

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit of Service - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION &
ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. VID 758 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

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Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

[Version 3 form approved 02/05/2019]

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I, Josh Liley, of 540 Elizabeth Street, Melbourne in the State of Victoria, National Legal Officer, affirm:

1. I am a solicitor employed by the First Respondent.
2. I make this affidavit from my own knowledge save where otherwise indicated. Where this affidavit contains information provided to me by others, I identify the source of that information and believe it to be true.
3. I make this affidavit to verify the First Respondent's compliance with order 1 of the orders of Justice Wheelahan made in this proceeding on 6 August 2024, in accordance with order 2(a) and (b) of the orders.

Service on the Tenth and Two hundred twenty-third to Two hundred fifty-second Respondents

4. At 12:32 pm AWST on 12 August 2024, Kivraj Singh, an Industrial Officer employed by the Western Australian Divisional Branch of the First Respondent, sent an email to the email addresses listed in the First Respondent's records for the Tenth, Two hundred twenty-third to Two hundred fiftieth and Two hundred fifty-second Respondents, attaching copies of:
 - (a) the "Relevant Documents" that are referred to in order 1 of the orders made by Justice Wheelahan in this proceeding on 6 August 2024 (**6 August Orders**), namely:
 - i. the Applicant's originating application filed on 2 August 2024, and its accompanying concise statement and genuine steps statement;
 - ii. the letter from Kingston Reid dated 5 August 2024 and its enclosed notice of acting for the Minister for Employment and Workplace Relations (Cth); and
 - iii. the 6 August Orders;(collectively, the **Relevant Documents**); together with
 - (b) a covering letter from the Second Respondent; and
 - (c) a Q&A document regarding the Relevant Documents (**Q&A Document**).A copy of the email, including the attachments, is annexed to this affidavit and marked **JL-1**.
5. Mr Singh informs me that he did not receive a bounce back, out of office, return to sender or similar notification for any of the Tenth, Two hundred twenty-third to Two hundred fiftieth and Two hundred fifty-second Respondents.
6. Mr Singh also informs me that, at around 2:30 pm AWST on 12 August 2024, he sent copies of the Relevant Documents, the Q&A Document, and the covering letter

reproduced at annexure JL-1 to the postal address recorded by the First Respondent in its records for the Two hundred fifty-first Respondent via registered post.

A copy of Mr Singh's file note, including a copy of the registered post tracking number for the Two hundred fifty-first Respondent, is annexed to this affidavit and marked **JL-2**.

A copy of the Australia Post tax invoice for registered post to the Two hundred fifty-first Respondent is annexed to this affidavit and marked **JL-3**.

Service on the Second, Third, Ninth and Two hundred fifty-third to Two hundred sixty-ninth Respondents

7. At 2:39 pm AEDT on 12 August 2024, Rosalind Read, a Senior Legal Officer and Women's Officer employed by the Australian Capital Territory Divisional Branch of the First Respondent, sent an email to the email addresses listed in the First Respondent's records for the Second, Third, Ninth, Two hundred fifty-third to Two hundred sixty-sixth, Two hundred sixty-eighth and Two hundred sixty-ninth Respondents, attaching copies of:

- (a) the Relevant Documents;
- (b) the Q&A Document; and
- (c) the covering letter reproduced at annexure **JL-1**.

8. Ms Read informs me that:

- (a) she did not receive a bounce back, out of office, return to sender or similar notification for any of the Second, Third, Ninth, Two hundred-fifty-third to Two hundred sixty-third, Two hundred sixty-sixth, Two hundred sixty-eighth and Two hundred sixty-ninth Respondents, but rather received an email delivery receipt for each of those Respondents; and
- (b) she received a bounce back email for the Two hundred sixty-fourth and Two hundred sixty-fifth Respondents, as a result of typographical errors in the email addresses used for those Respondents.

9. At 3:28 pm AEDT on 13 August 2024, Ms Read sent a further email to the email addresses listed in the First Respondent's records for the Two hundred sixty-fourth and Two hundred-sixty fifth Respondents, attaching copies of:

- (a) the Relevant Documents;
- (b) the Q&A Document; and
- (c) a covering letter.

10. Ms Read informs me that she did not receive a bounce back, out of office, return to sender or similar notification from either the Two hundred sixty-fourth or the Two hundred sixty-fifth Respondent in respect of the 3:28 pm email, but rather received an email delivery receipt for each of them.

Copies of the emails from Ms Read, including the attachments and copies of each delivery receipt received by Ms Read, are annexed to this affidavit and marked **JL-4**.

11. Ms Read also informs me that, on 12 August 2024, she sent copies of the Relevant Documents, the Q&A Document, and the covering letter reproduced at annexure **JL-1** to the postal address recorded by the First Respondent in its records for the Two hundred sixty-seventh Respondent via express post.

Copies of the documents sent to the Two hundred sixty-seventh Respondent via express post, including the express post tracking number, are annexed to this affidavit and marked **JL-5**.

Service on the Eleventh, Twelfth, Fifteenth to One hundred thirty-first and Two hundred twentieth to Two hundred twenty-second Respondents

12. At 3:20 pm AEDT on 12 August 2024, Nicki Makris, an Executive Assistant employed by the Victoria-Tasmania Divisional Branch of the First Respondent, sent an email from the address legal-mailout@cfmeu.org to the email addresses listed in the First Respondent's records for the Eleventh, Twelfth, Fifteenth to Forty-first, Forty-third to Ninety-eighth, One hundredth to One hundred thirty-first, and Two hundred twentieth to Two hundred twenty-second Respondents, attaching copies of:

- (a) the Relevant Documents; and
- (b) the Q&A Document.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-6**.

13. Ms Makris informs me that:
- (a) she did not receive a bounce back, out of office, return to sender or similar notification for any of the Eleventh, Twelfth, Fifteenth to Forty-first, Forty-third, Forty-fourth, Forty-sixth to Ninety-eighth, One hundredth to One hundred thirty-first, and Two hundred twentieth to Two hundred twenty-second Respondents.
 - (b) she received a bounce back email for the Forty-fifth Respondent; and
 - (c) on 13 August 2024:
 - i. she spoke to the Forty-fifth Respondent, who provided her with an updated email address; and

- ii. she emailed the Relevant Documents and the Q&A Document to the Forty-Fifth Respondent via the updated email address.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-7**.

14. Ms Makris also informs me that, on 12 August 2024, she sent copies of the Relevant Documents, her email of 12 August 2024 and the Q&A Document, to the postal addresses recorded by the First Respondent in its records for the Forty-second and Ninety-ninth Respondents via express post.

Copies of the express post envelopes for the Forty-second and Ninety-ninth Respondents, including the tracking numbers, are annexed to this affidavit and marked **JL-8**.

Service on Fifth, Seventh, Thirteenth and Two hundred sixth to Two hundred eighteenth Respondents

15. At 3:25 pm AEDT on 12 August 2024, I sent an email from the address legal-mailout@cfmeu.org to the email addresses listed in the First Respondent's records for the Fifth, Seventh, Thirteenth, Two hundred sixth to Two hundred fifteenth, Two hundred seventeenth and Two hundred eighteenth Respondents attaching copies of:

- (a) the Relevant Documents;
- (b) the Q&A Document; and
- (c) a covering letter.

A copy of the email, including the attached covering letter but not including the Relevant Documents or the Q&A Document, is annexed to this affidavit and marked **JL-9**.

16. I did not receive a bounce back, out of office, return to sender or similar notification for any of the Fifth, Seventh, Thirteenth, Two hundred sixth to Two hundred fifteenth, Two hundred seventeenth and Two hundred eighteenth Respondents.

17. Ms Makris informs me that, on 12 August 2024, she sent copies of the Relevant Documents, the Q&A Document, and the covering letter (reproduced at annexure **JL-9**), to the postal address recorded by the First Respondent in its records for the Two hundred sixteenth Respondent via express post.

A copy of the express post envelope for the Two hundred sixteenth Respondent, including the tracking number, is annexed to this affidavit and marked **JL-10**.

Service on One hundred thirty-second to One hundred fiftieth Respondents

18. At 2:56 pm ACST on 12 August 2024, Harvir Uppal, an Office Manager/Finance Officer employed by the South Australian Divisional Branch of the First Respondent, sent an email to the email addresses listed in the First Respondent's records for the One hundred thirty-second to One hundred fortieth Respondents attaching copies of:
- (a) the Relevant Documents;
 - (b) the Q&A Document; and
 - (c) the covering letter reproduced at annexure **JL-1**.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-11**.

19. At 3:03 pm ACST on 12 August 2024, Mr Uppal sent an email to the email addresses listed in the First Respondent's records for the One hundred forty-first to One hundred fiftieth Respondents attaching copies of:
- (a) the Relevant Documents;
 - (b) the Q&A Document; and
 - (c) the covering letter reproduced at annexure **JL-1**.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-12**.

