional Branches were created within the Construction and General Division of CFMEU in the state of South Australia. I was the Secretary of one of these Divisional Branches which was known as the 'South Australian Construction Labourers Divisional Branch'. The second Branch was called the 'Construction Workers' Divisional Branch.'
4. During 1996 and by agreement, the two South Australian Divisional Branches referred to above were merged into a single Divisional Branch and rule alterations were approved to effect this merger (R20077 of 1996). I became the Secretary of the new combined Divisional Branch. The former Secretary of the Construction Workers Divisional Branch became the Divisional Branch President of the combined Divisional Branch.
5. Further, to ensure that both of the Divisional Branches continued to be represented on Divisional and National Governing bodies it was agreed that a senior officer of the former Construction Workers' Divisional Branch would sit on such bodies. Consequently Rules 8 and 9 of the Construction and General Division Rules were

amended such that the Divisional Branch President of the new combined Divisional Branch would sit on the respective governing bodies referred to in those rules.

6. Later, in 2004, the rules were further amended (R2004/329) to provide that the person occupying the office of Senior Vice-President of the Divisional Branch was to be a member of the Divisional Conference and Divisional Executive. As part of those changes the office of Divisional Branch President became an honorary position within the Divisional Branch.
7. During the 2008 Divisional Branch elections within the Construction and General Division of the CFMEU, Mr. Justin Feehan [Feehan] was elected as Divisional Branch Senior Vice-President. Feehan's term of office commenced at the beginning of 2009.
8. At some point in late August 2009 Feehan notified the Branch of his intention to resign from his position within the Divisional Branch. The Divisional Branch Management Committee was advised of Mr. Feehan's intention to resign.
9. After some discussion with Feehan it was agreed that Feehan would be given the option of returning to his previous position if he wished to do so within approximately six months from the date of his resignation. This proposal was agreed to by the Management Committee. Mr. Feehan was advised of the Branch's decision to leave the position vacant for a period of six months so that he might be able to fill it if that was his wish and the wish of the Management Committee during that period.
10. Mr. Feehan last worked for the Divisional Branch on 28 August 2009 and was paid up to that date and paid out all accrued entitlements. He did not express any wish to the Branch to return to his previous position at the end of or during the six month period. I understand that he is presently working full-time in a position as Employee Coordinator with Adelaide Aqua at the Adelaide desalination plant construction site and has been in that position since he last worked for the Branch.
11. During the second quarter of 2010 the Divisional Branch Management Committee discussed the possible re-organisation and restructure of the Divisional Branch including the implications for the Branch of Feehan's resignation. The Divisional Branch Management Committee came to the view that rather than fill the casual vacancy created by Feehan's resignation or continue to leave the office vacant that they would raise the issue at the Divisional Executive level and request that the office be abolished. This decision was taken in part because of the view by the Divisional Branch Management Committee that it was unnecessary and uneconomic to fill the position, which was a full-time paid position, with another person.
12. The Divisional Branch Management Committee however also came to the view that the Divisional Branch's representation on Divisional and National bodies should not be diminished as a result of these changes. I was asked by the Divisional Branch Management Committee to pursue formal rules changes that would achieve this objective by ensuring that a senior Divisional Branch officer would take up those

positions previously occupied by Feehan. After some discussion with the National Office of the Construction Division and at the Divisional Executive it was determined to proceed by abolishing the Divisional Branch Senior Vice-President position and substituting a Divisional Branch Assistant Secretary on these Divisional governing bodies.

13. Since the Divisional Executive voted to approve the present rule changes I have spoken with Feehan and advised him of the Executive's decision. He also understands that the proposed changes are now being considered for approval by Fair Work Australia. Feehan did not and has not raised any objection with me or the South Australian Divisional Branch in relation to these proposed changes. In the course of my discussion with Feehan he agreed to provide a written letter evidencing his resignation a copy of which is annexed to this statement.


