



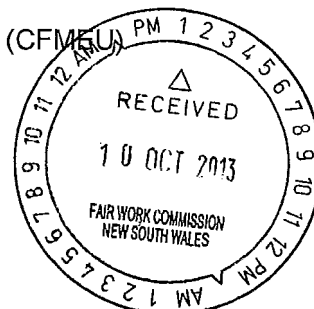
AEC

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Construction, Forestry, Mining and Energy Union (CFMEU)
Construction & General Division



ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/233

RULES

Rules used for elections Rule ID: [105N-BWIU: Incorporates alterations of 25/07/2013 in matter R2013/326]

Rules difficult to apply/interpret: None

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll N/A

Number of apparent workplace addresses

Number of non-current addresses

Other Matters Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: None

ATTACHMENTS

A: Declaration of results Uncontested Offices

B: Declaration of results uncontested offices Stage 2

Noopur Madan
Returning Officer

10 October 2013

Construction, Forestry, Mining and Energy Union Election of Divisional Executive Stage 2

Declaration of Results for Uncontested Offices

E2013/233

Below are the 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.

Construction & General Divisional Executive

Divisional Senior Vice-President

Candidates

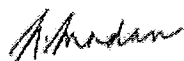
SETKA, John

Divisional Vice-President

Candidates

MCDONALD, Joseph

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

9 October 2013

**Construction, Forestry, Mining and Energy Union
Divisional Executive Election 2013
Construction & General Division**

Declaration of Results for Uncontested Offices

E2013/233

Below are the 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.

Construction & General Divisional Executive

Divisional President

Candidates

HANNA, David

Divisional Secretary

Candidates

NOONAN, Dave

Divisional Assistant Secretary (2)

Candidates

O'GRADY, Frank
PARKER, Bradley Kevin

Divisional Trustee (3)

Candidates

HALL, Dean
MALLIA, Rita
PARKER, Brian

Additional Divisional Executive Members from the Victoria-Tasmania Branch (2)

Candidates

REARDON, Shaun
SPERNOVASILIS, Elias

Additional Divisional Executive Members from the Queensland Branch

Candidates

INGHAM, Jade Anthony

Additional Divisional Executive Members from the NSW Branch

Candidates

MALLIA, Rita

Additional Divisional Executive Members from the Western Australia Branch

Candidates

MCDONALD, Joseph

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

23 September 2013



FAIR WORK
COMMISSION

8 August 2013

Mr David Noonan
Divisional Secretary
Construction and General
Construction, Forestry, Mining and Energy Union
PO Box Q235
Queen Victoria Building Post Office
Sydney NSW 1230

Also by fax: (02) 8524 5801

Dear Mr Noonan

Arrangements for the conduct of an Election (E2013/233)

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

The Fair Work Commission 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

A handwritten signature in black ink, appearing to read 'Carolyn Moloney'.

Carolyn Moloney
Regulatory Compliance Branch, NSW
for Fair Work Commission



DECISION

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

Construction, Forestry, Mining and Energy Union (E2013/233)

MR ENRIGHT

MELBOURNE, 8 AUGUST 2013

Arrangement for conduct of election.

[1] On 25 July 2013 the Construction and General Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission prescribed information in relation to an election.

[2] On 30 July 2013 the Fair Work Commission wrote to the Construction and General Division of the Construction, Forestry, Mining and Energy Union requesting the number of financial members from each Divisional Branch, in order to determine the required number of Divisional Executive Members in accordance with the Construction and General Division's rules.

[3] On 5 August 2013 the Construction and General Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission further prescribed information in relation to an election for the following offices:

DIVISIONAL EXECUTIVE

| | |
|----------------------------------|-----|
| Divisional President | (1) |
| Divisional Secretary | (1) |
| Divisional Assistant Secretary | (2) |
| Divisional Senior Vice-President | (1) |
| Divisional Vice-President | (1) |
| Divisional Trustee | (3) |

Additional Divisional Executive Members from the following
Divisional Branches:

| | |
|-------------------|-----|
| Victoria-Tasmania | (2) |
| Queensland | (1) |
| New South Wales | (1) |
| Western Australia | (1) |

[4] 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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR539416>

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Thursday, 8 August 2013 11:29 AM
To: 'Industrial Elections'
Subject: E2013/233
Attachments: E2013 233 CFMEU C&G letter to AEC 08082013.pdf; E2013_233 CFMEU C&G DIV_Divisional Executive Signed Decision_08082013.pdf

Dear AEC

Please find attached a copy of the Decision for the Construction and General Division of the Construction, Forestry, Mining and Energy Union (CFMEU), for its upcoming scheduled election (E2013/233).

Kind regards,

CAROLYN MOLONEY
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: 02 8374 6510
Fax: 02 9380 6990
carolyn.moloney@fwc.gov.au

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

www.fwc.gov.au

Please be aware that my email address has changed to carolyn.moloney@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

8 August 2013

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 2013/233

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION -
CONSTRUCTION AND GENERAL**

Positions:

See Decision

Relevant Information: Scheduled election; Divisional Executive offices.

