



FAIR WORK
COMMISSION

25 March 2013

Mr Andrew Vickers
General Secretary
Mining and Energy Division
Construction, Forestry, Mining and Energy Union
PO BOX Q1641
SYDNEY NSW 1230

Dear Mr Vickers,

Re: Arrangements for the conduct of an election (E2013/139)

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.

Yours sincerely

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



DECISION

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

Construction, Forestry, Mining and Energy Union (E2013/139)

AILSA CARRUTHERS

MELBOURNE, 25 MARCH 2013

Arrangement for conduct of election.

[1] On 14 March 2013 the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission prescribed information in relation to an election.

[2] Following correspondence from the Fair Work Commission regarding whether the prescribed information concerned an office (as defined in the *Fair Work (Registered Organisations) Act 2009*) or a position, on 22 March 2013 the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union lodged amended prescribed information with the Fair Work Commission and made a request for the Australian Electoral Commission to conduct an election, for the remainder of the term, for the following position:

Victorian District Board of Management

Lodge Representative

Hazelwood Lodge President (Mining) (1)

[3] I am satisfied that an election for the abovenamed position is required to be held under the rules of the organisation and the organisation has made a request under section 187 of the *Fair Work (Registered Organisations) Act 2009*. Accordingly, under subsection 189(3)(c) 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 COMMISSION

Printed by authority of the Commonwealth Government Printer
<Price code A, PR534863>

VALE, David

From: VALE, David
Sent: Monday, 25 March 2013 4:07 PM
To: 'Industrial Elections'
Subject: E2013/139
Attachments: E2013_139 CFMEU FFPD Non office position Signed Decision_25032013.doc; E2013_139 CFMEU M&E DIV letter to AEC_25032013.doc

Dear AEC

Please find attached a copy of the decision issued for the Mining & Energy Division of the CFMEU in election number E2013/139.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

25 March 2013



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

Under subsection 187 & 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 2013/139

RE: CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION, MINING & ENERGY DIVISION

Positions:

See Decision

Relevant Information: Non office position; casual vacancy election.

Contact: Andrew Vickers, General Secretary, Mining & Energy Division, Construction, Forestry, Mining and Energy Union

Phone: (02) 9267 1035

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@fwc.gov.au

David Vale
Fair Work Commission

Terrace Towers
80 William Street
East Sydney NSW 2011
Telephone: (02) 8374 6666
International: (612) 8374 6666
Facsimile: (02) 9380 6990
Email: sydney@fwc.gov.au

VALE, David

From: VALE, David
Sent: Friday, 22 March 2013 3:48 PM
To: 'Industrial Elections'
Subject: E2013/139
Attachments: CFMEU M&E VIC_E2013_139_Amended PI lodged_22032013.pdf

Dear AEC

Please find the Amended prescribed information from the Mining & Energy Division of the CFMEU in election number E2013/139. Please note the election request is now made under s. 187 of the Act.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au



22 March 2013

The General Manager
Fair Work Commission
Level 8
80 William Street
EAST SYDNEY NSW 2010



Via Email: Sydney@fwc.gov.au

Dear General Manager,

RE: E2013/139 - CFMEU Mining & Energy Division – Victorian District Branch Election

Further to your correspondence of 15 March 2013, we believe that the above election is required to be conducted by the Australian Electoral Commission, in accordance with Rule 7(A)(2) of the Victorian District Rules.

Please find attached an amended Statement and Notice of Prescribed Information under Regulation 138 of the *Fair Work (Registered Organisations) Act 2009*.

The Australian Electoral Commission have been notified.

Please do not hesitate to contact Melanie Mitchell of my office should you require any further information.

Yours faithfully

A handwritten signature in cursive script, appearing to read "A. Vickers".

Andrew Vickers
General Secretary
CFMEU Mining & Energy

Statement and Notice of Prescribed Information under Regulation 138

I, Andrew Vickers, being the General Secretary of the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, make the following statement:

I am the General Secretary of the CFMEU Mining and Energy Division.

I am authorised to lodge the following prescribed information concerning a forthcoming election in the Victorian District of the CFMEU Mining and Energy Division, and

I confirm that the following information is being lodged under subsection 187(1) of the Fair Work (Registered Organisations) Act 2009.

The name of the position for which an election is required is:

• **Hazelwood Lodge President (Mining)**

The reason for the election is due to the resignation of the current Lodge President. A resignation letter is attached and marked "A".

The electorate is the members of Hazelwood Lodge of the CFMEU Mining and Energy Division – Victorian District Branch. The voting system will be direct voting and first past the post.

Nominations will open on 22 May 2013 and close on 29 May 2013.

The electoral roll will be closed on 8 May 2013.



