



22 June 2023

Mr Christy Cain
National Secretary
Construction, Forestry, Maritime, Mining and Energy Union
Level 6, 540 Elizabeth Street
Melbourne VIC 3000
Only by email: CCain@cfmeu.org

Dear Christy,

Ballot for withdrawal from the CFMMEU: Ballot Certificate & Ballot Report

I refer to the Decision of the Full Bench of the Fair Work Commission in the application by *Grahame Patrick Kelly [2023] FWCFB 64* (hereafter **Decision**) and Order [PR760701] (hereafter **Order**).

The Order made by the Fair Work Commission includes an order that a vote shall be taken by secret ballot (**Ballot**) to decide whether, in relation to the amalgamated organisation known as the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU), the Mining and Energy Division established under the rules of the CFMMEU (Constituent Part) should withdraw from the CFMMEU (see order 1(a) of the Order).

The Order made by the Fair Work Commission also includes an order, pursuant to s.102(1A) of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**), that the Ballot be conducted by me as the Designated Official (see order 1(e) of the Order).

The closing day of the Ballot was 19 June 2023. Votes have been counted in accordance with Regulation 96 of the Fair Work (Registered Organisations) Regulations 2009 (**RO Regulations**).

Accordingly:

- As required by s.106(2)(d) of the RO Act, please find **attached** the certificate referred to in s.106(1) of the RO Act; and
- As required by s.107(1)(d) of the RO Act, please find **attached** the report referred to in s.107 of the RO Act, which records the matters prescribed by Regulation 98 of the RO Regulations.

Please note that Regulations 98(2A)(b), 98(3) & 98(4) of the RO Regulations require the CFMMEU to take certain steps with respect to the publication of the ballot report.

If you have any concerns please do not hesitate to contact me.

Yours sincerely,

Shane Thompson
Designated Official



22 June 2023

BALLOT CERTIFICATE

On 3 April 2023, in matter D2022/10, being an application by Grahame Patrick Kelly under s 94(1) of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, the Fair Work Commission ordered that a vote shall be taken by secret ballot (the **Ballot**) to decide the following question:

Do you approve the proposed withdrawal of the constituent part currently known as the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union, and its registration as a separate organisation under the Fair Work (Registered Organisations) Act 2009.

The Fair Work Commission further ordered, pursuant to s.102(1A) of the RO Act that the Ballot be conducted by me as the Designated Official.

I have conducted the Ballot in accordance with the said orders of the Fair Work Commission.

The Ballot opened on 17 May 2023.

The closing day of the Ballot was 19 June 2023.

Votes in the Ballot have been counted in accordance with Regulation 96 of the *Fair Work (Registered Organisations) Act 2009 (RO Regulations)*.

I, as the Designated Official conducting the Ballot, hereby declare the results of the Ballot and issue this Certificate showing particulars of the Ballot as required by s.106(1) of the RO Act.

The total number of persons on the roll of voters	21655
The total number of ballot papers issued	21695*
The total number of ballot papers received by the designated official	11501
The total number of votes in favour of the question set out on the ballot paper	10975
The total number of votes not in favour of the question set out on the ballot paper	197
The total number of informal ballot papers	329

*Note that there were 40 duplicate ballot papers issued in accordance with Regulation 93 & Regulation 94F of the RO Regulations.



I declare and certify that the above question put to the Ballot was answered in the affirmative.

A handwritten signature in black ink, appearing to read "Shane Thompson", written over a dotted line.

Shane Thompson
Designated Official



22 June 2023

BALLOT REPORT

On 3 April 2023, in matter D2022/10, being an application by Grahame Patrick Kelly under s 94(1) of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, the Fair Work Commission ordered that a vote shall be taken by secret ballot (the **Ballot**) to decide the following question:

Do you approve the proposed withdrawal of the constituent part currently known as the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union, and its registration as a separate organisation under the Fair Work (Registered Organisations) Act 2009.

The Fair Work Commission further ordered, pursuant to s.102(1A) of the RO Act that the Ballot be conducted by me as the Designated Official.

I have conducted the Ballot in accordance with the said orders of the Fair Work Commission.

The Ballot opened on 17 May 2023.

The closing day of the Ballot was 19 June 2023.

Votes in the Ballot have been counted in accordance with Regulation 96 of the *Fair Work (Registered Organisations) Act 2009 (RO Regulations)*.

I, as the Designated Official conducting the Ballot, hereby issue this Ballot Report as required by s.107 of the RO Act, which records the matters prescribed by Regulation 98 of the RO Regulations.

I note that the Ballot Certificate mentioned in s.106(1) of the RO Act is **enclosed** with this Report.

The total number of envelopes posted in accordance with Regulation 91 that were returned undelivered by the closing day of the ballot to the designated official	168
The total number of envelopes posted in accordance with Regulation 94B that were returned undelivered by the closing day of the ballot to the designated official	210
The total number of ballots posted to one or more persons for the purpose of exercising an absentee vote in relation to the ballot in accordance with subregulation 94C(2) that were returned undelivered by the closing day of the ballot to the designated official	0

Any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply	None
Any matters in relation to the roll of voters including those matters contained in subsection 107(4) of the RO Act	N/A
The number of written allegations (if any) of irregularities made to the designated official during the ballot	0
Action taken by the designated official in relation to those allegations	N/A
Any other irregularities identified by the designated official and action taken by the designated official in relation to those irregularities	None

In accordance with s.107(4) of the RO Act, I, as the designated official, am of the opinion that the register of members made available to me for the purposes of the ballot did **not** contain at the time of the ballot either:

- a) an unduly large proportion of members' addresses that were not current; or
- b) an unduly large proportion of members' addresses that were workplace addresses.



Shane Thompson
Designated Official