20. Mr Uppal informs me he did not receive a bounce back, out of office, return to sender or similar notification for any of the One hundred thirty-second to One hundred fiftieth Respondents.

Service on Sixth, Eighth, Fourteenth, One hundred fifty-first to One hundred eighty-eighth, One hundred ninetieth to Two hundred fifth and Two hundred nineteenth Respondents

21. At 3:32 pm AEDT on 12 August 2024, I sent an email from the address legal-mailout@cfmew.org to the email addresses listed in the First Respondent's records for the Sixth, Eighth, Fourteenth, One hundred fifty-first to One hundred seventy-fifth, One hundred seventy-seventh to One hundred eighty-eighth, One hundred ninetieth to Two hundred fifth and Two hundred nineteenth Respondents attaching copies of:
- (a) the Relevant Documents;
 - (b) the Q&A Document; and
 - (c) the covering letter reproduced at annexure **JL-1**.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-13**.

22. I did not receive a bounce back, out of office, return to sender or similar notification for any of the Sixth, Eighth, Fourteenth, One hundred fifty-first to One hundred seventy-fifth, One hundred seventy-seventh to One hundred ninety-ninth, Two hundred first to Two hundred fifth and Two hundred nineteenth Respondents.

23. I received a bounce back email for the Two hundredth Respondent.

24. Ms Makris informs me that on 12 August 2024, she sent copies of the Relevant Documents, the Q&A Document, and the covering letter reproduced at annexure **JL-1**, to the postal address recorded by the First Respondent in its records for the One hundred seventy-sixth Respondent via express post.

A copy of the express post envelope for the One hundred seventy-sixth Respondent, including the tracking number, is annexed to this affidavit and marked **JL-14**.

25. At 2:57 pm AEDT on 14 August 2024, I sent copies of the Relevant Documents, the Q&A Document, and the covering letter reproduced at annexure **JL-1**, to the postal address recorded by the First Respondent in its records for the Two hundredth Respondent via express post.

A copy of the express post envelope for the Two hundredth Respondent, including the tracking number, is annexed to this affidavit and marked **JL-15**.

Service on Fourth and One hundred eighty-ninth Respondents

26. At 12:38 pm AEDT on 12 August 2024, I sent an email from the address legal-mailout@cfmeu.org to the email addresses listed in the First Respondent's records for the Fourth and One hundred eighty-ninth Respondents attaching copies of:

- (a) the Relevant Documents;
- (b) the Q&A Document; and
- (c) the covering letter reproduced at annexure **JL-1**.

A copy of the email, minus the attachments, is annexed to this affidavit and marked **JL-16**.

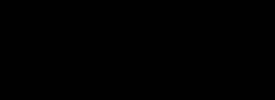
27. I did not receive a bounce back, out of office, return to sender or similar notification for either the Fourth or the One hundred eighty-ninth Respondent.

The One hundred ninety-first Respondent

28. Rita Mallia, President of the New South Wales Divisional Branch of the First Respondent, informs me that the One hundred ninety-first Respondent is deceased.

Affirmed by the deponent
at Melbourne
in the State of Victoria
on 16 August 2024
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness

Bodhi Shrikman-Dellmann

of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

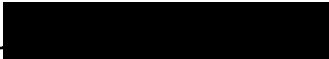
Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-1" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Beth Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

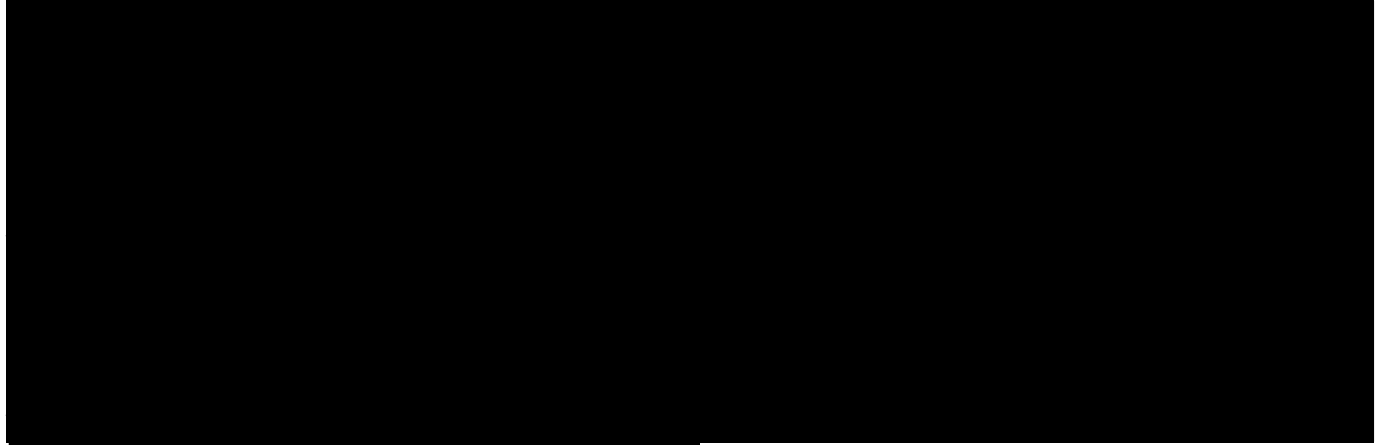
ANNEXURE "JL-1" being a copy of the service email on the Tenth and Two hundred twenty-third to Two hundred fifty-second Respondents, including attachments

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

VID758/2024: General Manager of the Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors

Kivraj Singh [REDACTED]

Mon 8/12/2024 12:31 PM



📎 8 attachments (5 MB)

Letter to office-holder.pdf; Q&A document.pdf; 1. Originating Application.pdf; 2. Concise statement.pdf; 3. Genuine steps statement.pdf; 4. Letter from Kingston Reid 5.8.24.pdf; 5. Notice of Acting for Minister.pdf; 6. Orders of Justice Wheelahan 6.8.24.pdf;

Dear Office-Holder,
Please see **attached** for your attention correspondence from the National Secretary, Zach Smith.
Yours sincerely,

CFMEU

Construction & General Division
Western Australian Branch



Kivraj Singh
Industrial Officer

Trades Hall, 74 Beaufort Street
Perth WA 6000

(08) 9228 6900
[REDACTED]

I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

IMPORTANT:
This document is confidential and may contain legally privileged information.
If you are not a named, intended or authorised recipient you must not read, copy, distribute or act in reliance on it. If the document is received in error please contact this office immediately.

12 August 2024

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN *GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS*

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (**GM**) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have “ceased to function effectively”. The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

CFMEU

CONSTRUCTION

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN: 46 243 168 565

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.

Kind regards,

Zach Smith
National Secretary
CFMEU – Construction & General Division

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:21 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 15
Rules 8.01(1); 8.04(1)



Originating application

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule
Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Federal Court of Australia, 305 William Street, MELBOURNE, Vic

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) General Manager of the Fair Work Commission, the Applicant

Prepared by (name of person/lawyer) Abigail Cooper

Law firm (if applicable) Australian Government Solicitor

Tel 03 9242 1222

Fax 03 9923 6034

Email abigail.cooper@ags.gov.au

Address for service Australian Government Solicitor

(include state and postcode) Level 34, 600 Bourke Street, Melbourne VIC 3000



Details of claim

On the grounds stated in the accompanying concise statement, the Applicant claims:

1. A declaration under s 323(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**) that the Construction and General Division (**C&G Division**) of the Construction, Forestry and Maritime Employees Union (**CFMEU**), excluding the Construction and General Division, Western Australia Divisional Branch (**WA Divisional Branch**) and Construction and General Division, Australian Capital Territory Divisional Branch (**ACT Divisional Branch**), (**Administered Division**), has ceased to function effectively and that there are no effective means under the rules of the CFMEU by which it can be enabled to function effectively.
2. A declaration under s 323(1) of the FWRO Act that each of the following divisional branches of the C&G Division:
 - a. the Construction and General Division, Victoria-Tasmania Divisional Branch;
 - b. the Construction and General Division, South Australia Divisional Branch;
 - c. the Construction and General Division, New South Wales Divisional Branch; and
 - d. the Construction and General Division, Queensland Northern Territory Divisional Branch

(together, **Administered Divisional Branches**),

have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively.
3. An order under s 323(2) of the FWRO Act that the scheme attached as Annexure A to this Order (**Scheme**) be approved in relation the Administered Division and each of the Administered Divisional Branches.
4. An order under s 323(2) of the FWRO Act that Mark Irving be appointed administrator of the Administered Division of the CFMEU and each of the Administered Divisional Branches under the Scheme approved in Order 3 above.
5. An order under s 323(2) of the FWRO Act that all offices in the Administered Divisional Branches, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, identified in Annexure B to this Order, be vacated.
6. An order under s 323(2) of the FWRO Act that all offices held by the persons named in Annexure B to this Order, whether that office is held under the National Rules of the CFMEU



or the Divisional Rules of the C&G Division of the CFMEU, and whether or not the particular office is identified in Annexure B, be vacated.

