

**Construction, Forestry, Mining and Energy Union
Construction and General Division
Western Australian Divisional Branch Election**

Declaration of Results for Uncontested Offices

E2016/134 – Part 1

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 and General Division

Divisional Branch President

Candidates

MOLINA, Vinnie

Divisional Branch Senior Vice President

Candidates

HAWKINS, Glenn

Divisional Branch Vice President

Candidates

PEARSON, Rob

Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference

Candidates

BUCHAN, Mick

Divisional Branch Assistant Secretary (2)

Candidates

MCCULLOUGH, Cam

PALLOT, Graham

Divisional Branch Treasurer

Candidates

WYLIE, Les

Divisional Branch Council Member (20)

Candidates

BARRETT, Terry

BENNETT, Shane

BODER, Kelvin

BROWNLIE, Garry

CARTWRIGHT, Dean

CASSIDY, John
DOLAN, Phil
FERREIRA, Paul
GIBSON, Teri
HARRIS, Tawa
HOGAN, Michael
JEAKINGS, Nicholas
KAROLAK, Kelly
KERKVLiet, Brendan
LUKE, Alan
OTTER, Andy
PETERS, Malcolm
ROBERTS, Darren
ZIRINO, Paul
No further nomination was accepted

Divisional Branch Management Committee Member (5)

Candidates

ALEXANDER, Nigel
HEATH, Doug
MACKRELL, Aaron
POUND, John
VASSILA, Mick

Divisional Branch Delegate to Divisional Conference (5)

Candidates

HAWKINS, Glenn
MACKRELL, Aaron
MCCULLOUGH, Cam
MCDONALD, Joe
PALLOT, Graham

Divisional Branch Organiser (5)

Candidates

BENKESSER, Bob
JOSHUA, Peter
KENNEDY, Phil
SMART, Troy
UPTON, Bradley

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

4 October 2016



CORRECTION TO DECISION

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

Construction, Forestry, Mining and Energy Union
(E2016/134)

MR STEENSON

SYDNEY, 29 AUGUST 2016

Arrangement for conduct of election.

[1] The decision issued by the Fair Work Commission on 22 August 2016 in respect of elections for this registered organisation [[2016] FWCD 4526] is corrected as follows:

By deleting in Attachment A under Other Positions the words:

“South Australia Divisional Branch

Divisional Branch Organiser (2)”



DELEGATE OF THE GENERAL MANAGER

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CORRECTION TO DECISION

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

Construction, Forestry, Mining and Energy Union (E2016/134)

MR STEENSON

SYDNEY, 24 AUGUST 2016

Arrangement for conduct of election.

[1] The decision issued by the Fair Work Commission on 22 August 2016 [[2016] FWCD 4526] is corrected as follows:

By deleting in Attachment A under the New South Wales Divisional Branch the words
“Divisional Branch Council Member (36) comprising: -

Sydney Zone	(27)
Newcastle Zone	(3)
Wollongong Zone	(3)
Country Zone	(3)”

and inserting in lieu

“Divisional Branch Council Member (31) comprising: -

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



DELEGATE OF THE GENERAL MANAGER

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<Price code A, PR584594>

VALE, David

From: david.vale@fwc.gov.au
Sent: Monday, 22 August 2016 2:17 PM
To: industrial.elections@aec.gov.au
Subject: FWC Memo - E2016/134 - Application/Notification by Construction, Forestry, Mining and Energy Union-Construction and General Division
Attachments: ORG_CPY_ELECTIONS.pdf; 4DEFDEAB4550F25B527787727DB996314553_docx.pdf

Please find attached correspondence regarding the matter **E2016/134 - Application/Notification by Construction, Forestry, Mining and Energy Union-Construction and General Division**

This correspondence was sent automatically from the Fair Work Commission.



DECISION

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

Construction, Forestry, Mining and Energy Union (E2016/134)

MR STEENSON

SYDNEY, 22 AUGUST 2016

Arrangement for conduct of election.

[1] On 30 June 2016, the Construction and General Division of the Construction, Forestry, Mining and Energy Union (CFMEU) lodged with the Fair Work Commission (FWC) the prescribed information in relation to an election for the offices and non-office positions set out in Attachment A.

