

**svc-adlib5**

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**From:** Danielle Paterson <Danielle.Paterson@aec.gov.au>  
**Sent:** Wednesday, 2 November 2016 12:34 PM  
**To:** pc\_cfmeu@tpg.com.au; Geoff Dyke  
**Cc:** Industrial Elections; Orgs  
**Subject:** Post-election Report E2016/168 CFMEU Casual Vacancy - Victorian District Branch of the Mining and Energy Division [DLM=For-Official-Use-Only]  
**Attachments:** Declaration of results E2016-168.doc; PER CFMEU 2016-168.doc

### **For-Official-Use-Only**

Good afternoon,  
Please find attached the post-election report for E2016/168 Stawell Gold Mine Lodge President – Victorian District Board of Management, Mining and Energy Division  
Regards,  
Danielle

**Danielle Paterson | Manager, Industrial and Commercial Elections**  
VIC State Office  
Australian Electoral Commission  
T: (03) 9285 7145 | M: 0402 969 783 | F: (03) 9285 7149

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Mr Geoff Dyke  
Branch Secretary  
Construction, Forestry, Mining and Energy Union  
PO BOX 918  
MORWELL VIC 3840

Email: gd14cfmeu@tpg.com.au

**Post Election Report For: Construction, Forestry, Mining and Energy Union  
Mining and Energy Division  
Election E2016/168**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.



Jeff Webb  
Returning Officer

24 October 2016

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Construction, Forestry, Mining and Energy Union  
Mining and Energy Division**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2016/168

**RULES**

Rules used for the election: [105N-MIN: Incorporates alterations of 10/05/2016 in matter R2016/55]  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: N/A  
Number of apparent workplace addresses: Nil  
Number of non-current addresses: Nil  
Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil  
Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results



Jeff Webb  
Returning Officer

24 October 2016



14 October 2016

Mr Geoffrey Wayne Dyke  
Secretary  
Construction, Forestry, Mining and Energy Union-Mining and Energy Division - Victorian District  
Branch  
Email: gd14cfmeu@tpg.com.au

Dear Mr Dyke,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election of [E2016/168]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

#### **Holders of office required to undertake approved training**

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. A list of approved training providers is attached.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Construction, Forestry, Mining and Energy Union-Mining and Energy Division - Victorian District Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;

Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Telephone: (02) 8374 6666  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Michael Moutevelis

Regulatory Compliance Branch

# List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 <a href="mailto:ceo@ahawa.asn.au">ceo@ahawa.asn.au</a>
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 <a href="mailto:imacdonald@bic.asn.au">imacdonald@bic.asn.au</a>
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 <a href="mailto:jenifer.leuba@aigroup.asn.au">jenifer.leuba@aigroup.asn.au</a>
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 <a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a>
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	<a href="#">AICD state-based contacts</a>
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 <a href="mailto:orgcentre@actu.org.au">orgcentre@actu.org.au</a>
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 <a href="mailto:dennisr@wwr.com.au">dennisr@wwr.com.au</a>
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 <a href="mailto:learning@lgnsw.org.au">learning@lgnsw.org.au</a>
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 <a href="mailto:ceo@aha.org.au">ceo@aha.org.au</a>
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 <a href="mailto:tom@dws.net.au">tom@dws.net.au</a>
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 <a href="mailto:vibeprctraining@bigpond.com">vibeprctraining@bigpond.com</a>
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	<a href="mailto:andrew.johnson@lgrceu.org">andrew.johnson@lgrceu.org</a>
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	<a href="mailto:paulm@mtaq.com.au">paulm@mtaq.com.au</a>

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:  
Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						



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**From:** Jeff Webb <Jeff.Webb@aec.gov.au>  
**Sent:** Thursday, 13 October 2016 2:06 PM  
**To:** Orgs  
**Subject:** E2016/168 Declaration of results [DLM=For-Official-Use-Only]  
**Attachments:** Declaration of results Uncontested Office E2016-168.doc

**Categories:** RIA

## For-Official-Use-Only

Please find attached a copy of the declaration of results.

Regards,

**Jeff Webb | Senior Returning Officer**  
VIC State Office | VIC State Office  
Australian Electoral Commission  
T: (03) 9285 7141 | F: (03) 9285 7149

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# Construction, Forestry, Mining and Energy Union Victorian District Board of Management - E2016/168

## Declaration of Results for Uncontested Offices

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.

