



21 January 2019

Mr Michael O'Connor
National Secretary / Divisional Secretary
Construction, Forestry, Maritime, Mining and Energy Union - Manufacturing Division
industrial@cfmeuffpd.org

Dear Mr O'Connor,

cc: The National Secretary, nationalqueries@cfmeu.org

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for Manufacturing Division [E2018/198]. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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. 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 are provided for in the RO Act.

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, Maritime, Mining and Energy Union - Manufacturing Division 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;

- 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

Matthew Indrigo
Registered Organisations Commission

24 December 2018

Post-election report

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

Manufacturing Division

Casual Vacancy Election

E2018/198

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Election(s) Covered in this Report

Organisation: Construction, Forestry, Maritime, Mining and Energy Union
Manufacturing Division
Election: Casual Vacancy
Election Decision No/s: E2018/198

Rules

Rules used for the election: 105N-ATAI: Incorporates alterations of 15 October 2018 [R2018/253]
(replaces rulebook dated 27 March 2018 [D2017/05])

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken:

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Rule 32 (c) (xi) of the Union which reads:

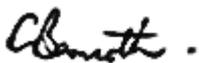
“Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.”

would appear to be inconsistent with Regulation 131 (3) of the Fair Work (Registered Organisations) Regulations 2009 which states:

“The electoral official conducting the ballot must make the roll available for inspection and copying during ordinary business hours at the place where the official carries out his or her duties in relation to the election, in the period starting the day after the day when the roll was closed in accordance with paragraph (2) (c), and ending 30 days after the declaration of the result of the election.”

Accordingly, action was taken under Section 193(1)(b)(ii) of the Fair Work (Registered Organisations) Act 2009, and direction was given that the roll of voters was to be provided within one (1) working day of the close of rolls.

Signed



Catherine Bernoth
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6375
24 December 2018

Attachments

A. Declaration of results for Uncontested Office – National

Construction, Forestry, Maritime, Mining and Energy Union

Manufacturing Division

DECLARATION OF RESULTS - E2018/198

Uncontested Offices

Casual Vacancy Election

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 are:

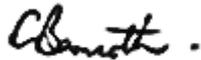
National

TCF National Secretary (1)

Candidates

KRUSCHEL Jenny

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



Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: nswelections@aec.gov.au
16/12/2018



DECISION

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

Construction, Forestry, Maritime, Mining and Energy Union (E2018/198)

MR ENRIGHT

MELBOURNE, 25 SEPTEMBER 2018

Arrangement for conduct of election.

[1] On 27 August 2018 the Manufacturing Division National Branch of the Construction, Forestry, Maritime, Mining and Energy Union lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following offices for the remainder of the term:

TCF National Secretary

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<PR351174>

27 August 2018

Mr Mark Bielecki
Commissioner
Registered Organisations Commission
GPO Box 2983
MLEBOURNE VIC 3001

Dear Commissioner,

**PRESCRIBED INFORMATION FOR ELECTION
CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION**

In accordance with section 189 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, I provide the prescribed information below regarding an election to be held by the Construction, Forestry, Maritime, Mining and Energy Union, Manufacturing Division.

I, Michael O'Connor, being the Manufacturing Division Secretary of the Construction, Forestry, Maritime, Mining and Energy Union ('CFMEU') make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Manufacturing Division of the CFMEU.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.
3. The election that is required is set out in Annexure A, attached.
4. The date and time for the opening of nominations will be determined by the returning officer.
5. The date and time for the closing of nomination will be determined by the returning officer.

Yours sincerely



Michael O'Connor
Secretary
Manufacturing Division, Construction, Forestry, Maritime, Mining and Energy Union



ANNEXURE A

Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Manufacturing Division - National	TCF National Secretary	1	Direct voting system	Casual vacancy	All members of the Manufacturing Division - Rule 32(xii) 3. of the Manufacturing Division Rules