[2] On 28 July and 8 August 2016, the FWC contacted the Construction and General Division of the CFMEU regarding the prescribed information and requested additional and amended prescribed information.

[3] On 1 and 11 August 2016, the Construction and General Division of the CFMEU lodged additional and amended prescribed information for the offices and non-office positions set out in Attachment A.

[4] I am satisfied that a scheduled quadrennial election for the offices and non-office positions set out in Attachment A 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

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ATTACHMENT A

Divisional Branch Offices**Queensland NT Divisional Branch**

Divisional Branch President	(1)
Divisional Branch Senior Vice-President	(2)
Divisional Branch Vice-President (including one Divisional Branch Vice-President from the Construction Workers Divisional Branch)	(2)
Divisional Branch Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary (Plasterers) - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary (Painters) - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary (General)	(1)
Divisional Branch Executive Member	(2)
Divisional Branch Council Member	(12)
Divisional Branch Delegate to Divisional Conference	(6)
Divisional Branch Delegate to Divisional Conference (Northern Territory)	(1)

New South Wales Divisional Branch

Divisional Branch President	(1)
Divisional Branch Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary	(2)
Divisional Branch Council Member (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	(7)

Western Australia Divisional Branch

Divisional Branch President	(1)
Divisional Branch Senior Vice-President	(1)
Divisional Branch Vice-President	(1)
Divisional Branch Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary	(2)
Divisional Branch Trustee	(3)
Divisional Branch Treasurer	(1)
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	(1)
Divisional Branch Vice-President	(2)
Divisional Branch Secretary/Treasurer - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary (Plasterers) - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Council Member	(9)
Divisional Branch Management Committee Member	(11)

Victoria-Tasmania Divisional Branch

Divisional Branch President	(1)
Divisional Branch Senior Vice-President (FEDFA)	(1)
Divisional Branch Vice-President	(1)
Divisional Branch Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary	(2)
Sub-Branch President (Tasmania)	(1)
Sub-Branch Secretary (Tasmania)	(1)
Sub-Branch Management Committee Member (Tasmania)	(6)
Divisional Branch Council Member (86) comprising:-	
Metropolitan Melbourne Zone	(70)
Geelong Zone	(4)
Central Victoria Zone	(4)
Northern Victoria Zone	(4)
Latrobe Zone	(4)
Divisional Branch Management Committee Member	(23)
Divisional Branch Delegate to Divisional Conference	(14)

South Australia Divisional Branch

Divisional Branch President	(1)
Divisional Branch Vice-President	(1)
Divisional Branch Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Assistant Secretary - <i>ex officio</i> Divisional Branch Delegate to Divisional Conference	(1)
Divisional Branch Treasurer	(1)
Divisional Branch Trustee	(2)
Divisional Branch Management Committee Member	(5)
Divisional Branch Organiser Member of the Divisional Branch Management Committee	(2)
Divisional Branch Council Member	(14)
Divisional Branch Delegate to Divisional Conference	(1)

Other Positions

Queensland Northern Territory Divisional Branch

Divisional Branch Organiser (18)

New South Wales Divisional Branch

Divisional Branch Organiser (8)

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)

South Australia Divisional Branch

Divisional Branch Organiser (2)

VALE, David

From: HALL, James
Sent: Friday, 12 August 2016 2:42 PM
To: Industrial Elections (industrial.elections@aec.gov.au)
Subject: E2016/134 - Application/Notification by Construction, Forestry, Mining and Energy Union-
Construction and General Division (105N-BWIU)
Attachments: DV Fwd: Correspondence from Dave Noonan

Dear AEC

Please see attached further PI lodged in relation to the above matter.

