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**Sent:** Sunday, 2 October 2022 12:08 PM  
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**Subject:** Application by Kelly - D2022/10 [S+G-ACTIVE.7592.M659724.FID4985938]

Dear Associate

Please find attached the Applicant's draft directions.

The legal representatives of the CFMMEU and the ROC have been copied into this email.

Regards

**Phillip Pasfield**

National Practice Group Leader  
Industrial and Employment Law



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## IN THE FAIR WORK COMMISSION

Matter No.: D2022/10

**Application by Grahame Patrick Kelly – withdrawal from amalgamated organisation – Mining and Energy Division – Construction, Forestry, Maritime, Mining and Energy Union**

### DRAFT DIRECTIONS

1. Pursuant to s.108A(b) of the *Fair Work Act (Registered Organisations) Act 2009* this application shall be determined by a Full Bench.
2. Pursuant to s.594 of the *Fair Work Act 2009*, Annexure 2 to the application will be marked as confidential and prohibited from publication.
3. By 4:00 pm on 24 October 2022, the Applicant shall file and serve an outline of submissions and any evidence upon which he intends to rely in relation to the jurisdictional objections notified by the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**) in paragraphs 2, 3 and 4 of its Notice of Objections dated 30 September 2022 (**the Jurisdictional Objections**).
4. By 4:00pm on 14 November 2022, the CFMMEU shall file and serve an outline of submissions and any evidence upon which it intends to rely in relation to the Jurisdictional Objections.
5. By 4:00pm on 14 November 2022, the Registered Organisations Commission shall file and serve an outline of submissions and any evidence upon which it intends to rely in relation to the application for an extension of time under s.94A of the *Fair Work (Registered Organisations) Act 2009*.
6. By 4:00pm on 14 November 2022, any other person who is permitted by the Fair Work Commission to make submissions or adduce evidence in relation to the jurisdictional objections in paragraphs 3 and 4 of the CFMMEU's Notice

of Objections dated 30 September 2022, shall file and serve an outline of submissions and any evidence upon which that person intends to rely.

7. By 4:00 pm on 5 December 2022, the Applicant shall file and serve an outline of submissions and any evidence in reply upon which he intends to rely in relation to the Jurisdictional Objections.
8. The matter be listed for a hearing of two days on or after 8 December 2022.