7. An order under s 323(2) of the FWRO Act that all offices in the Administered Division, including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees (regardless of which divisional branch of the C&G Division they might also be officers of), identified in Annexure C to this Order, be vacated.
8. An order under s 323(2) of the FWRO Act that during period of the administration as it relates to the Administered Division, the Divisional Executive and the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
9. An order under s 323(2) of the FWRO Act that during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Committee of Management and the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
10. An order under s 323(2) of the FWRO Act that, until further order of the Court, Schedule 1 of the Divisional Rules of the C&G Division of the CFMEU shall not take effect.
11. An order under s 323(3) of the FWRO Act that, in the event of any difficulty arising in the course of the implementation of the Scheme, the Administrator, the Applicant or any person represented in the proceeding shall have liberty to apply on 72 hours' written notice.
12. Such further or other orders as the Court considers appropriate.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

1. Orders providing for the service upon the Second to 269th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.
2. Orders under s 323(5) of the FWRO Act providing for the publication and advertisement of a Notice in the terms set out as Annexure D to this Application (**Notice**).

**Applicant's address**

The Applicant's address for service is:

Place: Australian Government Solicitor, Level 34, 600 Bourke Street, Melbourne, VIC, 3000

Email: abigail.cooper@ags.gov.au

The Applicant's address is Level 4, 11 Exhibition Street, Melbourne, VIC, 3000.

Service on the Respondent

It is intended to serve this application on the following Respondents:

Construction, Forestry and Maritime Employees Union (First Respondent).

Note: The Applicant will seek orders providing for the service upon the Second to 269th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.

Date: 2 August 2024

A solid black rectangular box redacting the signature of Abigail Cooper.

Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor
Lawyer for the Applicant



ANNEXURE A

1. For the purposes of this Scheme, unless the contrary intention appears:
 - a. The *ACT Divisional Branch* means the Construction and General Division, Australian Capital Territory Divisional Branch;
 - b. The *Administered Division* means the C&G Division, excluding the WA Divisional Branch and ACT Divisional Branch;
 - c. The *Administered Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and QLD NT Divisional Branch
 - d. The *Administrator* means the person appointed under clause 3.j of the Scheme;
 - e. The *Court* means the Federal Court of Australia;
 - f. *CFMEU* means the Construction, Forestry and Maritime Employees Union, an organisation registered under the FWRO Act;
 - g. *C&G Division* means the Construction and General Division of the CFMEU provided for in rule 27(i) of the National Rules;
 - h. A *Divisional Branch Council* means a Divisional Branch Council constituted under rule 40 of the Divisional Rules;
 - i. The *Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch, Qld NT Divisional Branch, WA Divisional Branch and ACT Divisional Branch;
 - j. The *Divisional Conference* means the Divisional Conference constituted under rule 8 of the Divisional Rules;
 - k. The *Divisional Executive* means the Divisional Executive constituted under rule 9 of the Divisional Rules;
 - l. The *Divisional Rules* means the rules of the Construction, Forestry and Maritime Employees Union Construction and General Division and Construction and General Divisional Branches as certified under section 161 of the FWRO Act from time to time;
 - m. The *FW Act* means the *Fair Work Act 2009* (Cth);
 - n. The *FWRO Act* means the *Fair Work (Registered Organisations) Act 2009* (Cth);



- o. The *General Manager* means the person appointed to the office of General Manager of the Fair Work Commission under section 660 of the FW Act from time to time;
- p. The *National Rules* means the rules of the Construction, Forestry and Maritime Employees Union as certified under section 161 of the FWRO Act from time to time;
- q. The *NSW Divisional Branch* means the Construction and General Division, New South Wales Divisional Branch;
- r. The *Order* means the orders of the Court approving this Scheme under s 323 of the FWRO Act;
- s. The *Qld NT Divisional Branch* means the Construction and General Division, Queensland Northern Territory Divisional Branch;
- t. The *SA Divisional Branch* means the Construction and General Division, South Australia Divisional Branch;
- u. The *Vic-Tas Divisional Branch* means the Construction and General Division, Victoria-Tasmania Divisional Branch;
- v. The *WA Divisional Branch* means the Construction and General Division, Western Australia Divisional Branch; and
- w. Except where otherwise provided, words in this Scheme have the same meaning as in the FWRO Act.

Operation of this Scheme

- 2. For the avoidance of doubt, this Scheme operates notwithstanding anything in the National Rules or Divisional Rules, and prevails to the extent of any inconsistency with the National Rules or Divisional Rules.

Appointment of Administrator

- 3. On the making of the Order:
 - a. all offices in the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and Qld NT Divisional Branch, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, identified in Annexure B to the Order, shall be declared by the Court to be vacant;



- b. all offices held by the persons who are named in Annexure B to the Order, whether ~~that~~ office is held under the National Rules or the Divisional Rules, and whether or not the particular office is identified in Annexure B, shall be declared by the Court to be vacant;
- c. all offices in the Administered Division including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees, identified in Annexure C to the Order, shall be declared by the Court to be vacant;
- d. to the extent that any person is an employee or paid official of the CFMEU by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c, that employment or paid position is terminated with effect from the date of commencement of the Order;
- e. clause 3.a, clause 3.b and clause 3.c do not affect the continued employment of a person (including organisers) who is not employed or a paid official by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c;
- f. during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- g. subject to clause 4, during the period of the administration as it relates to the Administered Division, the holder(s) of any office within the Administered Division not declared vacated under clause 3.a or clause 3.b or clause 3.c shall temporarily be divested of each of their powers respectively under the National Rules and the Divisional Rules while the administration is continuing in respect of that part of the CFMEU;
- h. ;during the period of the administration as it relates to the Administered Division, the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- i. during the period of the administration of the Administered Division or any Administered Divisional Branch, any resolution made prior to the making of the Order, by the Divisional Executive, the Divisional Conference, a Divisional Branch Committee of Management of an Administered Divisional Branch, or a Divisional Branch Council of an Administered Divisional Branch, empowering any person to exercise powers, functions or duties of an officer of the Administered Division or an Administered Divisional Branch, shall not have effect;



- j. Mark Irving shall be appointed as Administrator of the Administered Division and each of the Administered Divisional Branches; and
- k. until further order of the Court, Schedule 1 of the Divisional Rules shall not take effect.
4. For the avoidance of doubt, clause 3 shall not affect the continued exercise of powers in accordance with the National Rules and Divisional Rules of officeholders, or the Divisional Branch Management Committee, or the Divisional Branch Council, of the ACT Divisional Branch or the WA Divisional Branch, acting in their capacity as officers, or the Divisional Branch Management Committee, or the Divisional Branch Council, of that Divisional Branch.
5. Subject to clause 6, within seven days of the making of the Order, those persons whose offices are declared vacant in clause 3 shall:
- a. return to the Administrator all property (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels) of the CFMEU, the Administered Division or any of the Administered Divisional Branches or any of their associated entities, as the case may be, in their possession, custody or power;
 - b. effect to have transferred into the name of the Administrator any real or personal property held by that person on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch, and any real or personal property owned by or held on trust for or on behalf of any associated entity of the CFMEU, Administered Division or any of the Administered Divisional Branches;
 - c. deliver up to the Administrator any documents, whether hard copy, electronic or otherwise, relating to the affairs of the CFMEU, Administered Division, an Administered Divisional Branch or any of their associated entities, as are in their possession, custody or power; and
 - d. where documents of a kind described in clause 5.c are not in the person's possession, custody or power, inform the Administrator in writing as to the existence of such documents and, to the best of the person's knowledge, where those documents are located.
6. For the avoidance of doubt, clause 5 shall not apply to property or documents of the CFMEU, WA Divisional Branch or the ACT Divisional Branch, insofar as those property or documents are held by the person because of an office which has not been vacated under clause 3.



