



# ORDER

*Fair Work (Registered Organisations) Act 2009*  
s.94(1) RO Act—Withdrawal from amalgamation

**Application by Michael O'Connor—withdrawal from amalgamated organisation—Construction, Forestry and Maritime Employees Union—Manufacturing Division**  
(D2024/10)

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT GIBIAN  
DEPUTY PRESIDENT WRIGHT

SYDNEY, 23 JANUARY 2025

*Application for ballot for withdrawal for amalgamated organisation – Manufacturing Division of the Construction, Forestry and Maritime Employees Union – ballot order made.*

Further to the decision in [2025] FWCFB 14, the Full Bench of the Fair Work Commission orders as follows:

1. Pursuant to s 100 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (the **Act**) as applied by clause 3(2) of that Act:
  - (a) A vote shall be taken by secret ballot (the **Ballot**), to decide whether, in relation to the amalgamated organisation known as the Construction, Forestry and Maritime, Employees Union (the **CFMEU**), the Manufacturing Division established under the rules of the CFMEU (the **Constituent Part**), should withdraw from the CFMEU.
  - (b) The persons to be balloted are the members of the Constituent Part (the **Constituent Members**).
  - (c) The question to be put in the Ballot is:

*Do you approve the proposed withdrawal of the Manufacturing Division from the Construction, Forestry and Maritime Employees Union and its registration as a separate organisation under the Fair Work (Registered Organisations) Act 2009 (Cth)?*
  - (d) The commencing day of the Ballot shall be 24 February 2025 and the closing day of the ballot shall be on 14 April 2025.
  - (e) The Ballot is to be conducted by the Australian Electoral Commission.

- (f) The Ballot is to be conducted in part as an attendance ballot and in part as a postal ballot. The Ballot shall be conducted as an attendance ballot in respect of the Constituent Members employed at the workplaces listed in ‘Annexure 3’. In the event that the Australian Electoral Commission and the Applicant agree that the Ballot in respect of a workplace listed therein should be conducted as a postal ballot the ballot shall be conducted as a postal ballot in respect of any such workplace.
  - (g) Despite sections 102(2)(a) and 102(2)(aa) of the Act, when conducting any postal ballot, instead of including with the ballot paper sent to the Constituent Members, hard copies of the outline of proposed withdrawal, the rules of the proposed Timber, Furnishing and Textiles Union and the altered rules for the CFMEU when the proposed withdrawal of the Constituent Part takes effect, the ballot paper may be accompanied by a document directing Constituent Members to a QR code which provides a URL link to the said documents.
  - (h) Despite Regulation 94B(2) of the *Fair Work (Registered Organisations) Regulations 2009* (Cth) (as applied by clause 3(2) of the Act), when conducting any attendance ballot, instead of the Constituent Members being sent hard copies of the outline of proposed withdrawal, the rules of the proposed Timber, Furnishing and Textiles Union and the altered rules for the CFMEU when the proposed withdrawal of the Constituent Part takes effect, they may be sent a document directing Constituent Members to a QR code which provides a URL link to the said documents.
2. Pursuant to s 95A(10) of the Act the Applicant is granted leave to amend the rules of the proposed Timber, Furnishing and Textiles Union in the form annexed to this Order as ‘Annexure 1’.
  3. Pursuant to s 95A(10) of the Act the Applicant is granted leave to amend the altered rules of the Construction, Forestry and Maritime Employees Union in the form annexed to this Order as ‘Annexure 2’.
  4. Pursuant to s 96(2)(b) of the Act the Applicant is granted leave to file the ‘yes’ case in the form annexed to this Order as ‘Annexure 4’.
  5. The parties have liberty to apply at three days’ notice.
  6. If the Applicant or the Australian Electoral Commission considers a workplace listed in Annexure 3 should not be included in that list for reasons of safety or efficacy it will consult with the parties before approaching the Fair Work Commission seeking a variation to these Orders.



PRESIDENT

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