Signed

19/11/2010
Dated

10

KELLETT, Stephen

From: Ashleigh Chapman [achapman@fed.cfmeu.asn.au]
Sent: Tuesday, 10 July 2012 3:20 PM
To: KELLETT, Stephen
Subject: FW: Amended Prescribed Information R2012/308
Attachments: LET AEC RE Election 9JULY2012.pdf

Hi Stephen,

Sorry for the mix up, please see attached letter sent to the AEC yesterday.

Ashleigh Chapman
Legal/Industrial Secretary
CFMEU C&G National Office
P: +612 8524 5807 F: +612 8524 5801
E: achapman@fed.cfmeu.asn.au
Level 12, 276 Pitt Street Sydney NSW 2000
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www.cfmeu.asn.au



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From: Ashleigh Chapman
Sent: Monday, 9 July 2012 4:30 PM
To: 'stephen.kellett@fwa.gov.au'
Subject: Amended Prescribed Information R2012/308

Mr Kellett,

Please see attached correspondence from Dave Noonan regarding R2012/308, a hard copy will follow in the post.

Thank you,

Ashleigh Chapman
Legal/Industrial Secretary
CFMEU C&G National Office
P: +612 8524 5807 F: +612 8524 5801
E: achapman@fed.cfmeu.asn.au
Level 12, 276 Pitt Street Sydney NSW 2000
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9

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Monday, 9 July 2012 5:21 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2012 308 Amended Prescribed Information
Attachments: Amended Prescribed Information R2012/308

Dear Electoral Officer,

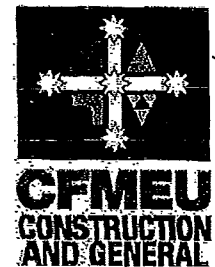
Please see attached amended Prescribed Information lodged in response to correspondence, in respect of the above election.

Any queries, please do not hesitate to contact me on (02) 6723 7097.

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA

9 July, 2012



Senior Returning Officer
Australian Electoral Commission
Industrial Elections
PO Box 496
Haymarket
NSW 1239



Dear Sir/Madam,

**Re: CFMEU (Construction and General Division)
Election**

In accordance with section 187 of the *Fair Work (Registered Organisations) Act 2009* I hereby request that an election be conducted for the positions listed hereunder.

For your information I also enclose a copy of information which has been provided to Fair Work Australia (FWA) in relation to elections for offices within the CFMEU Construction and General Division (the Division). In accordance with past practice, I would ask that the election for the positions described hereunder be conducted at the same time as the elections for the office holders within the Division, as notified in the correspondence to FWA.

The positions are as follows:-

- a Queensland Construction Workers Divisional Branch**
Divisional Branch Organiser (18)
- b Queensland Builders Labourers Divisional Branch**
Divisional Branch Organiser (7)
- c New South Wales Divisional Branch**
Divisional Branch Organiser (14)
- d Australian Capital Territory Divisional Branch**
Divisional Branch Organiser (1)
- e Western Australia Divisional Branch**

Construction, Forestry,
Mining and Energy Union
ABN 46 243 168 585

Dave Noonan
National Secretary

Federal Office
Level 12
276 Pitt Street
Sydney NSW 2000

PO Box Q235
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Sydney NSW 1230

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E: queries@fed.cfmeu.asn.au

Divisional Branch Organiser (5)

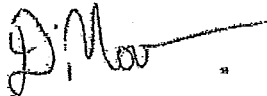
f Victoria-Tasmania Divisional Branch

Divisional Branch Organiser (16)

You will note that the information relating to these positions differs slightly from that provided to FWA in that the information relating to the South Australian Branch has been omitted from the above. This has occurred as a result of correspondence between this office and FWA and agreement that the information provided to the AEC should be amended in this respect. Copies of the relevant correspondence are also enclosed for your information.

