



5 October 2022

Robert Zammit
Returning Officer
Australian Election Commission

By Email: IEBevents@aec.gov.au

Dear Mr Zammit,

**CFMMEU - MINING AND ENERGY DIVISION, VICTORIAN DISTRICT BRANCH
CASUAL VACANCY ELECTION E2022/134 – POST ELECTION REPORT – RESPONSE**

I refer to the post-election report issued by the Australian Electoral Commission in relation to the CFMMEU – Mining and Energy Division, Victorian District Branch Casual Vacancy Election E2022/134. This correspondence constitutes the District Branch’s response to the AEC following the report and is made in accordance with s.198 of the *Fair Work (Registered Organisations) Act 2009*.

I note that election E2022/134 was an election to fill a vacancy in the office of Loy Yang “A” Power Station Lodge Representative, the office being one of a number of Lodge Representatives on the Victorian District Branch’s Board of Management. The outcome, as declared by the AEC, was that Joseph Pedemont was declared elected unopposed without the need for the conduct of a ballot. As far as the Victorian District Branch is aware, Mr Pedemont was the only nominee.

As you would be aware the AEC post-election report raised that a number of the Victorian District Branch’s ballot rules were difficult to apply. The issues, broadly, as the District Branch understands it, appear to be that the District Branch rules do not contain an express rule regarding how nominations may be withdrawn, and that there was assessed to be a difficulty with the timing of the preparation of the roll and the subsequent provisions going to access to the roll. The District Branch have not been advised if any person sought to access the roll and seeks further information from the AEC as to the particular difficulty in the application of the rules raised with respect to the roll.

I have instructions that is the intention of the District Secretary of the Victorian District Branch to provide the post-election report to the next scheduled meeting of the Board of Management in November of this year, together with any further information the AEC may be able to provide concerning the difficulty identified and request that the Board of Management consider whether the District Branch should seek to amend the District Branch's rules to address the matters raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alister Kentish', written over a light grey grid background.

Alister Kentish
National Legal Officer
CFMMEU – Mining and Energy Division

cc Mark Richards, Victorian District Secretary CFMMEU, ME Division