### Stawell Gold Mine Lodge

#### Stawell Gold Mine Lodge President

##### Candidates

FINLAYSON, Stuart

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



Jeff Webb  
Returning Officer  
13 October 2016



## DECISION

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

### **Construction, Forestry, Mining and Energy Union** (E2016/168)

MR ENRIGHT

MELBOURNE, 28 JULY 2016

*Arrangement for conduct of election.*

[1] On 29 June 2016, the Victorian District Branch of the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following office, due to insufficient nominations received in a previous election (E2016/73):

#### **Victorian District Board of Management**

##### Lodge Representative

Stawell Gold Mine Lodge President (1)

[2] I am satisfied that an election for the abovenamed office 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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## **svc-adlib5**

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**From:** Geoff Dyke <gd14cfmeu@tpg.com.au>  
**Sent:** Wednesday, 29 June 2016 9:06 AM  
**To:** Orgs  
**Cc:** 'Trevor Williams'; 'Peter Waanders'; 'Duncan MacGreggor'  
**Subject:** RE: Stawell Gold Mine Lodge President vacancy - election due to insufficient nominations in E2016/73  
**Attachments:** Request for election of Stawell Gold Mine Lodge President.pdf  
**Categories:** RIA

Hi,

Please find attached prescribed information to re-run an election for Stawell Gold Mine Lodge President where there were insufficient nominations at our recent elections.

Regards,

Geoff

Geoff Dyke  
Secretary  
Victorian District Branch  
Mining & Energy Division  
CFMEU

Phone: 03-5134 3311  
Mobile: 0409 090 659  
Email: [gd14cfmeu@tpg.com.au](mailto:gd14cfmeu@tpg.com.au)

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**From:** Orgs [<mailto:orgs@fwc.gov.au>]  
**Sent:** Tuesday, 28 June 2016 11:20 AM  
**To:** 'Geoff Dyke'  
**Cc:** Trevor Williams ; Peter Waanders ; Duncan MacGreggor  
**Subject:** RE: Stawell Gold Mine Lodge President vacancy - election due to insufficient nominations in E2016/73

Hi Geoff

Thank you for your correspondence below. I note the Fair Work Commission issued a Decision in matter E2016/73 on 11 February 2016 ([2016] FWCD 918) arranging for an election for the Victorian District Board of Management for various offices which included a Lodge President for the Stawell Gold Mine. I also note that a Declaration of Results issued by the Australian Electoral Commission on 12 May 2016 revealed that no nomination was received for Lodge President for the Stawell Gold Mine. Accordingly, the Fair Work Commission now requires a written request from an authorised office holder of prescribed information to conduct an election due to insufficient nominations in E2016/73. I have attached a sample lodgement of prescribed information for the Branch to complete. This sample form of prescribed information can be downloaded at <https://www.fwc.gov.au/registered-organisations/running-registered-organisation/elections>

If you require any assistance when completing the form please do not hesitate to contact me.

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](mailto:david.vale@fwc.gov.au)

Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011  
[www.fwc.gov.au](http://www.fwc.gov.au)

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**From:** Geoff Dyke [<mailto:gd14cfmeu@tpg.com.au>]

**Sent:** Tuesday, 28 June 2016 10:47 AM

**To:** Orgs

**Cc:** Trevor Williams; Peter Waanders; Duncan MacGreggor

**Subject:** Stawell Gold Mine Lodge President vacancy - election

Dear Sir/Madame,

We currently have a vacancy for Lodge President at the Stawell Gold mine because nobody nominated when our recent elections were conducted.

Under our rules we are unable to appoint somebody to fill this vacancy because the term remaining is four years. This requires us to fill the vacancy by calling another election.

We have spoken to our members at site and we are assured that there will be nominations this time.

Can I please request you to arrange for the AEC to conduct another election for this vacancy under our rules?

Regards,

Geoff

Geoff Dyke  
Secretary  
Victorian District Branch  
Mining & Energy Division  
CFMEU

Phone: 03-5134 3311  
Mobile: 0409 090 659  
Email: [gd14cfmeu@tpg.com.au](mailto:gd14cfmeu@tpg.com.au)

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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

I, Geoffrey Wayne Dyke, being the Secretary of the Victorian District Branch, Mining and Energy Division of the Construction, Forestry, Mining and Energy Union make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian District Branch, Mining and Energy Division of the Construction, Forestry, Mining and Energy Union.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. Insufficient nominations were received in an earlier election and the declaration of results is attached.

