



23 May 2018

Mr Stephen Smyth
Qld State President; Qld M&E District President; National Executive Member
Construction, Forestry, Maritime, Mining and Energy Union-Mining and Energy Division
Queensland District Branch
s.smyth@cfmeuqld.asn.au

Dear Mr Smyth,

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 a contested offices for Mining and Energy Division Queensland District Branch [E2017/241]. 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 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-Mining and Energy Division Queensland 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;

- 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

Christine Hibberd
Registered Organisations Commission

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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

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
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

21 May 2018

Post-election Report

**Construction, Forestry, Mining and Energy Union
E2017/241**

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Election(s) Covered in this Report

Election Decision No: E2017/241

Rules

Rules used for the election: [105N-FED: Incorporates alterations of 03/08/2017 in matter R2016/131]
[105N-MIN:] Incorporates alterations of 08/11/2017 in matter R2017/113]

Rules difficult to apply/interpret: None

Module Rule reference N/A

Roll of Voters

Total number of voters on the Roll: 856

Number of apparent workplace addresses: 0

Number of non-current addresses: 1

Other matters pertaining to the roll of voters: None

Irregularities

Australian Electoral Commission

None

Other Matters

None

Attachments

- 1) Declaration of Results for Contested Office – QLD Division 4

Ann Beinke
Returning Officer

21/05/2018

Reference: **AQACB Q17/190**

Mr Stephen SMYTH
District President, QLD District Branch
Construction, Forestry, Mining and Energy Union
16 CAMPBELL STREET
BOWEN HILLS QLD 4006

Dear Mr SMYTH

**Queensland and Northern Territory Branch
Casual Vacancy Election
E2017/241**

The declaration of the election for Contested offices is attached.

The election is now complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Beinke
Returning Officer

21 May 2018

Construction, Forestry, Mining and Energy Union
Queensland and Northern Territory Branch
DECLARATION OF RESULTS - E2017/241
Contested 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:

Queensland District Branch - Mining and Energy Division

Total number of persons on the roll of voters	856
Ballot Papers Issued	856
Replacement ballot papers issued	1
TOTAL BALLOT PAPERS ISSUED	857
Ballot papers/envelopes returned for scrutiny	255
Less ballot papers/envelopes rejected at preliminary scrutiny	8
Adjusting balance	0
TOTAL BALLOT PAPERS	247
Percentage of ballot papers returned to number issued	30%
Ballot papers returned as unclaimed mail by closing date of ballot	1
Ballot papers not returned	601

Board of Management Lodge Representative – Division Four

<u>Candidates</u>	<u>First Preference</u> <u>Votes</u>	<u>Votes</u>
HIBBLE Rick		128
TINDALL Russell		119
Total votes		247
Formal ballot papers		247
Informal ballot papers		3

I declare the following elected:

- HIBBLE Rick

Ann Beinke
Returning Officer
Australian Electoral Commission
21/05/2018



DECISION

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

Construction, Forestry, Mining and Energy Union (E2017/241)

MR ENRIGHT

MELBOURNE, 24 NOVEMBER 2017

Arrangement for conduct of election.

[1] On 10 November 2017 the Mining and Energy Division Queensland District Branch of the Construction, Forestry, Mining and Energy Union lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Board of Management Lodge Representative – Division Four (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 COMMISSIONER

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10 November 2017

Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

By email: regorgs@roc.gov.au

Dear Commissioner,

**PRESCRIBED INFORMATION
CFMEU MINING AND ENERGY DIVISION
QUEENSLAND DISTRICT BRANCH**

Pleased find attached prescribed information concerning an election to be conducted with respect to the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, Queensland District Branch.

Should further information be sought regarding the material please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Alister Kentish".

**ALISTER KENTISH
NATIONAL LEGAL OFFICER
CFMEU M&E DIVISION**

*cc. Stephen Smyth, District President, CFMEU M&E Division Queensland District
Mitch Hughes, Executive Vice President, CFMEU M&E Division Queensland District*

Fair Work (Registered Organisations) Act 2009
s.189 – Election - Prescribed Information

Fair Work (Registered Organisations) Regulations 2009
reg 138 – Election – Prescribed Information

**PRESCRIBED INFORMATION
CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
MINING AND ENERGY DIVISION
QUEENSLAND DISTRICT BRANCH**

I, Stephen Smyth, being the District President of the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, Queensland District Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Construction, Forestry, Mining and Energy Union Mining and Energy Division Queensland District Branch.
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 the table in **Annexure A**.
4. The election arises because of a casual vacancy following the resignation of a member of the Queensland District Board of Management. A copy of the resignation letter is attached.


**STEPHEN SMYTH
DISTRICT PRESIDENT
CFMEU M&E DIVISION QUEENSLAND DISTRICT BRANCH**

DATED: 10/11/2017.

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>Queensland District</i>	<i>Board of Management Division 4</i>	<i>1</i>	<i>Direct Voting System</i>	<i>Casual vacancy (resignation attached)</i>	<i>Members from the following Lodges: Gregory, Crinum, Moura, Yongala, Callide Valley and Clermont. State Members (Emerald, Blackwater, Biloela and surrounds)</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the returning officer (rule 8(i)(e) of CFMEU M&E Division Queensland District Branch rules and rule 17(b) CFMEU M&E Divisional rules)</i>	
Nominations CLOSE	<i>To be determined by the returning officer (rule 8(i)(e) of CFMEU M&E Division Queensland District Branch rules and rule 17(b) CFMEU M&E Divisional rules)</i>	
Roll of Voters cut off date	<i>7 days prior to nominations opening (rule 17(f) of CFMEU M&E Divisional rules)</i>	