If you require any further information please contact Senior National Legal Officer Tom Roberts at this office.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Noonan', with a long horizontal stroke extending to the right.

Dave Noonan
National Secretary
CFMEU C&G Division

cc Mr. S Kellett.
FWA - Organisations, Research and Advice Branch



9 July 2012

Mr S. Kellett
Organisations, Research and Advice Branch
Fair Work Australia
Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

By email: stephen.kellett@fwa.gov.au



Dear Mr Kellett,

**Re: Amended Prescribed Information
(R2012/308)**

I refer to the above matter and your correspondence dated 9 July, 2012.

After having considered the points raised in your correspondence I now confirm each of these points as correct and, as suggested, submit hereunder amended prescribed information for the NSW Divisional Branch taking into account the matters which you have identified.

NSW Divisional Branch

Divisional Branch President
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)
Divisional Branch Council Member (31) comprising

Cumberland Zone (22)
Northumberland Zone (3)
Camden Zone (3)
Country Zone (3)

Divisional Branch Management Committee Member (26)
Divisional Branch Delegate to Divisional Conference (7)

I also confirm that the Division agrees that the information relating to the South Australia Divisional Branch at point g. under the heading 'Other Positions' should have been omitted. A copy of the election request to the AEC is enclosed for your information.

Finally, I confirm the information which you have set out in relation to the Victoria-Tasmania Divisional Branch and advise that to the best of my knowledge, no other

Construction, Forestry,
Mining and Energy Union

Dave Noonan
National Secretary

Federal Office
Level 12
276 Pitt Street
Sydney NSW 2000

PO Box Q235
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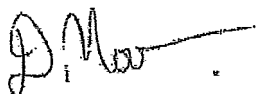
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F: (02) 8524 5801
W: www.cfmeu.asn.au/construction
E: queries@fed.cfmeu.asn.au

ABN 46 243 188 565

Divisional or National Officers intend to nominate in accordance with sub-rule 8(viii).

Should you require anything further, please contact Senior National Legal Officer Tom Roberts at this office.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Noonan', with a long horizontal flourish extending to the right.

Dave Noonan
National Secretary
CFMEU C&G Division



9 July 2012

Mr Dave Noonan
Divisional 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

Re: Scheduled Elections - Construction and General Divisional Branches (E2012/308)

I refer to your letter dated 29 June 2012 enclosing prescribed information in respect of the above election, which was lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* and received by Fair Work Australia on that day.

I have identified what I believe to be two errors in the list of offices for the New South Wales Divisional Branch and an error in the list of positions requested under s187 for the South Australia Divisional Branch. These are:

Number of Delegates (NSW Branch)

(a) The number of "Divisional Branch Delegate to Divisional Conference" is listed as "(8)". If this is added to the "Divisional Branch Secretary / Divisional Branch Delegate to Divisional Conference" (who is a Delegate to Divisional Conference *ex officio*, by virtue of sub-rule 8(ii)), this brings the total of Branch Delegates to Divisional Conference to 9. By my reckoning, based on the average membership figure of 13,380, as provided by your office, and in accordance with sub-rule 8(iii), the total should be no more than seven (7) including the Divisional Branch Secretary. This would mean that the number for "Divisional Branch Delegate to Divisional Conference" should be indicated as six (6). This number is only increased if a fulltime Divisional Officer nominates in accordance with sub-rule 8(viii). I was advised by Mr Ashley Borg, of your office, that Mr Lindsay Fraser, a Divisional Assistant Secretary from the New South Wales Branch, will nominate in accordance with this sub-rule. Accordingly, I calculate that the number for "Divisional Branch Delegate to Divisional Conference" should be indicated as seven (7).

I seek your comment on whether you agree with my calculation. If you do, the Decision should reflect this calculation and show the number of "Divisional Branch Delegate to Divisional Conference" as "(7)".

