

## **MOUTEVELIS, Michael**

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**From:** Steve Gillespie [Steve.Gillespie@aec.gov.au]  
**Sent:** Wednesday, 16 April 2014 11:21 AM  
**To:** queries@qld.cfmeu.asn.au  
**Cc:** mravbar@qld.cfmeu.asn.au; Orgs; Industrial Elections - QLD  
**Subject:** Post Election Report CFMEU - 2013/307 [DLM=For-Official-Use-Only]  
**Attachments:** AQ4AR Dec - Signed.pdf; AQ4AR PER - Signed.pdf

### **For-Official-Use-Only**

Hi Michael

Post-Election Report

Construction, Forestry, Mining and Energy Union, Queensland Northern Territory Divisional Branch – E2013/307

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 requires that if an organisation or branch is given a post-election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post-election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post-election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report

Regards

**Steve Gillespie | Returning Officer**  
Australian Electoral Commission  
T: (02) 6271 4682 | M: 0430 599 628



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# **Australian Electoral Commission / AEC**

Fair Work (Registered Organisations) Act 2009

## **POST ELECTION REPORT**

### **Construction, Forestry, Mining and Energy Union Queensland Northern Territory Divisional Branch**

#### **ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: *E2013/307*

#### **RULES**

Rules used for the election: *105N-FED: Incorporates alterations of  
13/09/2012 – R2012/149.  
105N-BWIU: Incorporates alterations of  
04/11/2013 – R2013/427.*

Rule Changes:

Rules difficult to apply/interpret:  
Model Rule reference (if any):

#### **ROLL OF VOTERS**

As there were no contested offices, no Roll  
of Voters was required

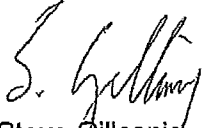
#### **IRREGULARITIES**

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 26 March 2014.

  
Steve Gillespie  
Returning Officer  
16 April 2014

**Construction, Forestry, Mining and Energy Union  
Queensland Northern Territory Divisional Branch Council Member  
(Northern Territory)**

**Declaration of Results for Uncontested Offices**

E2013/307

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.

**Queensland Northern Territory Divisional Branch  
Divisional Branch Council Member (Northern Territory)**

Candidates

WEATHERALL, Shaun

I declare Shaun Weatherall elected.



Steve Gillespie  
Returning Officer  
Australian Electoral Commission

26 March 2014





FAIR WORK  
COMMISSION

29 November 2013

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

Dear Mr Noonan

**Re: Arrangements for the conduct of an election (E2013/307)**

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

Fair Work Australia is making arrangements, under subsections 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.

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Yours sincerely

Michael Moutevelis  
Assistant Adviser,  
Regulatory Compliance Branch  
Fair Work Commission



## DECISION

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

### **Construction, Forestry, Mining and Energy Union** (E2013/307)

MR ENRIGHT

MELBOURNE, 29 NOVEMBER 2013

*Arrangement for conduct of election.*

[1] On 19 November 2013 the Construction and General Division of the above named organisation lodged with the Fair Work Commission the prescribed information in relation to an election for the following new office:

#### **Queensland Northern Territory Divisional Branch**

Divisional Branch Council Member (Northern Territory) (1)

[2] On 25 November 2013 the Fair Work Commission wrote to the organisation seeking clarification about whether the prescribed information had been lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] On 27 November 2013 the organisation submitted that the prescribed information had been lodged before the prescribed day and that a request for an extension of time would not be required.

[4] I am satisfied that an election for the abovenamed office 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.



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DELEGATE OF THE GENERAL MANAGER

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## **MOUTEVELIS, Michael**

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**From:** Orgs  
**Sent:** Friday, 29 November 2013 10:02 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2013/307  
**Attachments:** E2013\_307 CFMEU C&G letter to AEC\_29112013.doc; E2013\_307 CFMEU C&G DIV\_Divisional Branch Council Member.pdf

Dear AEC

Please find attached a copy of the decision for the upcoming election of Construction, Forestry, Mining and Energy Union - Construction and General Division (E2013/307).

Regards

**MICHAEL MOUTEVELIS**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**

Tel: (02) 8374 6614  
Fax: (02) 9380 6990  
Email: [michael.moutevelis@fwc.gov.au](mailto:michael.moutevelis@fwc.gov.au)

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

[www.fwc.gov.au](http://www.fwc.gov.au)

*Please be aware that my email address has changed to [michael.moutevelis@fwc.gov.au](mailto:michael.moutevelis@fwc.gov.au), effective 1 January 2013. Please update your records accordingly.*





FAIR WORK  
COMMISSION

Date: 29 November 2013

Electoral Commissioner Through

Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au))

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

**E No: E2013/307**

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

Offices:	See Decision
Relevant Information:	New office created
Contact:	Dave Noonan National Secretary
Phone:	(02) 8524 5800

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely

Regulatory Compliance Branch  
Fair Work Commission

## **MOUTEVELIS, Michael**

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**From:** Ashley Borg [borg@fed.cfmeu.asn.au]  
**Sent:** Wednesday, 27 November 2013 3:02 PM  
**To:** MOUTEVELIS, Michael  
**Cc:** Tom Roberts  
**Subject:** CFMEU Construction & General Division - Divisional Branch Council Member (Qld/NT Branch)  
**Attachments:** LET Prescribed Information - Divisional Branch Council Member (QLD NT) 25Nov2013.pdf

Dear Michael,

I refer to your letter to Mr Dave Noonan, National Secretary of the Construction and General Division of the CFMEU, dated 25 November 2013.