Regards

JAMES HALL

Senior Advisor
Regulatory Compliance Branch - NSW
Fair Work Commission

Level 10
Terrace Tower
80 William Street
East Sydney NSW 2011

Tel: 02 9308 1975
Fax: 02 9380 6990
Email: james.hall@fwc.gov.au

Please note that my telephone number has changed

VALE, David

From: Ashleigh Chapman <achapman@cfmeu.org>
Sent: Thursday, 11 August 2016 8:51 AM
To: Orgs
Subject: DV Fwd: Correspondence from Dave Noonan
Attachments: LET FWC RE Elections 9AUG2016.pdf; ATT00001.htm
Categories: RIA

Please see attached correspondence from Dave Noonan, National Secretary, CFMEU C&G Division.

Kind regards,

Ashleigh Chapman

Legal & Industrial Assistant



Construction & General Division, National Office

Level 9, 215-217 Clarence St, Sydney NSW 2000

T: 02 8524 5800 F: 02 8524 5801



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CFMEU

CONSTRUCTION

10 August 2016

General Manager
Fair Work Commission
80 William Street
Sydney NSW 2000

Attention: Ms. B O'Neill/Mr. D Vale

Dear Ms. O'Neill,

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

We refer to correspondence dated 8 August 2016 from Mr David Vale wherein a number of issues were raised relating to the prescribed information provided by this office on 30 June 2016.

We have reviewed the earlier material and the points made in your correspondence.

In accordance with Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, the Construction Forestry Mining and Energy Union (CFMEU) (Construction and General Division) we now wish to provide the following amended prescribed information in relation to an election:-

In relation to the information provided in the prescribed information under the heading 'Name of Offices in Respect of which an Election is Required'

- (i) For the Queensland Northern Territory Divisional Branch, delete the following information where appearing:

Divisional Branch Delegate to Divisional Conference (7)

and insert in lieu thereof:

Divisional Branch Delegate to Divisional Conference (6)

- (ii) For the South Australian Divisional Branch, delete the following information where appearing:

Divisional Branch Council Member (15)

and insert in lieu thereof:

Divisional Branch Council Member (14)

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**

Level 9, 215-217 Clarence St
Sydney NSW 2000

Box Q235, QVB Post Office
Sydney NSW 1230

Ph 02 8524 5800

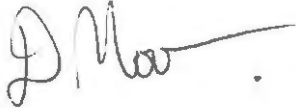
Fax 02 8524 5801

ABN: 46 243 168 565

The information herein is provided under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 [FW(RO) Act]*.

Yours sincerely,

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 Construction and General Division

cc Mr S. Kellett
Organisations, Research and Advice Branch



FAIR WORK
COMMISSION

8 August 2016

Mr David Noonan
Divisional Secretary
Construction and General Division
Construction, Forestry, Mining and Energy Union
BOX Q235, QVB POST OFFICE
SYDNEY NSW 1230

Also by facsimile: (02) 8524 5801

Attention: Mr Tom Roberts

Dear Mr Roberts

Arrangements for conduct of an election (E2016/134)

I refer to the prescribed information dated 30 June 2016 which was lodged with the Fair Work Commission on 30 June 2016 concerning a scheduled quadrennial election of the Construction and General Division of the abovenamed organisation.

I also refer to the additional information received on 1 August 2016 from Mr Tom Roberts regarding some of the offices, as well as providing membership and annual income figures to determine the number of Divisional Branch Delegates to the Divisional Conference in accordance with rule 8.

Firstly, I agree with and share the same view as Mr Roberts in his correspondence received on 1 August 2016 that the correct number of Divisional Branch Council Members in the South Australian Divisional Branch should be fourteen (14) rather than fifteen (15). Accordingly, could you please lodge amended prescribed information to correct the number of Divisional Branch Council Members in the South Australian Divisional Branch.

Secondly, I note that in the prescribed information lodged on 30 June 2016, the number of (additional) Divisional Branch delegates to the Divisional Conference in the Queensland & Northern Territory (QNT) Divisional Branch has been listed as seven (7). This is in addition to the Divisional Branch Secretary (1), the two Divisional Branch Assistant Secretaries (Plasters and Painters) (2), and the NT delegate (1), who shall also each be delegates pursuant to Divisional rule 8. This totals eleven (11) Divisional Branch delegates to the Divisional Conference in the QNT Branch.