Description of Zones and numbers (NSW Branch)

(b) The Zones are listed as "Sydney Zone (27)" - "Newcastle Zone (3)" - "Wollongong Zone (3)" - and "Country Zone (3)". The rule alterations certified on 15 December 2011 in matter R2011/248 included a new sub-rule 42(i)(d) which changed the names of the Zones and the number of Councillors for the first of these Zones. The prescribed information should therefore have listed the Zones as "Cumberland Zone (22)" - "Northumberland Zone (3)" - "Camden Zone (3)" - "Country Zone (3)" and the total number for "Divisional Branch Council Members" should have been "(31)".

I seek your comment on whether you agree with my reading of the relevant rule. If you do, the Decision should reflect these descriptions and the number (22) for the Cumberland Zone.

Terrace Towers Telephone: (02) 8374 6666
80 William Street International: (612) 8374 6666
East Sydney NSW 2011 Facsimile: (02) 9380 6990
Email: sydney@fwa.gov.au

Positions of Divisional Branch Organiser (SA Branch)

I also query the number of Divisional Branch Organiser "positions" for the South Australia Divisional Branch, which is indicated as "(2)" and which is in addition to the two (2) "Divisional Branch Organiser/Divisional Branch Management Committee Member" listed elsewhere in the prescribed information.

Offices of Divisional Branch Organiser for the South Australian Divisional Branch appear to be established by sub-rules 37(vi) and 42(a)(vi). Provision is made for positions of Organiser in respect of the other Branches in the sub-rules pertaining to them, but in sub-rule 37(vi) there does not appear to be any provision made for additional Divisional Branch Organisers in respect of the South Australia Divisional Branch. The sub-rule simply provides that Branch offices will include members of the Branch Committee of Management, and sub-rule 42(a)(vi) includes two Organisers as members of the Branch Committee of Management. Moreover, no mention was made of additional Organiser positions in respect of the South Australia Divisional Branch in the previous Election Decision granted in matter E2008/204.

I believe the reference to two (2) Divisional Branch Organiser positions under the heading "g. South Australia Divisional Branch" is an error and should have been omitted. I seek your comment on whether you agree with my reading of the rules. If you do, the Decision should omit reference to these two positions.

If you agree that I have correctly identified errors, then, in order to avoid any later confusion over the document record, I suggest that the Division lodge an amended prescribed information in relation to the offices of the New South Wales Divisional Branch, and in relation to the position requested under s187. The Division should also make an amended request under s187 to the AEC.

Divisional Officers nominations

I note that the number of "Divisional Branch Delegate to Divisional Conference" listed for the new Victoria-Tasmania Divisional Branch is indicated as "(15)". The average membership figure of 27,459 provided for Victoria and Tasmania entitles the Branch to a total of fourteen (14) including the Divisional Branch Secretary who is a Delegate *ex officio*. This would normally mean that the number that should have been indicated was (13).

However I was advised by Mr Ashley Borg, of your office, that you and Mr Frank O'Grady, Divisional Secretary and Divisional Assistant Secretary respectively from the Victoria-Tasmania Branch, will be nominating in accordance with sub-rule 8(viii). I understand therefore that the figure of "(15)" includes two (2) Divisional Officer Delegates in addition to the thirteen (13) that would otherwise have been indicated.

I seek your confirmation that my understanding is correct, and your advice whether any other full-time Divisional or National Officers intend nominating as Delegate in accordance with sub-rule 8(viii).

Please contact me on (02) 6723 7097 if you wish to discuss any of the above questions with me before formally responding.