7. As and from the making of the Order and for the period of the administration, the Administrator:
- a. shall have and exercise all of the powers and duties of the Divisional Conference and the Divisional Executive as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;
 - b. shall have and exercise all of the powers and duties of the Divisional Branch Council and Divisional Branch Management Committee of each of the Administered Divisional Branches as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;
 - c. shall have all of the powers and duties of each office that is declared vacant under clause 3.a or clause 3.b or clause 3.c as are conferred on those offices under the National Rules and the Divisional Rules, and the FWRO Act, including without limiting the foregoing the power to exercise voting rights attaching to such offices in decision-making bodies of the CFMEU and the C&G Division;
 - d. shall have power, without limiting the foregoing, to appoint one or more persons as Divisional Trustee of the Administered Division, and/or as Divisional Branch Trustee of an Administered Divisional Branch, and at or after the time of such appointment to transfer into the name of that person any real or personal property held by the Administrator on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch;
 - e. shall have power, without limiting the foregoing, to terminate the appointment of an auditor of the Administered Division or an Administered Divisional Branch, and appoint another person as auditor of the Administered Division or an Administered Divisional Branch;
 - f. shall have power, without limiting the foregoing, to remove officers, officials or employees of the Administered Division and any Administered Divisional Branch from office, positions or employment respectively;
 - g. shall use his powers, under this Scheme and under the National Rules and the Divisional Rules of the CFMEU, to enable the Administered Division and the Administered Divisional Branches to function effectively, in good faith in what he believes to be the best interests of the Administered Division and each Administered Divisional Branch. .



8. For the avoidance of doubt, and whilst the administration continues in respect of the Administered Division or any Administered Divisional Branch, and notwithstanding any provisions of the National Rules or the Divisional Rules, the Administrator may appoint any person deemed suitable to him as a proxy to represent him at any meeting of the National Conference, National Executive, National Executive Committee or National Collegiate of the CFMEU, any State Conference constituted under rule 46 of the National Rules, any State Executive constituted under rule 47 of the National Rules, and any other decision-making body of the CFMEU or one of its Divisions or Branches under the National Rules or the Divisional Rules, and exercise the deliberative vote of such of the Administered Division or the Administered Divisional Branches that remain in administration (and their respective offices) **provided that** a separate written appointment is made for each such meeting. Each such instrument may provide instructions to the proxy as to how the proxy should vote and must do so in the event of a vote being required on any matter that, in the opinion of the Administrator, may adversely affect the interests of the members of the Administered Division or an Administered Divisional Branch. To avoid doubt, any such instructions may include a direction to abstain from voting.
9. Where notwithstanding this Scheme a person continues to hold office or employment in the Administered Division or an Administered Divisional Branch, the Administrator shall have power to direct that person:
- a. to take leave, including using any accrued annual leave, long service leave or other leave; and / or
 - b. to perform no, or different, work; and / or
 - c. not to attend the premises, or to access any property, information or system, of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - d. to return any property or information of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - e. not to hold themselves out as acting or speaking for or on behalf of the Administered Division or some or all of its Administered Divisional Branches,
- for such time as the Administrator considers appropriate (but no later than the date upon which the Administrator ceases to act under this Scheme in respect of the Administered Division or, in the case of an office or employment in an Administered Divisional Branch, that Administered Divisional Branch).



10. For the avoidance of doubt, subclauses 9.a and 9.b do not give power to direct a person in respect of an office which continues by virtue of clause 4 or in respect of a person's employment in a Divisional Branch which is not an Administered Divisional Branch.
11. The Administrator shall have power to bring proceedings in the name of the CFMEU, including for the recovery of any funds of the CFMEU, the Administered Division or any of the Administered Divisional Branches, and for the imposition of penalties and the awarding of compensation as may be available under the FWRO Act or any other law.
12. The Administrator shall have full power to engage, on behalf of the CFMEU and at the expense of the CFMEU, such employees and consultants as the Administrator deems necessary to enable the Administrator to carry out the duties and functions conferred on the Administrator under this Scheme.
13. The Administrator shall have power to refer, to any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State, the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
14. The Administrator shall co-operate with any investigations or inquiries (howsoever described) conducted by or on behalf of any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State into the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
15. Notwithstanding anything in the National Rules or Divisional Rules:
 - a. the Administrator will have the power to suspend, expel or dismiss from any office or position a member, representative or delegate of any kind, of the Administered Division or an Administered Divisional Branch, whom the Administrator is satisfied has engaged in conduct of the kind identified in rule 26A 2 of the National Rules or is of general bad character within the meaning of s 166(1) of the FWRO Act;
 - b. the power in clause 15.a may be exercised in relation to conduct that occurred before or after the commencement of this Scheme;
 - c. the process governing the exercise of the power in (a) shall be determined by the Administrator provided the process affords procedural fairness; and



- d. any member expelled from membership by the Administrator shall not be entitled to apply for re-admission as a member of the CFMEU for a period determined in expelling the member so long as the period is not greater than a period of 4 years.
16. The Administrator may, upon giving 72 hours' written notice to any person represented in the proceeding, apply to the Court for the appointment of an Assistant Administrator or Assistant Administrators to undertake various duties of the Administrator.
17. The Administrator shall establish and implement policies to ensure the Administered Division will be representative of and accountable to its members, will be able to operate lawfully and effectively, will encourage members to participate in the affairs of the Administered Divisional Branch to which they belong, and will encourage the democratic functioning and control of the Administered Division.
18. The Administrator may alter the Divisional Rules, make new Divisional Rules or delete Divisional Rules, and shall consult with the board of management (as defined in the FWRO Act) of any part of the CFMEU, that is not the Administered Division or an Administered Divisional Branch, if it is affected by that alteration.
19. The Administrator shall meet with the General Manager on a monthly basis to discuss the progress of the Scheme.

Maintaining the register and preparation of accounts

20. The Administrator shall cause to be kept and maintained a copy of the register of members of the CFMEU as it relates to the Administered Division and to each of the Administered Divisional Branches, including to record any person joining or resigning from any of the Administered Divisional Branches after the date of the Order and their financial status.
21. The Administrator shall cause to be prepared all financial accounts relating to the Administered Division and each Administered Divisional Branch within the time or times required under the FWRO Act in accordance with Part 3 of Chapter 8 of the FWRO Act, except that if the SA Divisional Branch has not as at the date of the Order lodged its financial report for the year ended 31 March 2024 under section 268 of the FWRO Act, the Administrator shall have an extension of time of four months from the date of the Order to do so.

Fees and expenses of Administrator

22. The CFMEU shall pay the fees and expenses of the Administrator, any employees and consultants referred to in clause 12 above who are assisting in the carrying out of his



functions under this Scheme, and any Assistant Administrator appointed by the Court as referred to in clause 16 above. For the avoidance of doubt, this does not include the fees and expenses of KordaMentha appointed under clause 40 below.

23. The fees payable to the Administrator shall be fixed at the rate of remuneration payable to a Vice President of the Fair Work Commission under s 637(1) of the FW Act, any travel allowance and any applicable allowances payable to a Vice President of the Fair Work Commission under s 637(2) of the FW Act, as fixed by the Remuneration Tribunal from time to time. For the avoidance of doubt, the office of the Administrator is not a public office within the meaning of the *Remuneration Tribunal Act 1973* (Cth).

24. The Administrator shall be paid such travel allowances and be entitled to the same class of travel as a Vice President of the Fair Work Commission, as fixed by the Remuneration Tribunal from time to time.

Duration of administration

25. The Administrator shall use his best endeavours to ensure the completion of the administration within 2 years of the date of the Order, or such further time as the Court may allow.

26. In respect of the Administered Division and each Administered Divisional Branch, upon being satisfied that the relevant part is functioning effectively, the Administrator will issue a certificate stating that he is so satisfied. Such certificate will take effect, as set out below, upon the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate.

27. In deciding whether to issue a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must take into account the report referred to in clause 42 below and any reports relating to the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.

28. In deciding whether to confirm in writing that he agrees with the Administrator's opinion as set out in a certificate under clause 26, the General Manager must take into account the report referred to in clause 42 below and any audit reports for the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.

29. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of any Administered Divisional Branch, and the General Manager confirming in



writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.

30. At the same time as taking the necessary steps to arrange for the conduct of elections for an Administered Divisional Branch in accordance with clause 29 above, the Administrator shall take the necessary steps to arrange for the conduct of elections of any positions declared vacant in accordance with clause 3.b which were declared vacant because of the incumbent being the holder of an office in that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act. For the avoidance of doubt, this clause does not require the conduct of elections in relation to offices in the Divisional Executive – such elections will instead be conducted in accordance with clauses 34 and 35 below.
31. Despite anything to the contrary in the National Rules or the Divisional Rules, no election shall be held in respect of offices in an Administered Divisional Branch until after the issuing of a certificate under clause 26 above in respect of that Administered Divisional Branch.
32. Upon the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices of an Administered Divisional Branch conducted as set out in clause 29 above, the office holders elected will take office and the Administrator shall cease to act under this Scheme in respect of that Administered Divisional Branch.
33. A person elected to an office in an Administered Divisional Branch as a result of the elections referred to in clauses 29 and 32 above shall hold office for the balance of any term of office until the usual quadrennial elections of the CFMEU which are to be commenced in 2028.
34. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of the Administered Division, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of the Divisional Executive of the Administered Division. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.