Andrew Vickers
General Secretary
CFMEU Mining & Energy Division
22 March 2013



22 March 2013

The Manager
Australian Electoral Commission
GPO Box 4382
MELBOURNE VIC 3001

Via Email: industrial.elections@aec.gov.au

Dear Manager,

RE: CFMEU Mining & Energy Division – Victorian District Branch Election – E2013/139

A vacancy has arisen in the CFMEU Mining & Energy Division, Victorian District Branch for the position of Hazelwood Lodge President (Mining). The letter of resignation for the previous position holder is attached.

In accordance with Rule 7(A)(2) of the Victorian District Branch Rules, a ballot is required to be conducted by the Australian Electoral Commission, with the electorate being the Hazelwood Mine Lodge members.

Please find attached a Statement and Notice of Prescribed Information under Regulation 138 of the *Fair Work (Registered Organisations) Act 2009*.

The appropriate contact in the Victorian District is the District Secretary, Greg Hardy. He can be contacted on (03) 5134 3311.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. Vickers'.

Andrew Vickers
General Secretary
CFMEU Mining & Energy



FAIR WORK
COMMISSION

15 March 2013

Mr Andrew Vickers
General Secretary
Mining and Energy Division
Construction, Forestry, Mining and Energy Union
PO BOX Q1641
SYDNEY NSW 1230

Also by fax: (02) 9267 3198

Dear Mr Vickers,

Re: Arrangements for the conduct of an election (E2013/139)

I refer to the prescribed information for a casual vacancy election for the Hazelwood Lodge President (Mining) in the Victorian District Branch (**the Branch**) of the Mining & Energy Division (**the Division**) of the Construction, Forestry, Mining and Energy Union (**the Union**) following a recent resignation. The prescribed information was lodged with the Fair Work Commission on 14 March 2013.

A preliminary examination of the Branch rules indicate that the abovementioned President, although sitting on the District Board of Management, is a Lodge Representative who is elected by the members of the Hazelwood Lodge Mine, in accordance with rule 11(D)(1)(b) of the Branch rules. Accordingly it may in fact be that the abovementioned Lodge representative is a non-office position rather than an office (as defined in section 9 of the *Fair Work (Registered Organisations) Act 2009 (the Act)*).

If the Division considers that the Hazelwood Lodge President (Mining) is a non-office position rather an office it should lodge an application under section 187 of the Act rather than section 189 of the Act. When doing so would you please also forward a copy to the Australian Electoral Commission at industrial.elections@aec.gov.au.

If the Division considers that the Hazelwood Lodge President (Mining) is actually an office rather than a non-office position would you please indicate which rules point to that conclusion.

Yours sincerely

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

VALE, David

From: VALE, David
Sent: Friday, 15 March 2013 10:52 AM
To: 'Industrial Elections'
Subject: E2013/139
Attachments: CFMEU M&E VIC_E2013_139_PI lodged_15032013.pdf; CFMEU MIN R2013_134_08032013.doc

Dear AEC

Please find the prescribed information and a copy of the current rulebook of the Mining & Energy Division of the CFMEU, in election number E2013/139.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

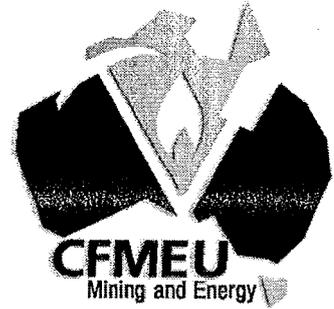
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

E2013/139.



14 March 2013

The General Manager
Fair Work Commission
Level 8
80 William Street
EAST SYDNEY NSW 2010



Via Email: Sydney@fwc.gov.au

Dear General Manager,

RE: CFMEU Mining & Energy Division – Victorian District Branch Election

Please find attached a Statement and Notice of Prescribed Information under Regulation 138 of the *Fair Work (Registered Organisations) Act 2009* relating to the Victorian District Branch elections.

Please do not hesitate to contact Melanie Mitchell of my office should you require any further information.

Yours faithfully

A handwritten signature in cursive script, appearing to read "A. Vickers".

Andrew Vickers
General Secretary
CFMEU Mining & Energy

Statement and Notice of Prescribed Information under Regulation 138

I, Andrew Vickers, being the General Secretary of the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, make the following statement:

I am the General Secretary of the CFMEU Mining and Energy Division.

I am authorised to lodge the following prescribed information concerning a forthcoming election in the Victorian District of the CFMEU Mining and Energy Division, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

The name of the position for which an election is required is:

- **Hazelwood Lodge President (Mining)**

The reason for the election is due to the resignation of the current Lodge President. A resignation letter is attached and marked "A".

The electorate is the members of the CFMEU Mining and Energy Division – Victorian District Branch. The voting system will be direct voting and first past the post.

Nominations will open on 14 May 2013 and close on 21 May 2013.

The electoral roll will be closed on 30 April 2013.



Andrew Vickers
General Secretary
CFMEU Mining & Energy Division
14 March 2013