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

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

Carolyn Moloney
Fair Work Commission

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

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Monday, 5 August 2013 5:02 PM
To: 'Industrial Elections'
Subject: E2013/233
Attachments: FW: CFMEU Election E2013/233; 105N-C&G CFMEU BWIU_R2013_326_25072013.pdf

Dear AEC

Please find attached the further prescribed information and a copy of the current rulebook of the Construction and General Division of the Construction, Forestry, Mining and Energy Union in election number E2013/233.

Kind regards,

CAROLYN MOLONEY
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: 02 8374 6510
Fax: 02 9380 6990
carolyn.moloney@fwc.gov.au

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

www.fwc.gov.au

Please be aware that my email address has changed to carolyn.moloney@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

MOLONEY, Carolyn

Subject: FW: CFMEU Election E2013/233
Attachments: LET DVale re Election E2013-233 5AUG13.pdf

From: Ashleigh Chapman [<mailto:achapman@fed.cfmeu.asn.au>]
Sent: Monday, 5 August 2013 2:26 PM
To: VALE, David
Subject: CFMEU Election E2013/233

Hi David,

Please see attached correspondence from Dave Noonan regarding CFMEU Election E2013/233.

Original will follow in the post.

Kind regards,

Ashleigh Chapman

Legal/Industrial Secretary

CFMEU C&G National Office

P: +612 8524 5807 F: +612 8524 5801

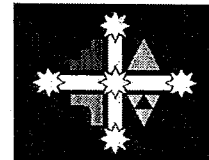
E: achapman@fed.cfmeu.asn.au

Level 9, 215-217 Clarence Street Sydney NSW 2000

www.twitter.com/CFMEU_CG www.cfmeu.asn.au

Before printing think about the Environment!

This document is confidential and may contain legally privileged information. If you are not a named, intended or authorised recipient you must not read, copy, distribute or act in reliance on it. If the document is received in error please contact this office immediately.



CFMEU
CONSTRUCTION
AND GENERAL

5 August 2013

General Manager
Fair Work Commission
80 William Street
Sydney NSW 2000

Att: Mr David Vale
Email: david.vale@fwc.gov.au

Dear Sir/Madam,

Re: Election (E2013/233)

I refer to your letter of 30 July 2013.

The number of financial members of the Divisional Branches as at 31 March is as follows:

| | | |
|-----------------------------------|---|-------|
| New South Wales | – | 15796 |
| Victoria/Tasmania | – | 29047 |
| Queensland/ Northern Territory CW | – | 10818 |
| Queensland BLF | – | 3565 |
| Australian Capital Territory | – | 2190 |
| South Australia | – | 2695 |
| Western Australia | – | 11352 |

I note your comments in relation to Rule 9.1 and will bring that matter to the attention of the governing body of the Division as soon as practicable.

Yours faithfully,

Dave Noonan
National Secretary
CFMEU Construction and General Division



FAIR WORK
COMMISSION

30 July 2013

Mr Dave Noonan
National Secretary
Construction and General Division
Construction, Forestry, Mining and Energy Union
PO BOX Q235
SYDNEY NSW 1230

Also by fax: (02) 8524 5801

Attention: Mr Tom Roberts

Dear Mr Noonan,

Arrangements for the conduct of an election (E2013/233)

I refer to the prescribed information dated 25 July 2013 which was lodged with the Fair Work Commission on 25 July 2013 for a scheduled election of the Divisional Executive of the Construction and General Division (the Division) of the Construction, Forestry, Mining and Energy Union.

New rule 9.1.A of the Divisional rulebook provides that the number of Additional Divisional Executive Members to be elected in any Divisional Branch is to be calculated on the basis of the number of financial members within that Branch as at 31 March in the year of the election. The Fair Work Commission has not been provided with those numbers.

To enable the Fair Work Commission to confirm the correct number of Additional Divisional Executive Members as requested in the prescribed information, could you provide me with the number of financial members of each Divisional Branch as at 31 March 2013.

I note that this election follows a rule alteration in matter R2013/296, in which new rule 9.1.A was inserted into the Divisional rulebook. To avoid future confusion and ambiguity, I recommend the Division make further alterations to remove existing rule 9.1, and to make other alterations in rule 9 generally, where references to superseded officers are stated.

Yours sincerely

David Vale
Principal Adviser,
Regulatory Compliance Branch, NSW
Fair Work Commission

E2013/233.

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Thursday, 25 July 2013 2:38 PM
To: 'Industrial Elections'
Subject: E2013/233
Attachments: FW: CFMEU Construction & General Division - Prescribed Information in Relation to an Election ; 105N-C&G CFMEU BWIU_R2013_326_25072013.pdf

Dear AEC

Please find attached the prescribed information and a copy of the current rulebook for the Construction and General Division of the Construction, Forestry, Mining and Energy Union (CFMEU) in election number E2013/233.

