

RESOLUTION OF THE CENTRAL COUNCIL

THE CENTRAL COUNCIL NOTES:

1. That the following documents were emailed by Grahame Kelly to the members of the Central Council on 14 September 2022:
 - a. an application to the Fair Work Commission pursuant to s.94 and s.94A of the *Fair Work (Registered Organisations) Act 2009 (Cth) (RO Act)*:
 - i. for a ballot be held to decide whether, in relation to the amalgamated organisation known as the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**), the constituent part formerly constituting the United Mineworkers Federation of Australia (**UMFA**), which was deregistered on 10 February 1992 in connection with the formation of the CFMMEU, and remaining separately identifiable under the rules of the CFMMEU as the Mining and Energy Division (**the Constituent Part**), should withdraw from the CFMMEU (**the Ballot**);
 - ii. in the alternative, for a ballot to be held to decide whether the constituent part constituted by that part of the membership of the CFMMEU that would have been eligible for membership of the UMFA if it had not been de-registered on 10 February 1992 in connection with the formation of the CFMMEU (**the Alternative Constituent Part**), should withdraw from the CFMMEU (**the Alternative Ballot**).
 - b. a written outline of the proposal for the Constituent Part to withdraw from the CFMMEU;
 - c. a written outline of the proposal for the Alternative Constituent Part to withdraw from the CFMMEU;
 - d. a copy of the rules proposed for the new organisation; and

- e. a copy of the altered rules proposed for the CFMMEU when the proposed withdrawal of the Constituent Part, or alternatively the Alternative Constituent Part takes effect.
2. The Central Council is the Committee of Management of the Constituent Part. Further and alternatively, the Central Council is elected substantially by the constituent members of the Constituent Part.
3. The Central Council is elected substantially by the constituent members of the Alternative Constituent Part.

THE CENTRAL COUNCIL RESOLVES THAT:

1. It resolves to make an application to the Fair Work Commission pursuant to s.94 and s.94A of the RO Act for a ballot of the members of the Constituent Part to approve the withdrawal of the Constituent Part from the CFMMEU and in the alternative for a ballot of the members of the Alternative Constituent Part.
2. Grahame Kelly is hereby authorised and directed to make the application referred to in resolution 1 above and take all necessary steps in relation to it in order to achieve the withdrawal, and further to make any and all necessary applications to the Federal Court if the ballot is successful to give effect to the withdrawal.
3. The application and the accompanying documents are to be substantially in the terms of the documents emailed by Grahame Kelly to the members of the Central Council on 14 September 2022, however, Grahame Kelly is authorised to make any amendments which he considers are necessary for the successful prosecution of the application.