Based on the average membership figures of 13,919 provided for the QNT Branch, it appears the QNT Divisional Branch is entitled to a total of seven (7) Divisional Branch delegates to the Divisional Conference, including the Branch Secretary, as well as the two abovementioned Assistant Secretaries, and one delegate from the NT. This totals ten (10) Divisional Branch delegates to the Divisional Conference in the QNT Branch rather than eleven (11). If you agree with my assessment that the number of (additional) Divisional Branch delegates to the Divisional Conference in the QNT Divisional Branch should be six (6) rather than seven (7), could you please lodge amended prescribed information to correct the number of Divisional Branch delegates to the Divisional Conference in the QNT Divisional Branch.

Could you please arrange for the abovementioned amended prescribed information to be lodged with the Fair Work Commission. Once we have received the above amended prescribed information we will be able to recommend issuing a Decision for this election.

Finally, from the figures the Division has provided in its correspondence of 1 August 2016, there are several calculations which appear different to the figures provided. For example, in the SA Divisional Branch it appears that the average number of members (based on the annual income and annual subscription) is 2,237 and not 2,137. Further, in the Victorian/Tasmanian Divisional Branch it appears that the number of members in 2015 is 24,663 and not 25,087. Consequently, it appears that the average number of members is 24,575 and not 24,716. These figures do not affect the calculation of the number of delegates as per the formula set out in rule 8(iii) but I thought I should bring them to your attention for future calculations which could distort figures.

Please do not hesitate to contact me on (02) 9308 1970 if you have any questions relating to this correspondence.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Vale', with a long horizontal flourish extending to the right.

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

VALE, David

From: VALE, David
Sent: Tuesday, 2 August 2016 11:59 AM
To: 'Industrial Elections' (industrial.elections@aec.gov.au)
Subject: E2016/134 - CFMEU
Attachments: CFMEU E2016_134_Additional data and figures provided_01082016.msg

Dear AEC

Please find further correspondence from the CFMEU concerning the election in matter E2016/134 and in particular, figures to assist in determining the number of Divisional Branch delegates to the Divisional Conference as per the formula set out in rule 8 of the Divisional rulebook.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (Please note my telephone number has recently changed. Please update your records).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

VALE, David

From: Tom Roberts <troberts@cfmeu.org>
Sent: Monday, 1 August 2016 11:38 AM
To: VALE, David
Cc: Dave Noonan
Subject: C& G Divisional Branch Elections
Attachments: Div Conference formula.docx

David,

As discussed, please find attached for your information figures upon which the number of Divisional Conference delegates referred to in the prescribed information have been determined. The figures are based on the formula in Rule 8.

In relation to:

- (i) the Qld/NT Vice-President positions I refer you to Rules 37(ii) and 48F(iv). There is a further reference to the position in the table in Rule 69(iB)(f).
- (ii) the Organiser/Divisional Branch Management Committee members in the South Australian Divisional Branch I refer you to Rule 42(a)(vi).
- (iii) the Divisional Branch Committee of Management members in the South Australian Divisional Branch I refer you to Rule 42(a)(vi).
- (iv) the SA Divisional Branch Council members, the rules provide that the number of such members shall be the same as the number of Management Committee members (Rule 40(2)(vi)). However, given the number of such members is 14 based on Rule 42(a)(vi), it appears that the number should be 14 as opposed to 15, the difference probably being attributable to the reduction of the number of Divisional Branch Assistant Secretaries from two to one. If you are of the same view I would ask that the prescribed information be amended accordingly and apologise for this error. Please contact me again should you want to discuss this aspect further.
- (v) the Western Australian Divisional Branch Management Committee members I refer you to Rule 42(a)(iv).
- (vi) the ACT Divisional Branch Management Committee members I refer you to Rule 42(a)(iii).
- (vii) the Victoria/Tasmania Divisional Branch Management Committee members I refer you to Rule 42(a)(v).

Further and as mentioned in the prescribed information, we are now in a position to provide the details in relation to the Victoria/Tasmania Divisional Branch zone council delegates. In accordance with the formula set out in Rule 40, the details are as follows:

Melbourne - 70 delegates
Geelong - 4 delegates
Central - 4 delegates
Northern - 4 delegates
Latrobe - 4 delegates

I hope this assists. Please do not hesitate to contact this office if you require anything further.