Kind regards,

CAROLYN MOLONEY
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: 02 8374 6510
Fax: 02 9380 6990
carolyn.moloney@fwc.gov.au

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

www.fwc.gov.au

Please be aware that my email address has changed to carolyn.moloney@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

MOLONEY, Carolyn

Subject: FW: CFMEU Construction & General Division - Prescribed Information in Relation to an Election
Attachments: LET Prescribed Information in Relation to an Election 25JUL13.pdf

From: Melbourne@fwc.gov.au
Sent: Thursday, 25 July 2013 10:25 AM
To: Orgs
Subject: FW: CFMEU Construction & General Division - Prescribed Information in Relation to an Election

From: Andrea Grivas [<mailto:agrivas@fed.cfmeu.asn.au>]
Sent: Thursday, 25 July 2013 10:17 AM
To: Melbourne@fwc.gov.au
Cc: Tom Roberts
Subject: CFMEU Construction & General Division - Prescribed Information in Relation to an Election

Dear General Manager,

Please find attached for your information, prescribed information in relation to an election.

I also enclose a signed statement by CFMEU C&G Divisional Secretary, Dave Noonan.

Yours sincerely,

Andrea Grivas
Executive Assistant
CFMEU C&G National
P: (03) 9341 3416 M: 0425 799 365 F: (03) 9347 8704
E: agrivas@fed.cfmeu.asn.au W: www.cfmeu.asn.au
500 Swanston St Carlton South VIC 3053
[www.twitter.com/CFMEU CG](http://www.twitter.com/CFMEU	CG)

The Mining Boom

Let's spread it around

Support the Campaign at <http://www.letsspreaditaround.com.au/>

25th July, 2013



General Manager
Fair Work Commission
Level 4, 11 Exhibition St
MELBOURNE VIC 3000

By Email: melbourne@fwc.gov.au

Dear Sir/Madam,

**Re: CFMEU Construction and General Division –
Prescribed Information**

In accordance with the *Fair Work (Registered Organisations) Act 2009*, I enclose prescribed information in relation to an election, together with a statement as required by the *Fair Work (Registered Organisations) Regulations 2009*.

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 sincerely,

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

Dave Noonan
National Secretary
CFMEU Construction and General Division

Construction, Forestry,
Mining and Energy Union

ABN 46 243 168 565

Dave Noonan
National Secretary

Federal Office
Level 9, 215-217
Clarence Street
Sydney NSW 2000

PO Box Q235
Queen Victoria Building
Post Office
Sydney NSW 1230

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

FAIR WORK

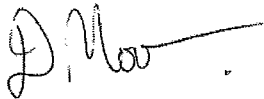
(REGISTERED ORGANISATIONS)

REGULATIONS 2009

Statement Pursuant to Regulation 138

I, David Noonan, Divisional Secretary, CFMEU (Construction and General Division), of 9/215-217 Clarence 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:



.....

Date: 25th July, 2013

FAIR WORK
(REGISTERED ORGANISATIONS) ACT 2009
AND
FAIR WORK
(REGISTERED ORGANISATIONS)
REGULATIONS 2009

Prescribed Information in Relation to an Election

The following prescribed information is provided pursuant to s. 189 of the *Fair Work (Registered Organisations) Act 2009* and 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 Secretary | |
| ✓ | (ii) | Two (2) | Divisional Assistant Secretaries | |
| ✓ | (iii) | One (1) | Divisional President | |
| ✓ | (iv) | One (1) | Divisional Senior Vice-President | |
| ✓ | (v) | One (1) | Divisional Vice-President | |
| ✓ | (vi) | Three (3) | Divisional Trustees | |
| | (vii) | Two (2) | Additional Divisional Executive Members (Victoria-Tasmania) | ✓ |
| | (viii) | One (1) | Additional Divisional Executive Member (Queensland) | ✓ |
| | (ix) | One (1) | Additional Divisional Executive Member (New South Wales) | ✓ |
| | (x) | One (1) | Additional Divisional Executive Member (Western Australia) | ✓ |

(b) The reason for the election;

Expiry of the term of office of current office holders and creation of new offices under Rule 9 1.A (see Fair Work Commission matter R2013/296).

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

See information provided in (a) above.

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

The Divisional officers/Divisional Executive members referred to herein are elected by and from Divisional Branch Delegates to Divisional Conference of the Construction and General Division of the CFMEU.

Further, Rule 9 1.A of the Construction and General Division rules relevantly provides that the Additional Divisional Executive members, referred to in (a) above [the “Additional Divisional Executive members”], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the Victoria-Tasmania Divisional Branch (in the case of the Additional Victoria-Tasmania Divisional Branch representatives), the Queensland Construction Workers Divisional Branch (in the case of the Additional Queensland Construction Workers Divisional Branch representative) the New South Wales Divisional Branch (in the case of the Additional New South Wales Divisional Branch representative) and the Western Australia Divisional Branch (in the case of the additional Western Australia Divisional Branch representative), respectively.

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

Rule 9 5. of the Construction and General Division Rules relevantly provides that nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to sub-rule 8(xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called.

The Divisional Executive has determined that the elections shall be held on Monday 14th October, 2013 at Cairns in the State of Queensland.

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

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

Ex Officio Divisional Executive Members

We further advise that such Divisional Branch Secretaries who are not elected to any of the positions referred to in (a) herein shall also be declared elected members of the Divisional Executive although no ballot is required.

Other Matters

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