Stephen Kellett
Organisations, Research and Advice Branch

6a

**CFMEU CONSTRUCTION AND GENERAL DIVISION
OFFICE BEARERS AS AT 1 JANUARY 2012**

Office	Officer	Occupation	Address			
Divisional President	Tommy Watson	Union Official	500 Swanston Street	Carlton South	VIC	3053
Joint Divisional Senior Vice-President	Vacant					
Joint Divisional Senior Vice-President	Joseph McDonald	Union Official	82 Royal Street	East Perth	WA	6004
Joint Divisional Senior Vice-President	John Setka	Union Official	500 Swanston Street	Carlton South	VIC	3053
Joint Divisional Senior Vice-President	Keith Murphy	Union Official	16 Campbell Street	Bowen Hills	QLD	4006
Divisional Vice-President (Plasterer)	Peter Close	Union Official	16 Campbell Street	Bowen Hills	QLD	4006
Divisional Vice-President	Joseph Myles	Union Official	Level 2, 366 Upper Roma Street	Brisbane	QLD	4000
Divisional Vice-President	Elias Spernovasilis	Union Official	500 Swanston Street	Carlton South	VIC	3053
Divisional Vice-President	Ralph Edwards	Union Official	500 Swanston Street	Carlton South	VIC	3053
Divisional Vice-President	Noel Washington	Union Official	500 Swanston Street	Carlton South	VIC	3053
Divisional Vice-President	Brian Parker	Union Official	10-12 Railway Street	Lidcombe	NSW	2141
Divisional Secretary	Dave Noonan	Union Official	Level 12 276 Pitt Street	Sydney	NSW	2000
Divisional Assistant Secretary	Lindsay Fraser	Union Official	Level 12 276 Pitt Street	Sydney	NSW	2000
Divisional Assistant Secretary	Frank O'Grady	Union Official	Level 12 276 Pitt Street	Sydney	NSW	2000
Divisional Executive Member (Plasterer)	Jason O'Mara	Union Official	3 Rosever Place	Dickson	ACT	2602

5

KELLETT, Stephen

From: Ashley Borg [aborg@fed.cfmeu.asn.au]
Sent: Tuesday, 3 July 2012 9:27 AM
To: KELLETT, Stephen
Cc: Tom Roberts
Subject: CFMEU C&G Divisional Branch Delegates
Attachments: CFMEU CG Branch Delegates 2012.pdf

Dear Stephen,

Please find attached additional information in relation to delegates whose numbers are determined under rules 8(iii) and (iv), and 40(2) as requested, including:

- Divisional Branch income for the last three years and the respective annual contributions by whose dividend is calculated by the average number of members for determining the Divisional Branch Delegates to Divisional Conference (rule 8(iii), 8(iv)).

Kind regards,

Ashley Borg

National Legal and Industrial Officer
CFMEU Construction & General - National Office
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ACT DIVISIONAL BRANCH – DELEGATE COUNT

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

Average number of members = sum of number of members per annum for 3 years divided by 3
 Where: Number of members = annual income divided by annual contributions
 * Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	488,246	445.45	1,096
2010	741,980	454.55	1,632
2011	826,096	481.82	1,715
Average Number of Members			1,481

*ex GST
 #per person per year

Delegates

Divisional Secretary	Conference (including Branch)	Divisional Conference Delegates (as per rule 8(i))
1		1
Total		2

Monday, 25 June 2012



**QUEENSLAND BUILDERS LABOURERS' DIVISIONAL BRANCH –
DELEGATE COUNT**

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

Average number of members = sum of number of members per annum for 3 years divided by 3

Where: Number of members = annual income divided by annual contributions

* Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter.

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	2,255,761	525.45	4,293
2010	2,150,085	539.09	3,988
2011	2,370,814	548.18	4,325
Average Number of Members			4,202

*ex GST

*per person per year

Delegates

Total Divisional Conference including Branch Secretary
3

Monday, 25 June 2012

Construction, Forestry,
Mining and Energy Union

ABN 46 243 168 665

Dave Noonan
National Secretary

Federal Office
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276 Pitt Street
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W: www.cfmeu.asn.au/construction
E: queries@fed.cfmeu.asn.au



**QUEENSLAND CONSTRUCTION WORKERS' DIVISIONAL BRANCH –
DELEGATE COUNT**

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

Average number of members = sum of number of members per annum for 3 years divided by 3

Where: Number of members = annual income divided by annual contributions

* Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter.

