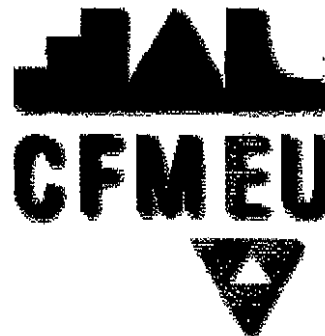


CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT

Office: Wing 5 Lignite Court,
Morwell, Victoria
Mail: P.O. Box 918,
Morwell, Victoria 3840
Telephone: 03 51343311
Facsimile: 03 51337058
e-mail: cfmeumor@tpg.com.au



Friday, 17 June 2005

Registrar
GPO Box 1994S
Melbourne Vic 3000
Australian Industrial Registry
by facsimile

Re: Notification of Requirement of Election

Dear Sir/Madam,

I write to you on behalf of the Victorian District, Mining and Energy Division, Construction, Forestry, Mining and Energy Union (*the District*).

The District has formed four new Lodges which have been approved by the District's Board of Management. In addition, the District's Board of Management has approved that each of those Lodges be entitled to a representative on the Board of Management in the form of the President of each of those Lodges. Accordingly, the Board of Management has instructed me to notify the Registry of the requirement to have an election conducted by the Australian Electoral Commission for the following positions:

- a) **President – Yallourn Mine Lodge;**
- b) **President – Yallourn Power Station Lodge;**
- c) **President – Emergency Services Lodge; and**
- d) **President – Contractors Lodge.**

Each of the elected positions is to be directly elected by and from the members of the associated Lodge of the District.

The election cycle for the District's other elected positions is such that the current term expires in 2008. It would be desirable for the above extraordinary elections to have an initial term of office that aligns them with the election cycle of the already elected positions.



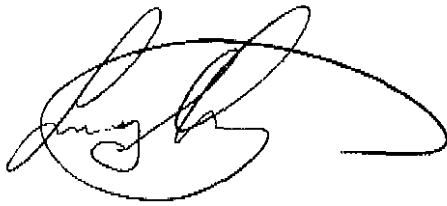
The above prescribed information in relation to an election that has to be conducted by the AEC is lodged under subsection 189(1) of the RAO Schedule.

It is noted that the RAO Schedule requires that the prescribed information is lodged before the prescribed day which is described under subsection 139(3) as the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election. In this regard it is apparent that the prescribed information has not been lodged before the prescribed day. For this I offer my apology and put forward the following reasons:

- The District was relatively new and its officials were not cognisant of the administrative requirements of the Act and the RAO Schedule;
- The District's officials were mistakenly of the belief that the Union's Mining and Energy Division would have dealt with any legal/administrative lodgements;
- The District has recently, undergone an extremely busy period which included acquiring and relocating to a new office.

Accordingly, I seek your approval of an extension to the date by which lodgement is received and acceptance of this letter as such lodgement.

Yours sincerely,



Greg Hardy
Secretary

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Monday, 27 June 2005 3:56 PM
To: 'industrial.elections@aec.gov.au'
Subject: Election E2005/125

Please see attached prescribed information for Victorian District Branch of the Mining Division of the CFMEU



Prescribed
information CFMEU

Stephen Kellett
(02) 8374 6607



Australian Government

Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Greg Hardy
Secretary, Victorian District Branch
Mining and Energy Division
CFMEU
PO Box 918
MORWELL VIC 3840

Dear Mr Hardy

Re Election – Victorian District Board of Management (E2005/125)

I refer to your letter enclosing prescribed information in relation to the election of four Lodge Presidents to the Victorian District Board of Management, which was lodged in the Registry on 19 June 2005.

I note your request for the initial term of office to expire in conjunction with the current term of office of the present Board of Management. This is not a matter I can determine. I am empowered under s189(3)(b) of the RAO Schedule to make arrangements for the conduct of an election if I am "satisfied that an election is required to be held under the rules of ... the branch".

I am satisfied that the rules provide for an election to be held in the event of the creation of new Lodges and that I can issue a decision for the conduct of the election now. However, the current rules do not provide for any term less than four years. This means that the synchronisation of future elections of Lodge Presidents cannot occur without some amendment to the rules.

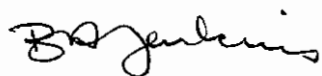
At a minimum I suggest that the election be so conducted by the Returning Officer that both nominees and voters understand clearly when nominating as a candidate and when voting that the term of office for the new positions will expire to coincide with the following election in 2008.

In addition, in order to avoid misunderstanding or disputes at the time of the next election, the Branch should amend its rules to specify that the inaugural term of office for either Presidents of Lodges newly established during any four year electoral cycle in general, or the new Presidents in this election in particular, shall be only until the following scheduled election.

Finally, I note that the descriptions of two of the nominated Presidents are similar to existing offices, and therefore, to avoid an error in my eventual determination of this matter, I seek your confirmation that the Presidents - Yallourn Mine Lodge and Yallourn Power Station Lodge are distinct from the existing Presidents Yallourn Lodge (Mining) and Yallourn Lodge (Energy).

I would appreciate your advice and comments at your earliest convenience. In the meantime I propose to defer my determination of the election notification until then. If you would like to discuss these issues first, please contact Stephen Kellett on 8374 6666.