35. Despite anything to the contrary in the National Rules or the Divisional Rules, no election shall be held in respect of offices in the Divisional Executive of the Administered Division until after the issuing of a certificate under clause 26 above in respect of the Administered Division.

36. With effect from the date that all of the following conditions have been met:

- a. the Administrator has issued a certificate under clause 26 in respect of Administered Division and every one of the Administered Divisional Branches, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in each of those certificates; and
- b. the Administrator has ceased to act under this Scheme, in accordance with clause 32, in respect of every one of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch or the Qld NT Divisional Branch; and
- c. the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices in the Divisional Executive of the Administered Division as set out in clause 33 above,

the office holders elected to the Divisional Executive will take office and the Administrator will cease to act under this Scheme in respect of the Administered Division.

37. A person elected to an office in the Administered Division as a result of the elections referred to in clauses 34 and 35 above shall hold office for the balance of any term of office until the usual quadrennial elections of the Administered Division which are to be commenced in 2029.

Indemnification of Administrator

38. The CFMEU shall indemnify the Administrator in respect of any and all claims, proceedings, or complaints made in connection with the Administrator's exercise or non-exercise of any of the functions, powers and duties under this Scheme, including in relation to the cost of defending such claims, proceedings or complaints, and in relation to the payment of any compensation, penalties or other amounts awarded or paid in the determination, settlement, or other resolution, of such compensation, penalties or other amounts.

39. For the avoidance of doubt, the indemnification provided for in clause 38 above will continue after the Administrator ceases to act as Administrator under this Scheme, as long as the



relevant exercise or non-exercise of functions, powers and duties occurred at a date when the Administrator still had functions, powers and duties under this Scheme.

Appointment of Special Purpose Auditor

40. Upon the making of the Order, KordaMentha Pty Ltd atf KM Unit Trust (**KordaMentha**) shall be engaged by the General Manager to undertake a special purpose audit for the purposes set out in clauses 42 and 43 below.
41. For the avoidance of doubt, the appointment of KordaMentha under clause 40 will not disturb or vacate the appointment of any other person as an auditor of the C&G Division and each of the Divisional Branches under the National Rules or the Divisional Rules.
42. As soon as practicable after the making of the Order, but no more than 21 days, or such greater period as permitted in writing by the General Manager, thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, an independent report into the financial position and governance of the Administered Division and each of the Administered Divisional Branches. The report will:
- a. report on the financial position of each of the entities under the control of the Administrator; and
 - b. advise on any significant financial risk identified by KordaMentha relating to entities under the control of the Administrator.
43. At any time during the administration of the Administered Division, the General Manager may request KordaMentha to prepare such further or other independent reports into the affairs of the Administered Division and/or any of the Administered Divisional Branches as remain in administration. As soon as practicable after the receipt of such a request, but no more than 21 days or such greater period as permitted in writing by the General Manager thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, the requested report.
44. Prior to issuing a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must cause an audit report into the financial affairs of the relevant Administered Divisional Branch or (in the case of a proposed certificate in respect of the Administered Division) of the Administered Division to be prepared at the CFMEU's expense and provided to the General Manager. The person appointed by the Administrator to conduct each such audit report must be a person entitled to be appointed as an auditor of the relevant Administered Divisional Branch or the



Administered Division in accordance with the FWRO Act, National Rules and Divisional Rules.

45. The Administrator, and all office holders and employees of the CFMEU in the Administered Division and each of the Administered Divisional Branches, shall cooperate fully with the conduct of the audits and preparation of reports referred to in clauses 40, 42, 43 and 44 above.
46. The Fair Work Commission shall pay the fees and expenses of KordaMentha in relation to the carrying out of the duties in clauses 40, 42 and 43 above.

WA Divisional Branch and the ACT Divisional Branch

47. At any time during the administration of the Administered Division, the Administrator may advise the General Manager that in his opinion either the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively.
48. If the General Manager is satisfied that the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively, the General Manager may apply to the Court for a further declaration and orders under s 323 of the FWRO Act in relation to that Divisional Branch.

Annexure B¹

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Victoria-Tasmania Divisional Branch		
1.	Divisional Branch Secretary	(Vacant) ²
2.	Divisional Branch Assistant Secretary	Derek Christopher
3.	Divisional Branch Assistant Secretary	Elias Spernovasilis
4.	Divisional Branch President	Robert Graauwmans
5.	Divisional Branch Senior Vice President	Joe Myles
6.	Divisional Branch Vice President	Mick Myles
7.	Divisional Sub-Branch President <i>(Tasmania)</i>	Kevin Harkins
8.	Divisional Sub-Branch President <i>(Tasmania)</i>	Richard Hassett
9.	Divisional Branch Management Committee Member <i>(position 1)</i>	David Lythgo
10.	Divisional Branch Management Committee Member <i>(position 2)</i>	Rudy Raspudic
11.	Divisional Branch Management Committee Member <i>(position 3)</i>	Anthony Cordier
12.	Divisional Branch Management Committee Member <i>(position 4)</i>	Anthony Ioannidis

¹ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

² First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
13.	Divisional Branch Management Committee Member <i>(position 5)</i>	Bill Beattie
14.	Divisional Branch Management Committee Member <i>(position 6)</i>	Steve Long
15.	Divisional Branch Management Committee Member <i>(position 7)</i>	Gerard Benstead
16.	Divisional Branch Management Committee Member <i>(position 8)</i>	John Perkovic
17.	Divisional Branch Management Committee Member <i>(position 9)</i>	Darko Misic
18.	Divisional Branch Management Committee Member <i>(position 10)</i>	John Constantinou
19.	Divisional Branch Management Committee Member <i>(position 11)</i>	John Perak
20.	Divisional Branch Management Committee Member <i>(position 12)</i>	Paddy Farrelly
21.	Divisional Branch Management Committee Member <i>(position 13)</i>	Frank Akbari
22.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
23.	Divisional Branch Management Committee Member <i>(position 15)</i>	Paul Round
24.	Divisional Branch Management Committee Member <i>(position 16)</i>	Martin Murphy
25.	Divisional Branch Management Committee Member <i>(position 17)</i>	Jeremy Tomic
26.	Divisional Branch Management Committee Member <i>(position 18)</i>	Dennis Gritzalis
27.	Divisional Branch Management Committee Member <i>(position 19)</i>	James Simpson
28.	Divisional Branch Management Committee Member <i>(position 20)</i>	Steven Balta
29.	Divisional Branch Management Committee Member <i>(position 21)</i>	Lisa Zanatta
30.	Divisional Branch Management Committee Member <i>(position 22)</i>	Theo Theodorou
31.	Divisional Branch Management Committee Member <i>(position 23)</i>	Brendan Pitt
32.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 1)</i>	Broden Barlow



Column A		Column B
POSITION		NAME OF INCUMBENT
33.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 2)</i>	Kevin Harkins
34.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 3)</i>	Mark Denny
35.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 4)</i>	Richard Hassett
36.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 5)</i>	Dushan Hlis
37.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 6)</i>	Jim Stucht
38.	Divisional Branch Trustee	(Unknown)
39.	Divisional Branch Trustee	(Unknown)
40.	Divisional Branch Trustee	(Unknown)
41.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 1)</i>	Rhett Campbell
42.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 2)</i>	Chris Brett
43.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 3)</i>	Richard Bradley
44.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 4)</i>	Bart Scaffidi
45.	Delegate to Divisional Branch Council	Vlado Cakarun



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 5)</i>	
46.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 6)</i>	Emilio Botsaris
47.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 7)</i>	Luke Buttigieg
48.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 8)</i>	Shane Cilia
49.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 9)</i>	Lara Van Graas
50.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 10)</i>	Kelly Ngu
51.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 11)</i>	Sean Paul Donnelly
52.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 12)</i>	Peter Clark
53.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 13)</i>	Antony Grgurevic
54.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 14)</i>	Valerio Macaro
55.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 15)</i>	Ivan Colina
56.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 16)</i>	Mick Fitzsimons
57.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 17)</i>	Felice Filardo



Column A		Column B
POSITION		NAME OF INCUMBENT
58.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 18))</i>	Mathew Montebello
59.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 19)</i>	(Vacant)
60.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 20)</i>	David Costabile
61.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 21))</i>	David Krizan
62.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 22)</i>	Peter Loncar
63.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 23)</i>	Jason Deans
64.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 24)</i>	Anthony Dredge
65.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 25)</i>	Teena Simpson
66.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 26)</i>	Neven Markulin
67.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 27)</i>	Yong Wu
68.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 28)</i>	Jimmy Harris
69.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 29)</i>	Drew McDonald
70.	Delegate to Divisional Branch Council	Guang Liang Xu



