



AMENDED DIRECTIONS

Fair Work (Registered Organisations) Act 2009

s.94(1) RO Act - Application for ballots for withdrawal from amalgamated organisation

Mr Grahame Patrick Kelly

(D2022/10)

VICE PRESIDENT HATCHER

SYDNEY, 15 NOVEMBER 2022

Application for withdrawal from amalgamated organisation – Mining and Energy Division – Construction, Forestry, Maritime, Mining and Energy Union – directions issued

[1] Mr Grahame Kelly has applied under ss.94 and 94A of the *Fair Work (Registered Organisations) Act 2009 (the Act)* for an extension of time and a ballot to be held to decide whether the Mining and Energy Division should withdraw from the CFMMEU.

[2] On 16 September 2022 a [Statement](#) was published in relation to the applications.

[3] On 21 September 2022, a Mention was held before Justice Ross. The following [direction](#) was subsequently issued in relation to the s.94A extension of time application:

1. Any person wishing to object to the grant of an extension of time under s.94A of the Act, shall notify the Commission and the Applicant, in writing by 4:00pm on Friday 30 September 2022. In the event that no person objects to the grant of an extension of time under s.94A of the Act that application will be determined by the Commission on the basis of the material already filed by the Applicant.

[4] On 30 September 2022, the CFMMEU [notified](#) the Commission that it objected to the grant of an extension of time.

[5] A Mention was held on 3 October 2022 before Justice Ross.

[6] The following directions are issued:

Application for extension of time

1. The CFMMEU is to file and serve a full written submission in support of their objection to the extension of time application by **4:00pm on Tuesday 11 October 2022**.
2. In the event the Registered Organisations Commissioner intends to make a submission in respect of the extension of time application, then that submission shall be filed and served by **4:00pm on Tuesday 11 October 2022**.

3. The Applicant shall file and serve a full written submission in reply by **4:00pm on Tuesday 18 October 2022.**
4. A short oral hearing will be listed for **10:00am on Tuesday 25 October 2022.**
- 4A. The oral hearing of the extension application is adjourned part-heard until 19 December 2022

Other jurisdictional objections

Note: The following directions will be vacated in the event that the extension of time application is not granted.

5. The extension of time application and the objections identified in paragraphs 3 and 4 of the objections of the construction Forestry Maritime Mining and Energy Union dated 30 September 2022 (the **Jurisdictional Objections**) are listed for hearing on **Monday 19 December** with **Tuesday 20 December 2022.**
6. By **4:00pm on 24 October 2022**, the Applicant must file and serve an outline of submissions and any evidence on which he intends to rely at the hearing of the Jurisdictional Objections.
7. By **4:00pm on 21 November 2022**, the CFMMEU must file and serve an outline of submissions and any evidence upon which it intends to rely at the hearing of the Jurisdictional Objections.
8. By **4:00pm on 5 December 2022**, the Applicant must file and serve an outline of submissions and any evidence upon which he intends to rely at the hearing of the Jurisdictional Objections and any submissions in reply to the submissions of the CFMMEU made in the hearing of the extension of time application on 25 October 2022.
9. Liberty to apply.



VICE PRESIDENT