Yours sincerely

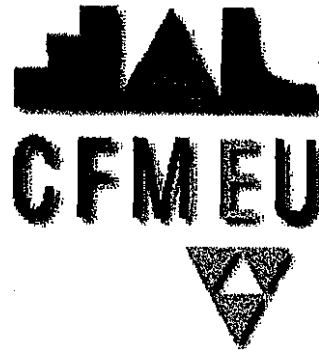
A handwritten signature in black ink, appearing to read 'Barry Jenkins', written in a cursive style.

Barry Jenkins
Deputy Industrial Registrar

8 July 2005

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
MINING AND ENERGY DIVISION
VICTORIAN DISTRICT

Office: Wing 5 Lignite Court,
Morwell, Victoria
Mail: P.O. Box 918,
Morwell, Victoria 3840
Telephone: 03 51343311
Facsimile: 03 51337058
e-mail: cfmcumor@tpg.com.au



Monday, 11 July 2005

Barry Jenkins
Deputy Industrial Registrar
Australian Industrial Registry
by facsimile (02) 9380 6990

Re: Election – Victorian District Board of Management (E2005/125)

Dear Barry,

I refer to your written request for confirmation regarding the Yallourn Lodges of the Victorian District of the CFMEU's Mining and Energy Division.

I can confirm that the President, Yallourn Mine Lodge and President, Yallourn Power Station Lodge are distinct from the previous President, Yallourn Lodge (Mining) and President, Yallourn Lodge (Energy). Previously there was one Lodge with two Presidents each representing a site at that Lodge. This has now become two distinct Lodges; the Yallourn Mine Lodge and the Yallourn Power Station Lodge, each with its own President.

Regarding the term of office of the positions referred to in my original correspondence, I will endeavour to have the rules amended as you recommended, though given that the election will likely be concluded prior to that, I ask that the Returning Officer so conduct the election that both nominees and voters understand clearly when nominating and voting that the term of office will expire coincidentally with the District's 2008 elections.

Yours sincerely,

Greg Hardy
Secretary



Mining and Energy Division

KELLETT, Stephen

From: KELLETT, Stephen
Sent: Friday, 15 July 2005 10:20 AM
To: 'industrial.elections@aec.gov.au'
Subject: Election E2005/125 CFMEU Vic District Branch

Please see attached decision and related paperwork



E2005 125
VDST AEC.doc



PR960063
125 CFMEU VC

Stephen Kellett

Australian Industrial Registry



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Greg Hardy
Secretary, Victorian District Branch
Mining and Energy Division
CFMEU
PO Box 918
MORWELL VIC 3840

Dear Mr Hardy

Re Election – Victorian District Board of Management (E2005/125)

Thank you for your letter dated 11 July 2005. Having regard to that advice I recommend that the Branch give consideration to amending Rule 7(A)(2) to remove references to lodges that no longer exist.

I have granted the election and my decision is enclosed. I am making arrangements under subsection 189(3) of Schedule IB 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 cursive script that reads 'Barry Jenkins'.

Barry Jenkins
Deputy Industrial Registrar

12 July 2005

PR960063

WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2005/125)

BARRY JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 12 JULY 2005

DECISION

On 19 June 2005 the Victorian District Branch of the Mining and Energy Division of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

District Board of Management

Lodge Representatives

Yallourn Mine Lodge President	(1)
Yallourn Power Station Lodge President	(1)
Emergency Services Lodge President	(1)
Contractors Lodge President	(1)

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.



CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

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.

E2005/125

DISTRICT BOARD OF MANAGEMENT

Yallourn Mine Lodge President

No nomination was received

Yallourn Power Station Lodge President

Candidate

KELLY, David John

I declare D J KELLY elected

Emergency Services Lodge President

No nomination was received

Contractors Lodge President

No nomination was received

Michael Pryor
Returning officer
Australian Electoral Commission, Melbourne

21 September 2005

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

<u>Client:</u>	Construction, Forestry, Mining and Energy Union, Victorian District Branch of the Mining and Energy Division		
<u>Contact details:</u>	Greg Hardy Secretary, Victorian District Branch CFMEU PO Box 918 MORWELL VIC 3840	<u>Email:</u>	cfmeumor@tpg.com.au
		<u>Tel:</u>	(03) 5134 3311
<u>AIR contact officer:</u>	Stephen Kellett	<u>Email:</u>	industrial.elections@air.gov.au
		<u>Tel:</u>	(02) 8374 6607

ELECTIONS COVERED IN THIS REPORT

<u>Election Decision No/s:</u>	(E2005/125)
<u>Election:</u>	President, Yallourn Mine Lodge President, Yallourn Power Station Lodge President, Emergency Services Lodge President, Contractors Lodge
<u>Returning Officer:</u>	Michael Pryor

RULES

<u>Rules used for elections Rule ID:</u>	[105N-MIN: Incorporates alterations of 8/3/2004 in matters R2004/118, R2004/119. R20004/120, R2004/121]
<u>Rule/s re eligibility to vote:</u>	

ROLL OF VOTERS

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

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

ATTACHMENTS

<u>A</u> Declaration of Results for Uncontested Offices

Michael Pryor
Returning Officer
22 September 2005

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

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.

E2005/125

DISTRICT BOARD OF MANAGEMENT

Yallourn Mine Lodge President

No nomination was received

Yallourn Power Station Lodge President

Candidate

KELLY, David John

I declare D J KELLY elected

Emergency Services Lodge President

No nomination was received

Contractors Lodge President

No nomination was received

Michael Pryor
Returning officer
Australian Electoral Commission, Melbourne

21 September 2005