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	4,297,433	517.27	8,308
2010	4,465,010	542.72	8,227
2011	4,953,096	572.73	8,648
Average Number of Members			8,394

*ex GST

per person per year

Delegates

5	2	1
Total		8

Monday, 25 June 2012

Construction, Forestry,
Mining and Energy Union
ABN 46 243 168 565

Dave Noonan
National Secretary

Federal Office
Level 12
276 Pitt Street
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E: queries@fed.cfmeu.asn.au



SA DIVISIONAL BRANCH – DELEGATE COUNT

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

Average number of members = sum of number of members per annum for 3 years divided by 3

Where: Number of members = annual income divided by annual contributions

*Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter.

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	962,596	436.36	2,206
2010	981,282	436.36	2,249
2011	1,024,634	458.18	2,236
Average Number of Members			2,230

*ex GST
per person per year

Delegates

Divisional Conference Including Branch Secretary	Divisional Officers as Divisional Conference Delegates as per Rule 8(ii)
2	1
Total	3

Monday, 25 June 2012

Construction, Forestry,
Mining and Energy Union
ABN 46 243 168 585

Dave Noonan
National Secretary

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WA DIVISIONAL BRANCH – DELEGATE COUNT

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

Average number of members = sum of number of members per annum for 3 years divided by 3

Where: Number of members = annual income divided by annual contributions

* Where a Divisional Branch Secretary counts the first 2,000 members; and there is one delegate for every two thousand members, or part thereof, thereafter.

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	5,986,158	563.64	10,621
2010	6,593,716	590.91	11,159
2011	7,287,739	609.09	11,965
Average Number of Members			11,248

*ex GST

#per person per year

Delegates

Divisional Conference
Including Branch Secretary
6

Monday, 25 June 2012

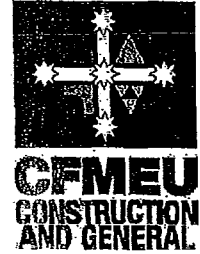
**Construction, Forestry,
Mining and Energy Union**
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VICTORIA & TASMANIA DIVISIONAL BRANCH – DELEGATE COUNT

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

Average number of members = sum of number of members per annum for 3 years divided i.y.s.

Where: Number of members = annual income divided by annual contributions

* Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter.

Victoria only

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	10,988,166	445.45	24,668
2010	11,831,830	445.45	26,562
2011	14,561,412	500	29,123

Tasmania only

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	273,576	416	658
2010	278,172	416	669
2011	289,509	416	696

*ex GST

#per person per year

**Total Members Vic & Tas
Divisional Branch**

Year	Members (#)
2009	25,326
2010	27,231
2011	29,819
Average	27,459

Delegates

Total	16
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Monday, 25 June 2012

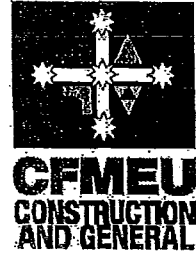
Construction, Forestry,
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NEW SOUTH WALES DIVISIONAL BRANCH – DELEGATE COUNT

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

Average number of members = sum of number of members per annum for 3 years divided by 3

Where: Number of members = annual income divided by annual contributions

* Where a Divisional Branch Secretary counts the first 2,000 members, and there is one delegate for every two thousand members, or part thereof, thereafter.