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 30)</i>	
71.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 31)</i>	Terence McNamara
72.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 32)</i>	John Mantis
73.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 33)</i>	Gerard McQuaid
74.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 34)</i>	Lita Gillies
75.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 35)</i>	Scott Aird
76.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 36)</i>	Mark McMillan
77.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 37)</i>	Brad McNiven
78.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 38)</i>	Ilija Crnac
79.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 39)</i>	Lee McKenzie
80.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 40)</i>	Tamish Muller
81.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 41)</i>	David Foley
82.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 42)</i>	Kathleen Ingram



Column A		Column B
POSITION		NAME OF INCUMBENT
83.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 43)</i>	Matthew Seadon
84.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 44)</i>	Mick Egan
85.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 45)</i>	Mick Powell
86.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 46)</i>	Carla Rivera
87.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 47)</i>	Liam O'Hearn
88.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 48)</i>	Adam Olsen
89.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 49)</i>	Ashton Fitzpatrick
90.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 50)</i>	Shane McGowan
91.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 51)</i>	Trevor Punshon
92.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 52)</i>	Ricky Orterga
93.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 53)</i>	Mark Peterson
94.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 54)</i>	Gary Roberts
95.	Delegate to Divisional Branch Council	John Pidoto



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 55)</i>	
96.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 56)</i>	Angelo Ruffato
97.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 57)</i>	(Vacant)
98.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 58)</i>	James Ryan
99.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 59)</i>	Terry Ryan
100.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 60)</i>	Gerry Pettifer
101.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 61)</i>	Shane Ross
102.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 62)</i>	Daniel Simioni
103.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 63)</i>	Malachy Farrelly
104.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 64)</i>	Malachy Farrelly
105.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 65)</i>	David Setka
106.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 66)</i>	Chris Spiridonos
107.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 67)</i>	Mick Karlusic



Column A		Column B
POSITION		NAME OF INCUMBENT
108.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 68)</i>	Simon Samardzic
109.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 69)</i>	John Samardzic
110.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 70)</i>	Jack Vucak
111.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 71)</i>	Shelly Goodwin
112.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 72)</i>	Esther Van Arend
113.	Delegate to Divisional Branch Council <i>(Geelong position 1)</i>	Paul McCann
114.	Delegate to Divisional Branch Council <i>(Geelong position 2)</i>	Dean Doran
115.	Delegate to Divisional Branch Council <i>(Geelong position 3)</i>	Mark Travers
116.	Delegate to Divisional Branch Council <i>(Geelong position 4)</i>	Rachel McCann
117.	Delegate to Divisional Branch Council <i>(Central Victoria position 1)</i>	Nigel Davies
118.	Delegate to Divisional Branch Council <i>(Central Victoria position 2)</i>	David Duffy
119.	Delegate to Divisional Branch Council <i>(Central Victoria position 3)</i>	Andrew Pitlik
120.	Delegate to Divisional Branch Council	Brett James Fleming



Column A		Column B
POSITION	NAME OF INCUMBENT	
	<i>(Central Victoria position 4)</i>	
121.	Delegate to Divisional Branch Council <i>(Northern Victoria position 1)</i>	James Gianchino
122.	Delegate to Divisional Branch Council <i>(Northern Victoria position 2)</i>	Joel Hannebery
123.	Delegate to Divisional Branch Council <i>(Northern Victoria position 3)</i>	Mark Tait
124.	Delegate to Divisional Branch Council <i>(Northern Victoria position 4)</i>	Cameron McClure
125.	Delegate to Divisional Branch Council <i>(La Trobe position 1)</i>	Philip Darcy
126.	Delegate to Divisional Branch Council <i>(La Trobe position 2)</i>	John Thomson
127.	Delegate to Divisional Branch Council <i>(La Trobe position 3)</i>	Toby Thornton
128.	Delegate to Divisional Branch Council <i>(La Trobe position 4)</i>	Tom Malone
Construction and General South Australian Divisional Branch		
129.	Divisional Branch Secretary	(Vacant) ³
130.	Divisional Branch Assistant Secretary	Marcus Pare
131.	Divisional Branch President	Robert Graauwmans
132.	Divisional Branch Vice President	Mark Palmer
133.	Divisional Branch Treasurer	Travis Hera-Singh
134.	Divisional Branch Trustee	(Vacant)

³ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
135.	Divisional Branch Trustee	Travis Brook
136.	Divisional Branch Organiser	Emosi Veron
137.	Divisional Branch Organiser	(Vacant)
138.	Divisional Branch Management Committee Member <i>(position 1)</i>	Mark Forster
139.	Divisional Branch Management Committee Member <i>(position 2)</i>	James Rusinski
140.	Divisional Branch Management Committee Member <i>(position 3)</i>	(Vacant)
141.	Divisional Branch Management Committee Member <i>(position 4)</i>	Daniel Bottrell
142.	Divisional Branch Management Committee Member <i>(position 5)</i>	David Ellis
143.	Divisional Branch Council Member <i>(position 1)</i>	Holly Hedges
144.	Divisional Branch Council Member <i>(position 2)</i>	Kain Shanko
145.	Divisional Branch Council Member <i>(position 3)</i>	Lance Herbert
146.	Divisional Branch Council Member <i>(position 4)</i>	(Vacant)
147.	Divisional Branch Council Member	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 5)</i>	
148.	Divisional Branch Council Member <i>(position 6)</i>	Michael McCluskey
149.	Divisional Branch Council Member <i>(position 7)</i>	Damien O'Connell
150.	Divisional Branch Council Member <i>(position 8)</i>	Patrick Rupric
151.	Divisional Branch Council Member <i>(position 9)</i>	(Vacant)
152.	Divisional Branch Council Member <i>(position 10)</i>	(Vacant)
153.	Divisional Branch Council Member <i>(position 11)</i>	Zac Strawbridge
154.	Divisional Branch Council Member <i>(position 12)</i>	Jarrad Tapp
155.	Divisional Branch Council Member <i>(position 13)</i>	Doug Tilley
156.	Divisional Branch Council Member <i>(position 14)</i>	Nathan White
Construction and General New South Wales Divisional Branch		
157.	Divisional Branch Secretary	Darren Greenfield
158.	Divisional Branch Assistant Secretary	Michael Greenfield
159.	Divisional Branch Assistant Secretary	Robert Kera
160.	Divisional Branch President	Rita Mallia



Column A		Column B
POSITION		NAME OF INCUMBENT
161.	Divisional Branch Management Committee Member <i>(position 1)</i>	Yusuf Mhaiche
162.	Divisional Branch Management Committee Member <i>(position 2)</i>	Scott Andrew
163.	Divisional Branch Management Committee Member <i>(position 3)</i>	Howard Byrnes
164.	Divisional Branch Management Committee Member <i>(position 4)</i>	Denis McNamara
165.	Divisional Branch Management Committee Member <i>(position 5)</i>	Simon Curtis
166.	Divisional Branch Management Committee Member <i>(position 6)</i>	Simon Gutierrez
167.	Divisional Branch Management Committee Member <i>(position 7)</i>	Zachary Latief
168.	Divisional Branch Management Committee Member <i>(position 8)</i>	Luke Allen
169.	Divisional Branch Management Committee Member <i>(position 9)</i>	Yannis Sievas
170.	Divisional Branch Management Committee Member <i>(position 10)</i>	Steven Parker



Column A		Column B
POSITION		NAME OF INCUMBENT
171.	Divisional Branch Management Committee Member <i>(position 11)</i>	Pierre Boumelham
172.	Divisional Branch Management Committee Member <i>(position 12)</i>	Colm Munroe
173.	Divisional Branch Management Committee Member <i>(position 13)</i>	Elmedin Begic
174.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)
175.	Divisional Branch Management Committee Member <i>(position 15)</i>	Dean Hackett
176.	Divisional Branch Management Committee Member <i>(position 16)</i>	Munro Jones
177.	Divisional Branch Management Committee Member <i>(position 17)</i>	Rocco Ianni
178.	Divisional Branch Management Committee Member <i>(position 18)</i>	Michael Restuccia
179.	Divisional Branch Management Committee Member <i>(position 19)</i>	Timur Rasih
180.	Divisional Branch Management Committee Member <i>(position 20)</i>	Sime Buterin