Regards,

Tom Roberts
Senior National Legal Officer

CFMEU

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

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**CONSTRUCTION AND GENERAL DIVISION
DIVISIONAL CONFERENCE**

ACT DIVISIONAL BRANCH – CONFERENCE 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 for 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 (#)
2013	\$940,640	529.05	1778
2014	\$1,245,527	623.64	1997
2015	\$769,260	670.91	1147
Average Number of Members			1641

*ex GST

***per person per year excluding levies

Delegates

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

NSW DIVISIONAL BRANCH – CONFERENCE DELEGATE COUNT

Year	Annual Income (\$)*	Subscription Dues (\$)***	Members (#)
2013	6,693,250	513.64	13,031
2014	7,567,443	636.36	11,892
2015	8,429,603	704.54	11,965
Average Number of Members			12,296

*ex GST

***per person per year excluding levies

Delegates

Divisional Delegates Branch Secretary	Conference Including	Divisional Branch Officers as Divisional Delegates as per Rule 8(ii)	Divisional Officers as Divisional Conference Delegates as per Rule 8(viii)
7			1
Total			8

**QUEENSLAND & NORTHERN TERRITORY DIVISIONAL BRANCH –
CONFERENCE DELEGATE COUNT**

Year	Annual Income (\$)*	Subscription Dues (\$)***	Members (#)
2013	-	-	-
2014	9,223,287	665.35	13,862
2015	9,782,766	700	13,975
Average Number of Members			13,919

*ex GST

**per person per year excluding levies

Delegates

Divisional Delegates Including Branch Secretary	Conference Including	Divisional Branch Officers as Divisional Delegates as per Rule 8(ii)	Divisional Conference Delegate (Northern Territory) as per Rule 8(viA)
7		2	1
Total			10

**WESTERN AUSTRALIAN DIVISIONAL BRANCH – CONFERENCE DELEGATE
COUNT**

Year	Annual Income (\$)*	Subscription Dues (\$)***	Members (#)
2013	6,534,213.60	640	10,209
2014	7,571,169	640	11,830
2015	5,524,995	707.27	7812
Average Number of Members			9950

*ex GST

**per person per year excluding levies

Delegates

Divisional Delegates Branch Secretary	Conference Including	Divisional Branch Officers as Divisional Conference Delegates as per Rule 8(ii)	Divisional Officers as Divisional Conference Delegates as per Rule 8(viii)
5		-	1
Total			6

SOUTH AUSTRALIA DIVISIONAL BRANCH – CONFERENCE DELEGATE COUNT

Year	Annual Income (\$)*	Subscription Dues (\$)**	Members (#)
2013	1,200,080.90	527.27	2,276
2014	1,309,299	581.81	2,250
2015	1,365,907.20	625.45	2,184
Average Number of Members			2,137

*ex GST

**per person per year excluding levies

Delegates

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

**VICTORIAN TASMANIAN DIVISIONAL BRANCH – CONFERENCE DELEGATE
COUNT**

Year	Annual Income (\$)*	Subscription Dues (\$)**	Members (#)
2013	16,175,068	636.36	25,418
2014	15,046,348	636.36	23,644
2015	15,694,394	636.36	25,087
Average Number of Members			24,716

*ex GST

**per person per year excluding levies

Delegates

Divisional Delegates Branch Secretary	Conference Including	Divisional Branch Officers as Divisional Conference Delegates as per Rule 8(ii)	Divisional Officers as Divisional Conference Delegates as per Rule 8(viii)
13	-		2
Total			15



FairWork
Commission

Copy of Prescribed Information

Title of Matter: Application/Notification by Construction, Forestry, Mining and Energy
Union-Construction and General Division
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2016/134

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

30 JUNE 2016

VALE, David

From: Philip Boncardo <pboncardo@cfmeu.org>
Sent: Thursday, 30 June 2016 3:41 PM
To: Orgs; GALLICHIO, Sam
Cc: KELLETT, Stephen; Tom Roberts
Subject: CFMEU information pursuant to r 138
Attachments: Letter to GM 30 June 2016.pdf

Dear General Manager and Mr Gallachio

We attach for filing the information prescribed by r 138 of the *Fair Work (Registered Organisations) Regulations* 2009 (Cth).