Year	Annual Income (\$)	Subscription Dues (\$)	Members (#)
2009	5,974,599	440.91	13,551
2010	5,987,955	459.09	13,043
2011	6,465,624	477.27	13,547
Average Number of Members			13,380

*ex GST

#per person per year

Delegates

Divisional Secretary	Conference (including Branch)	Divisional Officers as Divisional Conference Delegates as per Rule 8(vii)
7		1
Total		8

Monday, 25 June 2012

Construction, Forestry,
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4

KELLETT, Stephen

From: Ashley Borg [aborg@fed.cfmeu.asn.au]
Sent: Tuesday, 3 July 2012 10:50 AM
To: KELLETT, Stephen
Cc: Tom Roberts
Subject: Rule 40(2)(v) - 'zone' Delegates - Vic/Tas Divisional Branch
Attachments: CFMEU CG VicTas Zone Delegates.pdf

Dear Stephen,

Please find attached figures for delegates under Rule 40(2)(v).

Yours faithfully,

Ashley Borg



Victoria/Tasmania Divisional Branch – Zone Delegates

Formula – 40(2)(v) Construction and General Divisional Rules

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

Zone	Member count (as at 29/06/2012)	Delegates
Metropolitan Melbourne	21,665	(A) 500 members = 4 Delegates (B) $(21,665 - 500) \div 1,000 = 21$ 21×3 Delegates = 63 Delegates Total Delegates: (A) + (B) = 67 Delegates total
Geelong	1,768	(A) 500 members = 4 Delegates (B) $(1,768 - 500) \div 1,000 = 1$ 1×3 Delegates = 3 Delegates Total Delegates: (A) + (B) = 7
Central Victoria	655	500 members = 4 Delegates Total Delegates = 4
Northern Victoria	322	(Up to) 500 members = 4 Delegates Total Delegates = 4
La Trobe	1,125	500 members = 4 Delegates Total Delegates = 4

Tuesday, 03 July 2012

**Construction, Forestry,
Mining and Energy Union**
ABN 46 243 168 565

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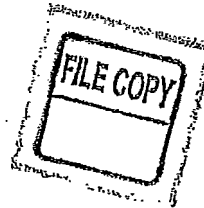
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3

2 July 2012

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

Elections - Scheduled Divisional Branch Elections - Construction, Forestry, Mining and Energy Union, Construction and General Division (E2012/308)

I refer to the prescribed information lodged under s189 of the *Fair Work (Registered Organisations) Act 2009* in relation to the above elections, which was received by Fair Work Australia on 29 June 2012.

Before the Delegate can grant the election, additional information in relation to those offices whose numbers are determined by formulae under rules 8(iii) and (iv), and 40(2) 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), 8(iv)];
2. Zone membership figures by which are calculated the Zone Delegates numbers to Branch Council (all Zones established in the Victoria-Tasmania Divisional Branch)[rule 40(2)(v)].

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

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch

2

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Monday, 2 July 2012 12:36 PM
To: 'industrial.elections@aec.gov.au'
Subject: FW: E2012/308 - Application/Notification by CFMEU-Construction and General Division (105N-BWIU)
Attachments: CFMEU E2012_308_PI lodged 29062012.pdf

Dear AEC,

I refer to the email sent on Friday 29 June 2012 in relation to the above election notification.

Please be aware that the prescribed information reflects rule alterations currently being considered by the Delegate of Fair Work Australia. As soon as a determination has been made, I will forward you a copy of the certified rules.

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA

From: HALL, James
Sent: Friday, 29 June 2012 5:19 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/308 - Application/Notification by CFMEU-Construction and General Division (105N-BWIU)

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election of the Construction, Forestry, Mining and Energy Union– Construction and General Division (E2012/308).

Regards

JAMES HALL

Registered Organisations Unit - Sydney
Fair Work Australia

Level 8
Terrace Tower
80 William Street
East Sydney NSW 2011

Tel: 02 8374 6641
Fax: 02 8374 6990
Email: james.hall@fwa.gov.au

KELLETT, Stephen

From: Ashleigh Chapman [achapman@fed.cfmeu.asn.au]
Sent: Friday, 29 June 2012 4:44 PM
To: KELLETT, Stephen
Cc: VALE, David; troberts@fed.cfmeu.asn.au
Subject: CFMEU Elections
Attachments: Prescribed Information.pdf

Hi Stephen,

Please see attached Prescribed Information that was lodged with FWA at 4:43 this afternoon.