Column A		Column B
POSITION		NAME OF INCUMBENT
181.	Divisional Branch Management Committee Member <i>(position 21)</i>	Bruce Cartwright
182.	Divisional Branch Management Committee Member <i>(position 22)</i>	Dario Damjanovic
183.	Divisional Branch Management Committee Member <i>(position 23)</i>	Michael Lynch
184.	Divisional Branch Management Committee Member <i>(position 24)</i>	(Vacant)
185.	Divisional Branch Management Committee Member <i>(position 25)</i>	Anthony Vecchio
186.	Divisional Branch Management Committee Member <i>(position 26)</i>	Darren Wick
187.	Divisional Branch Council Member <i>(Cumberland Zone position 1)</i>	Nur Begg
188.	Divisional Branch Council Member <i>(Cumberland Zone position 2)</i>	(Vacant)
189.	Divisional Branch Council Member <i>(Cumberland Zone position 3)</i>	Kahon Alkozai
190.	Divisional Branch Council Member <i>(Cumberland Zone position 4)</i>	John Hughes
191.	Divisional Branch Council Member <i>(Cumberland Zone position 5)</i>	Michael Bailey



Column A		Column B
POSITION		NAME OF INCUMBENT
192.	Divisional Branch Council Member <i>(Cumberland Zone position 6)</i>	Mario Battisini
193.	Divisional Branch Council Member <i>(Cumberland Zone position 7)</i>	Derek Gallagher
194.	Divisional Branch Council Member <i>(Cumberland Zone position 8)</i>	Jack Bosden
195.	Divisional Branch Council Member <i>(Cumberland Zone position 9)</i>	Craig Bremner
196.	Divisional Branch Council Member <i>(Cumberland Zone position 10)</i>	Geoff Bates
197.	Divisional Branch Council Member <i>(Cumberland Zone position 11)</i>	Robert Burland
198.	Divisional Branch Council Member <i>(Cumberland Zone position 12)</i>	Colin Chapman
199.	Divisional Branch Council Member <i>(Cumberland Zone position 13)</i>	James Ponisi
200.	Divisional Branch Council Member <i>(Cumberland Zone position 14)</i>	Mohamed Gabr
201.	Divisional Branch Council Member <i>(Cumberland Zone position 15)</i>	Mohamed Hammoud
202.	Divisional Branch Council Member <i>(Cumberland Zone position 16)</i>	Colin Lamond
203.	Divisional Branch Council Member <i>(Cumberland Zone position 17)</i>	Edward Sloane
204.	Divisional Branch Council Member	Ian McKinnon



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Cumberland Zone position 18)</i>	
205.	Divisional Branch Council Member <i>(Cumberland Zone position 19)</i>	Russell Munro
206.	Divisional Branch Council Member <i>(Cumberland Zone position 20)</i>	Jason Williams
207.	Divisional Branch Council Member <i>(Cumberland Zone position 21)</i>	Geoffrey Vaughan
208.	Divisional Branch Council Member <i>(Cumberland Zone position 22)</i>	James Wall
209.	Divisional Branch Council Member <i>(Northumberland Zone position 1)</i>	Neal Attwood
210.	Divisional Branch Council Member <i>(Northumberland Zone position 2)</i>	Mitchell Deas
211.	Divisional Branch Council Member <i>(Northumberland Zone position 3)</i>	Mark Kelly
212.	Divisional Branch Council Member <i>(Camden Zone position 1)</i>	David Mackay
213.	Divisional Branch Council Member <i>(Camden Zone position 2)</i>	Paul Fisher
214.	Divisional Branch Council Member <i>(Camden Zone position 3)</i>	Sallie Oxborough
215.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Gary McCarthy
216.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Michael Sykes



Column A		Column B
POSITION		NAME OF INCUMBENT
217.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Paul Wright
Construction and General Queensland-Northern Territory Divisional Branch		
218.	Divisional Branch Secretary	Michael Ravbar
219.	Divisional Branch Assistant Secretary <i>(Plasterers)</i>	Kane Lowth
220.	Divisional Branch Assistant Secretary <i>(Painters)</i>	Keith Murphy
221.	Divisional Branch Assistant Secretary <i>(General)</i>	Jade Ingham
222.	Divisional Branch President	Royce Kupsch
223.	Divisional Branch Senior Vice President	Steven Gaske
224.	Divisional Branch Senior Vice President	Dallas Ezzy
225.	Divisional Branch Vice President	Ian McKewin
226.	Divisional Branch Vice President	Steven Amies
227.	Divisional Branch Trustee	(Unknown)
228.	Divisional Branch Trustee	(Unknown)
229.	Divisional Branch Trustee	(Unknown)
230.	Divisional Branch Executive Member <i>(position 1)</i>	Peter Close
231.	Divisional Branch Executive Member <i>(position 2)</i>	Mark Read
232.	Divisional Branch Council Member <i>(position 1)</i>	Steve Amies
233.	Divisional Branch Council Member	Craig Brown



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 2)</i>	
234.	Divisional Branch Council Member <i>(position 3)</i>	Josh Burling
235.	Divisional Branch Council Member <i>(position 4)</i>	Tony Dougherty
236.	Divisional Branch Council Member <i>(position 5)</i>	Tom McGovern
237.	Divisional Branch Council Member <i>(position 6)</i>	Ian (Badge) McKewin
238.	Divisional Branch Council Member <i>(position 7)</i>	Mick Robinson

Annexure C⁴

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Divisional Executive		
1.	Divisional Secretary	Zachary Smith
2.	Divisional Assistant Secretary	Jason Jennings
3.	Divisional Assistant Secretary	Andrew Sutherland
4.	Divisional President	Jade Ingham
5.	Divisional Senior Vice President	Robert Kera
6.	Divisional Vice President	(Vacant) ⁵
7.	Divisional Executive Member <i>(ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
8.	Divisional Executive Member <i>(ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
9.	Divisional Executive Member <i>(ex officio ACT Divisional Branch Secretary)</i>	Michael Hiscox
10.	Divisional Executive Member <i>(ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁶
11.	Divisional Executive Member <i>(ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
12.	Divisional Executive Member <i>(VIC-TAS additional position 1)</i>	Derek Christopher
13.	Divisional Executive Member <i>(VIC-TAS additional position 2)</i>	Elias Spervovasilis

⁴ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

⁵ First Respondent's Notification of Changes to Records dated 1 August 2024.

⁶ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
14.	Divisional Executive Member <i>(QNT additional position 1)</i>	Kane Lowth
15.	Divisional Executive Member <i>(NSW additional position 2)</i>	Michael Greenfield
Construction and General Divisional Trustees		
16.	Divisional Trustee	Rita Mallia
17.	Divisional Trustee	Robert Graauwmans
18.	Divisional Trustee	Darren Greenfield
Construction and General Divisional Conference		
19.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 1 – ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
20.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 2 – ex officio QNT Divisional Branch Assistant Secretary – Plasterers)</i>	Kane Lowth
21.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 3 – ex officio QNT Divisional Branch Assistant Secretary – Painters)</i>	Keith Murphy
22.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 4)</i>	Royce Kupsch
23.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 5)</i>	Steven Gaske
24.	Divisional Branch Delegate to Divisional Conference	Ian McKewin



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(QNT position 6)</i>	
25.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 7)</i>	Jade Ingham
26.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 8)</i>	Peter Close
27.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 9)</i>	Steve Amies
28.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 10 – NT position)</i>	Josh Burling
29.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 1 – ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
30.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 2)</i>	Michael Greenfield
31.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 3)</i>	Elmedin Begic
32.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 4)</i>	Warren Whitney
33.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 5)</i>	Munro Jones



Column A		Column B
POSITION		NAME OF INCUMBENT
34.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 6)</i>	Robert Kera
35.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 7)</i>	Rita Mallia
36.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 8)</i>	Denis McNamara
37.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 9)</i>	(Vacant)
38.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 1 – ex officio ACT Divisional Branch Secretary)</i>	Zachary Smith
39.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 2)</i>	Jason Jennings
40.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 3)</i>	Michael Hiscox
41.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 1 – ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁷
42.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 2)</i>	Joe Myles

⁷ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
43.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 3)</i>	Elias Spervovasilis
44.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 4)</i>	Derek Christopher
45.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 5)</i>	Robert Graauwmans
46.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 6)</i>	David Lythgo
47.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 7)</i>	Steve Long
48.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 8)</i>	Skye Allan
49.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 9)</i>	Lisa Zanatta
50.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 10)</i>	Theo Theodorou
51.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 11)</i>	Gerard McQuaid
52.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 12)</i>	James Simpson



Column A		Column B
POSITION		NAME OF INCUMBENT
53.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 13)</i>	Garry Donnon
54.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 14)</i>	Mark Travers
55.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 15)</i>	Paul Tzimas
56.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 16)</i>	Ivan Colina
57.	Divisional Branch Delegate to Divisional Conference <i>(SA position 1 – ex officio SA Divisional Branch Secretary)</i>	(Vacant) ⁸
58.	Divisional Branch Delegate to Divisional Conference <i>(SA position 2 – ex officio SA Divisional Branch Assistant Secretary)</i>	Marcus Pare
59.	Divisional Branch Delegate to Divisional Conference <i>(SA position 3)</i>	Andrew Sutherland
60.	Divisional Branch Delegate to Divisional Conference <i>(WA position 1 – ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
61.	Divisional Branch Delegate to Divisional Conference	Robert Benkesser

