

DIRECTIONS



Fair Work (Registered Organisations) Act 2009

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

Mr Michael O'Connor

(D2022/11)

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
DEPUTY PRESIDENT GOSTENCNIK

MELBOURNE, 3 OCTOBER 2022

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

[1] Mr Michael O'Connor has applied under s.94 of the *Fair Work (Registered Organisations) Act 2009* (**the Act**) for a ballot to be held to decide whether the Manufacturing Division of the Construction, Forestry, maritime, Mining and Energy Union (**CFMMEU**) should withdraw from the CFMMEU (**the Application**).

[2] On 16 September 2022, a [Statement](#) was issued in respect of the Application.

[3] A Mention was held before Justice Ross on 21 September 2022. The following direction was subsequently issued:

1. By 4:00pm on Friday 30 September 2022, the Construction, Forestry, Maritime, Mining and Energy Union and any other objectors to the Application shall file with the Commission and serve on the Applicant a list of their grounds of objection to the Application and, in brief form, the reasons for each such ground.

[4] On the 30 September 2022, the CFMMEU filed a [list of their grounds of objection](#) to the Application.

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

[6] The following directions are issued:

1. The objection identified in paragraph 2 of the objections of the CFMMEU dated 30 September 2022 (the **Jurisdictional Objection**) is listed for hearing at **9:30am on 12 December 2022**.
2. The Applicant shall file and serve an outline of submissions and any evidence upon which he intends to rely at the hearing of the Jurisdictional Objection by **4:00pm on 24 October 2022**.

3. The CFMMEU and any other person permitted by the Commission to make submissions, shall file and serve an outline of submissions and any evidence upon which they intend to rely at the hearing of the Jurisdictional Objection by **4:00pm on 21 November 2022.**
4. The Applicant shall file and serve an outline of submissions and any evidence in reply upon which he wishes to rely at the hearing of the Jurisdictional Objection by **4:00pm on 5 December 2022.**
5. Liberty to apply.

Note: All affidavits and submissions are to be filed to chambers.ross.j@fwc.gov.au. Submissions are to be filed in word and pdf.

PRESIDENT