Thank you,

Ashleigh Chapman
Legal/Industrial Secretary
CFMEU C&G National Office
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Before printing think about the Environment!

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29 June 2012

General Manager
Fair Work Australia
80 William Street
Sydney NSW 2000

Attention: Ms B O'Neill

Dear Ms O'Neill

**Re: CFMEU (Construction & General Division)
Elections**

In accordance with Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, the CFMEU (Construction and General Division) hereby provides the following prescribed information in relation to an election:-

1 Name of Offices in respect of which an Election is Required

Queensland Construction Workers Divisional Branch

Divisional Branch President
Divisional Branch Vice-President
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 (General)
Divisional Branch Executive Member
Divisional Branch Council Member (12)
Divisional Branch Delegate to Divisional Conference (4)
Divisional Branch Delegate to Divisional Conference (Northern Territory) (1) (see point 4 below)

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

Construction, Forestry,
Mining and Energy Union

ABN 48 243 168 505

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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)

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 Vice-President
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2), including Divisional Branch Assistant Secretary
(designated)/ Divisional Executive member/Divisional Branch Delegate to Divisional
Conference
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 (15)
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 (5)

Victoria/Tasmania Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (FEDFA)
Divisional Branch Vice-President
Divisional Branch Secretary/ Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)
Sub-Branch Secretary
Sub-Branch President
Sub-Branch Management Committee members (6)
Divisional Branch Management Committee Member (23)
Divisional Branch Council Member (86) comprising –

Metropolitan Melbourne Zone (67)
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).

The offices of Sub-Branch Secretary, Sub-Branch President and Sub-Branch Management Committee members of the Victoria-Tasmania Divisional Branch are elected by and from members residing or employed in the State of Tasmania in accordance with Rule 42B(ii).

5 Nomination Period

The rules provide that nominations will open on or before Friday 31 August 2012 and close at 4.00pm Friday 21 September 2012.

6 Closure of Voting Roll

The rules provide that the roll of voters shall be deemed to have closed 8 days before the date on which nominations open i.e. 8 days before 31 August 2012.

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 *Fair Work (Registered Organisations) Act 2009*.

Rule 8 – Construction and General Division Rules

We draw your attention to Rule 8(vii) which relevantly provides that certain officers may nominate in Divisional Branch elections provided that a Divisional Branch Secretary is notified in writing prior to the date of calling for nominations. The information above relating to Divisional Branch delegates to Divisional Conference takes this provision into account. The number of such delegates is specified on the basis that each of the Divisional Secretary, Divisional President and Divisional Assistant Secretaries (2) have or will 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 s9 of the *Fair Work (Registered Organisations) Act 2009*. In accordance with s187 of the *Fair Work (Registered Organisations) Act 2009* 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 (18)

b Queensland Builders Labourers Divisional Branch

Divisional Branch Organiser (7)

c New South Wales Divisional Branch

Divisional Branch Organiser (14)

d Australian Capital Territory Divisional Branch

Divisional Branch Organiser (1)

e Western Australia Divisional Branch

Divisional Branch Organiser (5)

f Victoria-Tasmania Divisional Branch

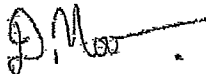
Divisional Branch Organiser (16)

g. South Australia Divisional Branch

Divisional Branch Organiser (2)

Finally, I wish to point out that the information contained herein is provided on the basis that a number of rule alterations which were approved by the Division and filed with Fair Work Australia on 24 May 2012 (R2012/83) but which are yet to receive final approval, will, insofar as they have a bearing on this information, ultimately receive approval in the form in which they were submitted to FWA.

Yours faithfully



Dave Noonan
National Secretary
CFMEU
Construction & General Division

cc Mr S. Kellett
Organisations, Research and Advice Branch