

IN THE FAIR WORK COMMISSION

Matter No.: D2022/10
Re Application By: Grahame Patrick Kelly

Statement of Shane Russell Thompson

On 27 February 2023, I Shane Russell Thompson, of 67A Aberdare Road, Cessnock, in the State of New South Wales, Union Official, say:

Introduction

1. I am the District Secretary of the Northern Mining and NSW Energy District Branch of the Mining and Energy Division (**ME Division**) of the CFMMEU. This is a full-time elected position. I have held this position since November 2017.
2. Prior to this I was the District Vice President of the Northern District. I held this position between 1 March 2010 and November 2017.
3. I was Lodge Secretary at the Camberwell Mine from 1992 until 1 March 2010, which was when I commenced in the role of District Vice President. I have been a member of the Board of Management, which is the Committee of Management, of the Northern District Branch since 1 July 2008.
4. I have experience conducting elections within the ME Division elections. During the period I was Lodge Secretary at the Camberwell Mine I conducted lodge elections.

The Ballot of ME Division members

5. On 23 February 2023, the Central Council passed a resolution which nominated me, as the Designated Official to conduct a ballot of ME Division members to decide whether the ME Division should withdraw from the CFMMEU.
6. I have accepted my nomination as the Designated Official.

1

Filed on behalf of (name & role of party) Grahame Kelly
Prepared by (name of person/lawyer) Phillip Pasfield
Law firm (if applicable) Slater & Gordon Lawyers
Tel 02 8071 2749 Fax 02 8267 0650
Email Phillip.Pasfield@slatergordon.com.au

Address for service
(include state and postcode) Level 14, 55 Market Street, Sydney New South Wales 2000

7. If Grahame Kelly's application for a ballot is successful I will conduct the ballot in accordance with the requirements of the Registered Organisations Act 2009 (**RO Act**), the *Fair Work (Registered Organisations) Regulations 2009 (RO Regulations)* and any orders of the Fair Work Commission. I have familiarised myself with the requirements in the RO Act and the RO Regulations and I am confident that I will be able to successfully comply with these requirements and fulfill the role of the Designated Official.
8. To assist me in conducting the ballot, I intend to appoint a number of union members as assisting officials. I am aware of the requirements in regulation 94A of the RO Regulations and would appoint the assisting officials in writing pursuant to regulation 94A(1). I expect that most of the assisting officials will be drawn from the ranks of members who have previously served and have experience as local returning officers in conducting ballots for the ME Division in elections for offices under the s.186 exemption which has applied to the ME Division.
9. I have read the Fourth Statement of Grahame Kelly dated 27 February 2023 (**Kelly's Fourth Statement**). In Kelly's Fourth Statement, Mr Kelly explains the manner in which the attendance and postal ballots would be conducted by me. I agree with Mr Kelly's explanation. He has accurately set out how I would conduct the attendance and postal ballots.
10. At paragraphs 23-26 of Kelly's Fourth Statement, Mr Kelly explains why he is applying for the ballot to commence on Wednesday 17 May 2023 and close at 5pm on Monday 19 June 2023. I agree with Mr Kelly that the dates in the proposed order will, in all the circumstances, be more conducive to maximising returns in the ballot than the default timetable in regulation 84. I am confident that I will be able to conduct the ballot in accordance with the proposed timetable.

27 February 2023

Shane Russell Thompson