



26 March 2021

Murray Furlong  
Acting General Manager  
Fair Work Commission

**By email only**

Dear Mr Furlong,

**Re: Application by Grahame Kelly – Section 94 of the Fair Work (Registered Organisations) Act 2009**

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I act for Grahame Kelly, the General Secretary of the Mining and Energy Division (**ME Division**) of the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**).

Please find **enclosed** for filing an application for a ballot under section 94(4) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**RO Act**) to be held to decide whether the ME Division should withdraw from the CFMMEU.

The following documents are filed together with the application:

1. a copy of the resolution of the Central Council of the ME Division which, inter alia, authorised the Applicant to make this application and nominated him as the representative constituent member for the purposes of the application;
2. a written outline of the proposal for the ME Division to withdraw from the CFMMEU;
3. a copy of the rules and name proposed for the new organisation; and
4. a copy of the altered rules and name proposed for the CFMMEU when the proposed withdrawal of the ME Division takes effect.

**PLEASE NOTE** I am instructed to request that the application be dealt with expeditiously and respectfully request that the matter be listed for a mention/directions hearing as soon as practicable. The urgency arises because of the conflict between divisions of the CFMMEU which has resulted in a great deal of litigation in recent weeks and months. The Applicant is keen to avoid further litigation concerning the internal arrangements applying within the CFMMEU and believes that the withdrawal application will have the effect of giving the members of the ME Division control over their preferred form of union representation.

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Our Ref: M617096

Finally, I am instructed to request that pursuant to s.108A of the RO Act the President make a direction that the application be dealt with by a Full Bench of which the President is a member. My client considers that such a direction ought to be made in the circumstances where this is the first application to be made under Part 3 of Chapter 3 of the RO Act as recently amended.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "P. Pasfield".

Phillip Pasfield  
National Practice Group Leader  
Industrial and Employment  
**SLATER AND GORDON**