Please do not hesitate to contact the undersigned or Mr Roberts about this matter.

Regards,

Philip Boncardo
National Legal & Industrial Officer

CFMEU

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

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CFMEU

CONSTRUCTION

30 June 2016

General Manager
Fair Work Commission
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 Construction Forestry Mining and Energy Union (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 Northern Territory Divisional Branch

Divisional Branch President
Divisional Branch Senior Vice-President (2)
Divisional Branch Vice-President (2), (including Divisional Branch Vice-President (Construction Workers Divisional Branch))
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (General)
Divisional Branch Assistant Secretary (Plasterers)/Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (Painters)/Divisional Branch Delegate to Divisional Conference
Divisional Branch Executive Member (2)
Divisional Branch Council Member (12)
Divisional Branch Delegate to Divisional Conference (7)
Divisional Branch Delegate to Divisional Conference (Northern Territory) (1) (see point 4 below)

New South Wales Divisional Branch

Divisional Branch President
Divisional Branch Secretary/Divisional Branch Delegate to Divisional Conference
Divisional Branch Assistant Secretary (2)

**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: 46 243 166 565

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 (7)

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 /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 (number to be provided) (see note under point 3 below)
comprising –
Metropolitan Melbourne Zone (number to be provided)
Geelong Zone (number to be provided)
Central Victoria Zone (number to be provided)
Northern Victoria Zone (number to be provided)
Latrobe Zone (number to be provided)
Divisional Branch Delegate to Divisional Conference (14)

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.

We note that in the case of Victoria-Tasmania Divisional Branch Council Zone delegates, the number of such delegates is determined in accordance with a formula set out in Rule 40(2)(v)(b) which in turn makes reference to the number of financial members as at 30 July preceding the calling of nominations. We are therefore unable to ascertain this figure at this point and will provide supplementary information on this point on or after 30 July 2016.

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 Wednesday 31 August 2016 and close at 4.00pm Friday 23 September 2016.

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 2016.

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 [FW(RO) Act]*.

Rule 8 – Construction and General Division Rules

We draw your attention to Rule 8(viii) 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 Assistant Secretaries (2) and Divisional President 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 s 9 of the *FW(RO) Act*.

In accordance with s 187 of the *FW(RO) Act* 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 Northern Territory Divisional Branch

Divisional Branch Organiser (18)

b New South Wales Divisional Branch

Divisional Branch Organiser (8)

c Australian Capital Territory Divisional Branch

Divisional Branch Organiser (1)

d Western Australia Divisional Branch

Divisional Branch Organiser (5)

e Victoria Tasmania Divisional Branch

Divisional Branch Organiser (16)

f. South Australia Divisional Branch

Divisional Branch Organiser (2)

Yours faithfully



per
Frank O'Grady
Acting Divisional Secretary
CFMEU
Construction & General Division

cc Mr S. Kellett
Organisations, Research and Advice Branch



4 May 2016

Mr David Noonan
Divisional Secretary
Construction, Forestry, Mining and Energy Union-Construction and General Division
By email: queries@fed.cfmeu.asn.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Noonan,

Courtesy Letter - Election for offices [E2016/134]

The rules of the Construction, Forestry, Mining and Energy Union-Construction and General Division indicate that an election for offices within the division is due to commence shortly. It appears that nominations for the election open on the last day of August this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') by 30 June 2016. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election under your rules, please let the Commission know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at www.fwc.gov.au/sample_documents.

The prescribed information should be emailed to orgs@fwc.gov.au. If your division believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager before 30 June 2016. Such request will need to set out in detail the reason why your division is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/134]

Should you seek any clarification in relation to the above, please contact the Commission on orgs@fwc.gov.au.

Yours sincerely,

Annastasia Kyriakidis
Regulatory Compliance Branch