

ACTU RESPONSES TO QUESTIONS ON NOTICE

CHAIR: ... My understanding is that the CFMEU is not having a vote for its members on the merger. Is it not a little inconsistent that they are not giving members a say?

Senator PATERSON: Does the act prevent [CFMEU members] from having a vote?

- Pursuant to s 46 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (RO Act), the CFMEU applied to the Fair Work Commission (FWC) for an exemption from the requirement that a ballot of its members be held in relation to the amalgamation.
- Section 63 of the RO Act provides that:

63 Exemption from ballot

(1) If:

- (a) an application was lodged under section 46 for exemption from the requirement that a ballot be held in relation to a proposed amalgamation; and*
- (b) the total number of members that could be admitted to membership of the proposed amalgamated organisation on, and because of, the amalgamation does not exceed 25% of the number of members of the applicant organisation on the day on which the application was lodged;*

the FWC must, at the conclusion of the hearing arranged under section 53 in relation to the amalgamation, grant the exemption unless the FWC considers that, in the special circumstances of the case, the exemption should be refused.

- (2) If the exemption is granted, the members of the applicant organisation are taken to have approved the proposed principal amalgamation and each proposed alternative amalgamation (if any).*

- In respect of s 63(1)(b) of the RO Act, the FWC took into account that:
 - CFMEU membership: 128,108;
 - MUA membership: 12,663; and
 - TCFUA membership: 3,359.

giving a total for the MUA and the TCFUA of 16,022, being about 12.5 per cent of the CFMEU's membership.

- In respect of whether there were any special circumstances on the basis of which the exemption should be refused, the FWC took into account that:
 - There was a dissenter to the National Council resolution approving the amalgamation; however
 - There was no 'No' case filed pursuant to s 60(2) of the RO Act, which permits members to lodge with the FWC a written statement in opposition to the proposed amalgamation and
 - No person sought to appear to make any submission as to the existence of special circumstances and none of the parties to whom permission to make submissions was given made any submission to that effect.
- The Deputy President concluded that he must grant the application in accordance with s 46 of the RO Act.
- In response to questions from the Chair, we note that CFMEU members were given 'a say' via their elected committee of management, who voted to approve the amalgamation.

[In response to question from Senator Paterson] Ms McManus: There are branches of the construction area and energy branches. I don't know how many, but I will get back to you on how many branches there are in the CFMEU. That's important because—

The Construction, Forestry, Mining and Energy Union (CFMEU) has 23 separate reporting units:

1. CFMEU National Office
2. Forestry, Furnishing, Building Products and Manufacturing (FFPD) Divisional National Office
3. Mining & Energy (M&E) Divisional National Office
4. Construction & General (C&G) Divisional National Office
5. FFPD Pulp and Paper Workers District
6. FFPD VIC District
7. FFPD NSW District
8. FFPD SA District
9. FFPD Greater Green Triangle District
10. FFPD TAS District
11. FFPD WA/NT/QLD District
12. M&E NSW Northern District
13. M&E NSW South West District
14. M&E QLD District
15. M&E TAS District
16. M&E VIC District
17. M&E WA District
18. C&G VIC/TAS Branch
19. C&G NSW Branch
20. C&G ACT Branch
21. C&G SA Branch
22. C&G WA Branch
23. C&G QLD/NT Branch

Across those entities the CFMEU has 61 senior officer positions.

CHAIR: ... I've just looked up some words of Paul Howes, one of your colleagues. He said unions should be held to a higher account than the corporate sector. He also said: ... those who act dishonestly from within the union movement are worse than any crook boss. Do you agree with his sentiments there? It seems like you don't see as one with him on this issue.

What Mr Howes thinks or says is a matter for him. Regardless, the quote you have given was not said in the context of the bill the Government is proposing