As discussed, please find attached correspondence from the CFMEU in relation to the above matter.

Yours sincerely,

**Ashley Borg**  
National Legal and Industrial Officer

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**CFMEU**

Construction & General Division, National Office  
Level 9, 215-217 Clarence St, Sydney NSW 2000  
T: 02 8524 5800 F: 02 8524 5801 M: 0457 560 275

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# CFMEU

CONSTRUCTION

Wednesday, 27 November 2013

Mr Michael Moutevelis  
Assistant Adviser  
Regulatory Compliance Branch  
Fair Work Commission  
Level 4, 11 Exhibition Street  
MELBOURNE, VIC 3000

By email: [michael.moutevelis@fwc.gov.au](mailto:michael.moutevelis@fwc.gov.au)

Dear Michael,

**Re: CFMEU Construction and General Division – Prescribed Information – Divisional Branch Council  
Member (Queensland Northern Territory Branch)**

I refer to your letter dated 25 November 2013.

As discussed, there is no fixed date for nominations to open for this new position, which was created as a result of a recent rule change.

As provided in the PI, under sub-rule 38(c) of the Divisional Rules of the Construction and General Division, nominations shall be called by the Divisional Returning Officer and shall, in accordance with sub-rules 38(c) and (e), be open for a period of three weeks.

The union is content for this to occur after 19 January 2014 and will request that the returning officer, once appointed, fix the opening of nominations accordingly. To that extent, the union will not require an extension of time.

Yours sincerely,



Ashley Borg  
National Legal and Industrial Officer  
CFMEU Construction & General Division, National Office

T: 02 8524 5800 F: 02 8524 5801 M: 0457 560 275

**CFMEU CONSTRUCTION &  
GENERAL DIVISION NATIONAL OFFICE**  
Level 9, 215-217 Clarence St  
Sydney NSW 2000  
Box Q235, QBV Post Office  
Sydney NSW 1230  
Ph 02 8524 5800  
Fax 02 8524 5801  
ABN: 46 243 168 565



FAIR WORK  
COMMISSION

FAXED

25 November 2013

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

Also by fax: (02) 8524 5801

Dear Mr Noonan

**Re: Arrangements for the conduct of an election (E2013/307)**

I refer to the prescribed information dated 18 November 2013 which was lodged with the Fair Work Commission on 19 November 2013 for the conduct of an election for a new office of the Queensland Northern Territory Divisional Branch of the Construction and Division of the Construction, Forestry, Mining and Energy Union.

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* is two months before the first day when a person may become a candidate.

The prescribed information you have lodged does not provide a date when nominations open. Unless nominations are to open after 19 January 2014, it appears that the prescribed information has been lodged after the prescribed day. If that is the case, the Delegate of the General Manager will require a written request for an extension of time as s.189(2) is a civil penalty provision.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6614.

Yours sincerely

Michael Moutevelis  
Assistant Adviser,  
Regulatory Compliance Branch  
Fair Work Commission

## **MOUVEVELIS, Michael**

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**From:** Orgs  
**Sent:** Tuesday, 19 November 2013 2:39 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2013/307  
**Attachments:** CFMEU C&G\_E2013\_307\_PI lodged\_19112013.pdf; 105N CFMEU\_R2012\_149\_13092012.pdf

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 (E2013/307).

Regards

**MICHAEL MOUVEVELIS**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: (02) 8374 6614  
Fax: (02) 9380 6990  
Email: [michael.mouvevelis@fwc.gov.au](mailto:michael.mouvevelis@fwc.gov.au)

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

[www.fwc.gov.au](http://www.fwc.gov.au)

***Please be aware that my email address has changed to [michael.mouvevelis@fwc.gov.au](mailto:michael.mouvevelis@fwc.gov.au), effective 1 January 2013. Please update your records accordingly.***

# CFMEU

CONSTRUCTION

18<sup>th</sup> November 2013

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



**CFMEU CONSTRUCTION & GENERAL DIVISION NATIONAL OFFICE**  
Level 9, 215-217 Clarence St  
Sydney NSW 2000  
Box Q235, QBV Post Office  
Sydney NSW 1230  
Ph 02 8524 5800  
Fax 02 8524 5801  
ABN: 46 243 168 565

Dear Madam/Sir,

**Re: CFMEU Construction and General Division – Prescribed Information – Divisional Branch Council  
Member (Queensland Northern Territory Branch)**

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 Ashley Borg 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

**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: 

18 November 2013.

Date:

***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:**

One (1) Divisional Branch Council Member - Queensland Northern Territory Divisional Branch

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

A new office has been created

**(c) If more than one of the offices or positions for which an election is required has the same name, and the number of offices or positions can, under the rules of the relevant organisation or branch, be determined before the prescribed day—the number of those offices or positions;**

See paragraph (a) above.

**(d) If the electorate comprises only members of a branch, section or other division of an organisation—the name of the branch, section or division;**

Per rule 40(2)(ii)(B)(vi)(c), the Divisional Branch Council Member described in paragraph (a) above shall be elected by the members who reside in the Northern Territory.

**(e) the date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made under the rules of the organisation or branch in relation to the election;**

Nominations shall be called by the Divisional Returning Officer under sub-rule 38(c) of the Construction and General Division Rules and shall, in accordance with sub-rules 38(c) and (e), be open for a period of three weeks.

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

Under sub-rule 38(p), the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

**(g) the kind of voting system to be used in the conduct of the election is:**

A direct voting system.