

19 September 2022

# Post-election report

**Construction, Forestry, Maritime,  
Mining and Energy Union**  
CFMMEU - Mining and Energy Division,  
Victorian District Branch  
Casual Vacancy election  
E2022/134

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# Election(s) Covered in this Report

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Organisation: CFMMEU - Mining and Energy Division, Victorian District Branch  
Election: Casual Vacancy  
Election Decision No/s: E2022/134

## Rules

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Rules used for the election: [105N-FED: Incorporates alterations of 17 March 2022] [R2021/98]  
(replaces rulebook dated 24 July 2019 [R2019/89])

Rules difficult to apply/interpret: Yes

***Rule 14(G)(2): The Returning Officer shall prepare a roll of voters who, on the fourteenth day before the date determined under paragraph (I)(1)<sup>1</sup> of this Rule for the commencement of issuing ballot papers, are entitled to vote in the election.***

***Rule 14(G)(3): The Returning Officer shall add to the roll of voters the names and addresses of persons who, after the day referred to in sub-paragraph (2) of this paragraph become entitled to vote in the election.***

***Rule 14(G)(4): The Returning Officer shall delete from the roll of voters the names and addresses of persons who, after the day referred to in sub-paragraph (2) of this paragraph cease to be entitled to vote in the election***

***Rule 14(G)(5): The Returning Officer shall make the roll of voters in an election for an office available for inspection by members or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in sub-paragraph (2) and ends on the day on which the result of the election is declared.***

Model Rule reference:

### Rule 14(G)(2)

Proposed model rule as per rule 12.1.3:

***'Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open.'***

Rule 14(G)(3) and Rule 14(G)(4)

Proposed model rule as per Section 143(6) of the Fair Work Act:

***'Once the roll of voters is closed, it shall be only updated to correct errors that existed at time of closure, i.e., adding or deleting persons who were inadvertently omitted or included on the roll.'***

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<sup>1</sup> Rule 14(I) (1) ...the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot....

## Rule 14(G)(5)

Proposed model rule as per regulation 131(3) *Fair Work (Registered Organisations) Regulations 2009*:

*'The role of voters is to be available to financial members for inspection and copying from the period starting from close of rolls date and ending 30 days after the declaration of the result of the election.'*

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

- The rules of the Organisation are silent in relation to withdrawal of nominations. As such I have exercised my powers of delegation under section 193 of the Act to have withdrawal period of nominations to end at the same date and time as the closing of nominations in line with our policy and procedures.
- The rules of the Organisation in relation to the roll of voters, being the roll cannot be compiled 14 days before the ballot open date, are set aside. I have exercised my powers of delegation under section 193 of the Act to close the Roll of Voters prior to Nominations being lodged and a ballot (if required) being conducted.
- The rules of the Organisation in relation to the roll of voters, being members having access to the roll beginning the day after the roll close and not 14 days before the ballot opens, are set aside. I have exercised my powers of delegation under section 193 of the Act to give access to the roll of voters the day after the Roll close.

## Signed

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Robert Zammit  
Returning Officer  
Australian Electoral Commission  
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19 September 2022

# Attachments

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## A. Declaration of results for Uncontested Offices

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

**Mining and Energy Division, Victorian District Branch**

**DECLARATION OF RESULTS - E2022/134**

**Uncontested Offices**

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**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:

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

**Lodge Representative - Loy Yang 'A' Power Station Lodge President (1)**

Candidates

PEDEMONT Joseph

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

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Returning Officer  
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07/09/2022

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