Signed:



Dated: 29 June 2016

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

**ANNEXURE A**

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
<i>Victorian District</i>	<i>Stawell Gold Mine Lodge President</i>	<i>1</i>	<i>Direct</i>	<i>Insufficient nominations</i>	<i>Victorian District Branch (rule 7)</i>

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<i>'to be determined by the returning officer'</i>	
<b>Nominations CLOSE</b>	<i>'to be determined by the returning officer'</i>	
<b>Roll of Voters cut off date</b>	<i>'to be determined by the returning officer'</i>	

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.



**Reference:** V16/80

Mr Geoff Dyke  
Branch Secretary  
Construction, Forestry, Mining and Energy Union  
148-152 Miller Street  
West Melbourne VIC 3003

Dear Mr Dyke,

**Construction, Forestry, Mining and Energy Union  
Scheduled Election -Mining and Energy Division**

**E2016/73**

The declaration of the election for contested and uncontested offices is attached.

The election is now complete.

Yours sincerely

Benjamin Murray  
Returning Officer

12 May 2016

cc all candidates



# Construction, Forestry, Mining and Energy Union - Scheduled Election - Mining and Energy Division

## Declaration of Results for Contested and Uncontested Offices

**E2016/73**

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.

### Victorian District Branch

#### District President

Total number of names on the roll of voters	1245
Ballot papers issued	1245
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>1245</b>
Ballot papers / envelopes returned for scrutiny	588
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting balance	6
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>573</b>
Percentage of ballot papers returned to number issued	47
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	657

#### District President

<u>Candidates</u>	<u>Votes</u>
LEIGHTON, Brett	35
WILLIAMS, Trevor	342
SCENEY, Stuart	190
Total votes	<b>573</b>
Formal ballot papers	<b>567</b>
Informal ballot papers	6

*I declare Trevor Williams elected.*

### District Vice-President

Total number of names on the roll of voters	1245
Ballot papers issued	1245
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>1245</b>
Ballot papers / envelopes returned for scrutiny	588
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting balance	4
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>575</b>
Percentage of ballot papers returned to number issued	47
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	657

### District Vice-President

<u>Candidates</u>	<u>Votes</u>
AITKEN, Geoff	97
MACGREGOR, Duncan	75
WAANDERS, Peter	299
RICHARDS, Mark	101
Total votes	<b>575</b>
Formal ballot papers	<b>572</b>
Informal ballot papers	<b>3</b>

*I declare Peter Waanders elected.*

### District Secretary

#### Candidates

DYKE, Geoff

*I declare Geoff Dyke elected.*

**Hazelwood Lodge - Mining**  
**Hazelwood Lodge President (Mining)**  
Candidates

BERNARDI, Ronnie

*I declare Ronnie Bernardi elected.*

**Hazelwood Lodge - Energy**  
**Hazelwood Lodge President (Energy)**  
Candidates

RICHARDS, Mark

*I declare Mark Richards elected.*

**Loy Yang Mine Lodge**  
**Loy Yang Mine Lodge President**  
Candidates

ZAMMIT, Noel

*I declare Noel Zammit elected.*

**Loy Yang 'A' Power Station Lodge**  
**Loy Yang Power 'A' Station Lodge President**  
Candidates

WALSH, Bryan

*I declare Bryan Walsh elected.*

**Loy Yang 'B' Power Station**  
**Loy Yang 'B' Power Station Lodge President**  
Candidates

DYKE, Geoff

*I declare Geoff Dyke elected.*

**Yallourn Mine Lodge**  
**Yallourn Mine Lodge President**  
Candidates

SCENEY, Stuart

*I declare Stuart Sceney elected.*

**Yallourn Power Station Lodge**  
**Yallourn Power Station Lodge President**  
Candidates

AITKEN, Geoff

*I declare Geoff Aitken elected.*

**Emergency Services Lodge  
Emergency Services Lodge President**

Candidates

LEIGHTON, Brett

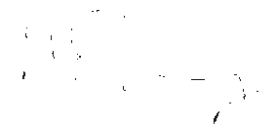
*I declare Brett Leighton elected.*

**Stawell Gold Mine Lodge  
Stawell Gold Mine Lodge President**

Candidates

No nomination was received

*No candidates elected.*



Benjamin Murray  
Returning Officer  
Australian Electoral Commission

12 May 2016

