



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Construction, Forestry, Mining and Energy Union

Forestry, Furnishing, Building Products and Manufacturing Division

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2016/153

RULES

Rules used for the election: 105N-ATAI: Incorporates alterations of 05/06/2014 in matter R2014/121

Rules difficult to apply/interpret: Rule 32 Elections

(c) (i) The Union should review the method/s of calling for nomination to include modern means of communication. That is, in the event that a union journal is not due for publication or that readership of newspaper changes. Given that the timings of the election are quite specific (that is, dates of the month) – the Union should consider a notification method that is harmonious with this, for example a Divisional member news alert or a Divisional national journal edition and/or special election editions (including electronic means of delivery). This allows for flexible and more modern forms of communication for future elections.

(c) (ii) Delete the requirement for members to apply personally or in writing for a nomination form. Delete the requirement for members to forward their nomination by certified post. This rule should simply say “nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election”. This allows for flexibility for elections conducted by the AEC or another Returning Officer, to specify the method and addresses for lodgment (including electronic means).

(c) (xi) Whilst this rule is not defective - the Union should note that the list of members entitled to vote must be provided to the Returning Officer the day after the roll close, to enable compliance with Regulation 131 of the *Fair Work (Registered Organisations) Regulation 2009*.



(c) (xii) and (xiv) The ballot period specified in these rules is not sufficient given current Australia Post delivery schedule. The Union should review the ballot period (see: <https://auspost.com.au/parcels-mail/sending-in-australia/domestic-letters>).

(c) (xix) The AEC provides a Post-Election Report (which includes the declaration of successful candidates) to the Union as required by s. 197 of the *Fair Work (Registered Organisation) Act 2009*. To allow for future flexibility and modern means of communication (including electronic means) I suggest this sentence to read, "The Returning Officer will provide a report which contains ... which will be made available to all members within 30/X number of days upon receipt".

Rule 42 – Special Rule – The Pulp and Paper Workers District

(19) (a) and (b) This rule is inefficient for the Commonwealth and the Union. This rule requires a ballot to be conducted when one may not be necessary as a person can only hold one of the specified offices. If a member resigns from office an election is required by mutatis mutandis. This means that the Union must arrange with the Fair Work Commission for an election – which may result in timing issues with divisional conferences and other collegiate elections.

I suggest the following forms of words:

[If separate hierarchies are required, e.g. for divisional offices and for district or sub-branch offices, clearly identify this by way of separate hierarchical listings.]

No person may hold simultaneously more than one of the following offices, which are listed in descending ranking. The first office listed being the highest office: (list the offices in hierarchical order from highest office to lowest office).

Nothing in this Rule shall prevent an eligible person from simultaneously holding offices which appear in different listings.

These words would ensure that should a person be elected to the higher office, the lower office can be filled by the next successful candidate.



Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: Various – see attached Declarations as appropriate.

Number of apparent workplace addresses: Not applicable

Number of non-current addresses: Not applicable

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

1. Contested declaration of results PPW
2. Contested declaration of results QLD,NT,WA
3. Uncontested declaration of results



Renee Damasena
Returning Officer

12 January 2017