



# Fair Work Australia

29 September 2009

Mr John Sutton  
National Secretary  
Construction, Forestry, Mining and Energy Union  
PO Box Q235  
QVB PO NSW 1230

Dear Mr Sutton

**Re: Arrangements for the conduct of an Election  
(E2009/10047)**

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

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act), 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.

Please do not hesitate to contact me on (02) 8374 6509 if you have any queries in regards to any of the above.

Yours sincerely

David Vale  
Fair Work Australia



Fair Work  
Australia

## DECISION

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

**Construction, Forestry, Mining and Energy Union**  
(E2009/10047)

B.R. JENKINS

SYDNEY, 29 SEPTEMBER 2009

*Arrangement for conduct of election.*

[1] On 18 September 2009 the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia prescribed information in relation to an election for the New South Wales Branch for the following offices:

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

[2] 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  
Fair Work Australia

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**VALE, David**

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**From:** VALE, David  
**Sent:** Tuesday, 29 September 2009 3:38 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2009/10047  
**Attachments:** E2009\_10047 CFMEU signed decision 29092009.pdf; E2009\_10047 CFMEU\_29092009.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of the Construction, Forestry, Mining and Energy Union – (E2009/10047).

Yours sincerely

**DAVID VALE**  
Manager - Registered Organisations  
NSW Service Team

**Fair Work Australia**  
Tel: 02 8374 6509  
Fax: 02 9380 6990  
[david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)

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

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



# Fair Work Australia

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 2009/10047**

**RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION - NEW SOUTH WALES BRANCH**

Positions:

See Decision

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

Contact: Mr John Sutton  
National Secretary

Phone: (02) 8524 5850

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](mailto:industrial.elections@fwa.gov.au).

David Vale  
for Fair Work Australia

29 September 2009



Fair Work  
Australia

## DECISION

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

### **Construction, Forestry, Mining and Energy Union** (E2009/10047)

B.R. JENKINS

SYDNEY, 29 SEPTEMBER 2009

*Arrangement for conduct of election.*

[1] On 18 September 2009 the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia prescribed information in relation to an election for the New South Wales Branch for the following offices:

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

[2] 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  
Fair Work Australia

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**VALE, David**

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**From:** VALE, David  
**Sent:** Friday, 18 September 2009 12:06 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2009/10047  
**Attachments:** CFMEU E2009\_10047 lodged 18092009.pdf; CFMEU Federal 105N R2008\_316\_290808.doc

Dear AEC,

Please find attached a copy of prescribed information and a copy of the current rule book of the Construction, Forestry, Mining and Energy Union for an upcoming election.

Yours sincerely

David Vale  
Manager, Registered Organisations  
New South Wales

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

Telephone: (02) 8374 6509  
Facsimile: (02) 9380 6990  
Email: [david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)



17 September 2009

General Manager  
Fair Work Australia  
80 William Street  
East Sydney NSW 2000  
By Email:

Att: Mr B. Jenkins



Dear Sir

**Re: CFMEU NSW Branch  
Prescribed Information**

Please find enclosed Statement and Prescribed Information as required under the *Fair Work (Registered Organisation) Act 2009* and Regulations.

Thanking you for your assistance in this matter.

Yours faithfully

John Sutton  
National Secretary  
CFMEU

**FAIR WORK (REGISTERED ORGANISATIONS)  
REGULATIONS**

**Statement Pursuant to Regulation 138  
Fair Work (Registered Organisations)  
Regulations 2009**

I, John Sutton, National Secretary of the CFMEU, of Level 12/276 Pitt Street Sydney, NSW state that the information annexed to this Statement is being lodged in accordance with section 189(1) of the *Fair Work (Registered Organisations) Act 2009*.



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Signed

17.9.09

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Date



**FAIR WORK  
(REGISTERED ORGANISATIONS)  
REGULATIONS  
2009**

**Prescribed Information in Respect of Election**

**Regulation 138  
Fair Work (Registered Organisations) Regulations**

The following prescribed information is provided pursuant to Regulation 138 of the Fair Work (Registered Organisations) Regulation:

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 organisation or branch, be ascertained before the prescribed day – the number of these offices.

N/A

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 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 Divisional 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.