



# ORDER

*Fair Work (Registered Organisations) Act 2009*

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

**Application by Grahame Patrick Kelly – withdrawal from amalgamated organisation – Mining and Energy Division – Construction, Forestry, Maritime, Mining and Energy Union**  
(D2022/10)

ACTING PRESIDENT HATCHER

SYDNEY, 15 DECEMBER 2022

*Application for withdrawal from amalgamated organisation – Mining and Energy Division – Construction, Forestry, Maritime, Mining and Energy Union – consent order.*

In relation to annexure PJP-6 to the witness statement of Phillip John Pasfield dated 5 December 2022 (**PJP-6**), which contains a copy of the membership rolls which were produced pursuant to the Commission's orders dated 18 November 2022, I order as follows:

- (1) Subject to orders (2) and (3) below, any physical or digital copies of PJP-6 may only be inspected at the offices of Maurice Blackburn Lawyers, at 380 La Trobe Street, Melbourne VIC 3000, by the CFMMEU's solicitors in this matter. This may include Ms Lucy Weber (Senior National Legal Officer) and Mr Josh Liley (National Legal Officer) but shall not include any other officer or employee of the CFMMEU.
- (2) Subject to order (3) below, the CFMMEU's counsel and Sky Discovery may access any physical or digital copies of PJP-6 away from the offices of Maurice Blackburn Lawyers.
- (3) Orders (1) and (2) above, do not prevent Maurice Blackburn Lawyers or the CFMMEU's counsel using PJP-6 in the proceeding before the Fair Work Commission.
- (4) Subject to orders (5) and (6) below, any document produced by Sky Discovery which contains any information derived from PJP-6 may only be inspected at the offices of Maurice Blackburn Lawyers, at 380 La Trobe Street, Melbourne VIC 3000, by the CFMMEU's solicitors in this matter. This may include Ms Lucy Weber (Senior National Legal Officer) and Mr Josh Liley (National Legal Officer) but shall not include any other officer or employee of the CFMMEU.
- (5) The CFMMEU's counsel may access any document produced by Sky Discovery which contains any information derived from PJP-6 away from the offices of Maurice Blackburn Lawyers.

- (6) Orders (4) and (5) above, do not prevent Maurice Blackburn Lawyers or the CFMMEU's counsel using any document produced by Sky Discovery which contains any information derived from PJP-6 in the proceeding before the Fair Work Commission.
- (7) Within 28 days of the conclusion of this proceeding, the CFMMEU, its solicitors and its counsel must destroy:
- a. all physical and digital copies of PJP-6 that it has caused to be made, including any copy provided to Sky Discovery; and
  - b. any document produced by Sky Discovery which contains any information derived from PJP-6.
- (8) Liberty to apply is granted.



ACTING PRESIDENT

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