

PR966021

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2005/212)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 7 DECEMBER 2005

DECISION

On 24 November 2005 the New South Wales Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

State President (1)
State Secretary (1)
State Assistant Secretary (1)
State Senior Vice-President (1)
State Joint Vice-President (3)

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 Schedule 1B of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Andrew Ferguson
Secretary,
Construction, Forestry, Mining and Energy Union,
New South Wales Branch
Locked Bag 1
LIDCOMBE NSW 2141

Dear Mr Ferguson

**Re: Arrangements for the conduct of an Election
(E2005/212)**

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

The Registrar is making arrangements, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, 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 'Steve Teece'.

Steve Teece

7 November 2005

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

Under subsection 189 of Schedule 1B of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2005/212

**RE: NAME OF ORGANISATION - CONSTRUCTION, FORESTRY, MINING
AND ENERGY UNION - NSW BRANCH**

Positions:

See Decision

Relevant Information: Scheduled election - expiry of term of office - collegiate voting system

Contact: Mr Andrew Ferguson
Secretary

Phone: (02) 9749 0400

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@air.gov.au



Steve Teece
for Deputy Industrial Registrar

7 December 2005

TEECE, Steve

From: TEECE, Steve
Sent: Monday, 5 December 2005 4:14 PM
To: 'industrial.elections@aec.gov.au'
Subject: FW: Prescribed information - CFMEU NSW Branch E2005/212

Please note:

When I initially sent the prescribed information relating to this matter, I erroneously named the CFMEU C&G Division NSW Branch as the body.

This should read CFMEU NSW Branch (i.e. not just the Construction & General Division).

Accordingly, I am now also sending a copy of the Federal Rules of the CFMEU:



CFMEUFederal105N
R20043793804.d...

Thank you

Steve Teece

Research Information Advice Team
NSW Registry
Australian Industrial Registry

Ph: (02) 8374 6516 Fax: (02) 9380 6990
steve.teece@air.gov.au

From: TEECE, Steve
Sent: Friday, 25 November 2005 12:22 PM
To: industrial.elections@aec.gov.au
Subject: Prescribed information - CFMEU C & G NSW Branch E2005/212



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Steve Teece

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EECE, Steve

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Subject: Prescribed information - CFMEU C & G NSW Branch E2005/212



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Steve Teece

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E2005/212



Construction Forestry Mining & Energy Union

New South Wales Branch

12 Railway Street LIDCOMBE 2141

Phone 02 9749 0400 • Fax 02 9649 7100 • Email: enquiries@nsw.cfmeu.asn.au
Locked Bag 1 LIDCOMBE NSW 1825

24 November 2005

Attn: The Deputy Industrial Registrar - Mr Barry Jenkins

Australian Industrial Relations Commission
80 William Street
EAST SYDNEY NSW 2000
FAX: 9380 6990

Dear Sir,

Please find enclosed Statement and prescribed information as required under the RAO Schedule and Regulations.

To the extent necessary, we would ask that the Registry extend the time for the filing of this information pursuant to s 189(2) of the RAO schedule.

Thanking you for your assistance in this matter.

Yours faithfully


ANDREW FERGUSON
Secretary

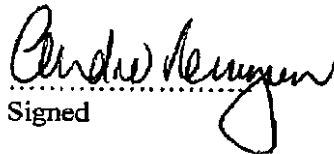


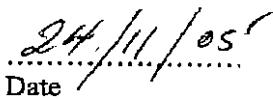
**WORKPLACE RELATIONS
(REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS)
REGULATIONS**

Statement Pursuant to Regulation 138

***Workplace Relations (Registration and Accountability of Organisations)
Regulations 2003.***

I, Andrew Ferguson Secretary CFMEU New South Wales Branch, of 12 Railway Parade Lidcombe, NSW, state that the information annexed to this Statement is being lodged in accordance with subsection 189 of the RAO Schedule (1B) to the *Workplace Relations Act 1996*.


Signed


Date

**WORKPLACE RELATIONS
(REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS)
REGULATIONS**

Prescribed Information in Respect of Election

Regulation 138 – *Workplace Relations (Registration and Accountability of Organisations) Regulations.*

The following prescribed information is provided pursuant to Regulation 138 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations*:

(a) The name of each office in respect of which an election is required;

- (i) One (1) State President
- (ii) One (1) State Secretary
- (iii) One (1) State Assistant Secretary
- (iv) One (1) State Senior Vice-President
- (v) Three (3) State Joint Vice-President

(b) The reason for the election;

Expiry of the term of office of each of the current office holders.

(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 organization or branch, be ascertained before the prescribed day – the number of these offices;

NA.

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

The officers referred to herein are elected by and from State Conference of the New South Wales Branch of the CFMEU.

- (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 48(i) of the rules of the CFMEU relevantly provide that the election of state officers shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction and General Division 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.

- (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 Management Committee members of every Divisional Branch of the CFMEU in the state of NSW.

Construction, Forestry, Mining and Energy Union NSW Collegiate Election 2006

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.

E2005/212

NSW State Conference

State President

Candidate

MURRAY, Ian

State Secretary

Candidate

FERGUSON, Andrew

State Assistant Secretary

Candidate

SMITH, Craig

State Senior Vice-President

Candidate

MC CLELLAND, Peter

State Joint Vice-President (3)

Candidates

MC ANDREW, Wayne

MILLER, Ken

PARKER, Brian

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

Lee Jones
Returning Officer

10 March 2006

Construction, Forestry, Mining and Energy Union NSW Collegiate Election 2006

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.

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State President

Candidate

MURRAY, Ian

State Secretary

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FERGUSON, Andrew

State Assistant Secretary

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SMITH, Craig

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Candidate

MC CLELLAND, Peter

State Joint Vice-President (3)

Candidates

MC ANDREW, Wayne

MILLER, Ken

PARKER, Brian

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

Lee Jones
Returning Officer

10 March 2006

Australian Electoral Commission /AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

Client: Construction, Forestry, Mining and Energy Union
New South Wales Branch

Contact details: Andrew Ferguson
Secretary
Locked Bag 1
LIDCOMBE NSW 1825

Fax: 02 9649 5255
Tel: 02 9749 0400

AIR contact officer: Steve Teece

Email: Industrial.elections@air.gov.au
Tel: 02 8374 6516

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2005/212
Election: NSW Branch Officers

Returning Officer: Lee Jones

RULES

Rules used for elections Rule ID: [105N-FED: Incorporates alterations of 3/8/2004]
[R2004/379]

Rule/s re eligibility to vote: 48

Rules difficult to apply/interpret:

Model Rule reference (if any):

Legal precedents considered:

**Action taken under section 193 of
RAO Schedule:**

ROLL OF VOTERS

As a Ballot was not required, therefore the Roll of Voters was not requested

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

ATTACHMENT

A) Uncontested Declaration

Lee Jones
Returning Officer
22 March 2006