⁸ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(WA position 2)</i>	
62.	Divisional Branch Delegate to Divisional Conference <i>(WA position 3)</i>	Michelle Sheehy



Annexure D

NOTICE

Construction, Forestry and Maritime Employees Union, Construction and General Division

The General Manager of the Fair Work Commission has applied to the Federal Court of Australia for declarations under section 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) that the Construction and General (**C&G**) Division of the Construction, Forestry and Maritime Employees Union (**CFMEU**) excluding the divisional branches for Western Australia and the Australian Capital Territory (**Administered Division**), and each of its divisional branches for Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia, (**Administered Divisional Branches**), have ceased to function effectively, and there are no effective means under their rules by which they can be enabled to function effectively, and for orders approving a scheme under which:

- all offices in the Victoria-Tasmania Divisional Branch, South Australia Divisional Branch, New South Wales Divisional Branch and Queensland-Northern Territory Divisional Branch would be declared vacant (**Vacant Branch Offices**);
- all other offices held by the persons previously in the Vacant Branch Offices, under the CFMEU's National rules or the C&G Division's rules, would also be declared vacant;
- all offices in the Administered Division, including Divisional Executive, Divisional Conference and Divisional Trustees, would be declared vacant;
- a suitably qualified person would be appointed Administrator of the Administered Division and each of the Administered Divisional Branches, until the Administrator is satisfied that the Administered Division and each Administered Divisional Branch is functioning effectively;
- a suitably qualified auditor would be appointed to prepare audit reports into the financial and other affairs of the Administered Division and each of the Administered Divisional Branches;
- the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch not take effect until further order of the Court.

Any persons who wish to be heard by the Court in this matter are invited to attend a Directions Hearing at [time and date to be inserted] (Australian Eastern Standard Time).

This hearing will take place in the Federal Court of Australia, in Victoria (Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne), transmitted by video link to the Federal Court of Australia in:



- the Australian Capital Territory (Nigel Bowen Commonwealth Law Courts Building, Childers Street, Canberra);
- New South Wales (Law Courts Building, 184 Phillip Street, Queens Square, Sydney);
- the Northern Territory (Supreme Court Building, State Square, Darwin);
- Queensland (Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane);
- South Australia (Roma Mitchell Commonwealth Law Courts Building, 3 Angas Street, Adelaide);
- Tasmania (Edward Braddon Commonwealth Law Courts Building, 39 - 41 Davey Street, Hobart); and
- Western Australia (Peter Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth).

The court numbers will be published on the day in the court buildings, and will be accessible from the night before through the Federal Court's website at [Daily Court lists \(fedcourt.gov.au\)](http://Daily Court lists (fedcourt.gov.au)).

For any queries, the Federal Court of Australia, Victorian Registry, may be contacted on 1300 720 980.



Schedule

No. VID of 2024

Federal Court of Australia
 District Registry: Victoria
 Division: Fair Work

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kera
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Spernovasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwmans
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspudic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Misic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Gritzalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Broden Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hlis
Forty-fifth Respondent:	Jim Stuht
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakarun
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilia
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantis
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Crnac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamish Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seadon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Orterga
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karlusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Philip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emosi Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinksi
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupric
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sievas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelham
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozai
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battisini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Ponisi
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Colin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amies
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkesser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Philip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent	Steven Kuckzerka
Two hundred sixty-ninth Respondent	Stuart Peacock

Date: 2 August 2024

NOTICE OF FILING

Details of Filing

Document Lodged: Concise Statement
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:33 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form NCF1

Concise Statement



No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule to
the Originating Application

Respondents

CONCISE STATEMENT OF THE APPLICANT

Filed on behalf of (name & role of party)	General Manager of the Fair Work Commission, the Applicant		
Prepared by (name of person/lawyer)	Abigail Cooper		
Law firm (if applicable)	Australian Government Solicitor		
Tel	03 9242 1222	Fax	03 9923 6034
Email	abigail.cooper@ags.gov.au		
Address for service	Australian Government Solicitor		
(include state and postcode)	Level 34, 600 Bourke Street, Melbourne VIC 3000		

Summary of relief sought from the Court

1. The Applicant seeks the declarations and orders set out in the Originating Application, pursuant to s 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**).
2. The declarations sought are that the Construction and General Division (**C&G Division**) (excluding the Western Australian Divisional Branch and ACT Divisional Branch) of the Construction, Forestry and Maritime Employees Union (**CFMEU**) (**Administered Division**), and its divisional branches for each of Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia (**Administered Divisional Branches**), have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively: s 323(1).
3. The proposed orders are for the appointment of an Administrator of, the approval of a Scheme as set out in Annexure A to the proposed orders (**Scheme**) for, and the vacation of offices in, the Administered Division and each of the Administered Divisional Branches, and related orders: s 323(2) and (3).
4. The Applicant also seeks orders for service and the giving of notice of the application and the Court's orders, and regarding the service and advertisement of such notice: s 323(5).
5. The proposed orders would have effect in spite of anything in the National Rules of the CFMEU or the Divisional Rules of the C&G Division: s 323(6).

Parties to the proceeding

6. The Applicant holds the office of General Manager of the Fair Work Commission, pursuant to ss 656 and 660 of the *Fair Work Act 2009* (Cth) (**FW Act**).
7. The Applicant has a sufficient interest in relation to the CFMEU, and therefore has standing to make an application under s 323(1) of the FWRO Act. The Applicant's statutory functions¹ include to:
 - a. promote efficient management of organisations and high standards of accountability of organisations and their office holders to their members: s329A(1)(a)(i) of the FWRO Act;
 - b. monitor acts and practices to ensure they comply with the provisions of the FWRO Act providing for the democratic functioning and control of organisations: s 329A(1)(b);
 - c. do anything incidental to or conducive to the performance of the above functions: s 329A(1)(c); and
 - d. seek to embed within organisations a culture of good governance and voluntary compliance with the law: s 329A(2).
8. Parliament's intention in enacting the FWRO Act included to assist employees to promote and protect their economic and social interests through the formation of employee organisations, by providing for their registration, and according rights and privileges to them once registered: s 5(4). Parliament thereby recognised and respected the role of employee organisations in facilitating the operation of the workplace relations system: s 5(5).

¹ See also s 657(1A)(b) of the FW Act.

9. The CFMEU is an organisation of employees registered under the FWRO Act. It is a body corporate: s 27(a). The C&G Division and its divisional branches are part of the federally registered CFMEU, and do not have their own separate legal personality.²
10. The CFMEU (including its C&G Division and its divisional branches) has important objects concerning the protection and advancement of the interests, welfare and safety of its members.³
11. The Second to 224th Respondents are officeholders of the Administered Division and the Administered Divisional Branches (**Officeholders**). They exercise powers and duties under the National Rules of the CFMEU and under the Divisional Rules of the C&G Division (which rules are made and apply under the FWRO Act). The Officeholders will be affected by the making of the proposed orders.
12. The 225th to 252nd Respondents, and the 253rd to 269th Respondents, are officeholders of the Western Australian Divisional Branch and the ACT Divisional Branch respectively, who are not otherwise Officeholders referred to in paragraph 11 above. They will be affected, or potentially affected, by the making of the proposed orders.

Important facts giving rise to the claim

13. In the construction industry, since 2003, the CFMEU has been the subject of findings of contraventions of federal workplace laws on more than 1,500 occasions (plus 1,100 contraventions by its officeholders, employees, delegates and members) in approximately 213 proceedings, resulting in total penalties ordered against the CFMEU of at least \$24 million plus at least \$4 million ordered against its office holders, employees, delegates and members.
14. The Applicant has become aware, via media reporting in July 2024, of serious allegations of criminal conduct and other unlawful conduct, by current and former Officeholders, employees and other representatives of the Administered Division and various Administered Divisional Branches, including:
 - a. appointing as officeholders and/or delegates persons with criminal associations;
 - b. making agreements with, and/or supporting the appointment to projects, of construction industry participants with criminal associations;
 - c. encouraging construction industry participants to employ, or enter into business arrangements with, persons with criminal associations;
 - d. threats and intimidation of construction industry participants, including in relation to the signing of enterprise agreements, and in relation to the engagement of particular persons;
 - e. persons held out to be delegates or other representatives of the CFMEU forcing construction industry participants to employ and pay union delegates who do not attend work;
 - f. dealings with third party consultants who allegedly solicited the payment of bribes to CFMEU officials in return for CFMEU support to win work on particular projects, and who stated that the CFMEU encourages construction industry participants to invoice clients for "ghost" shifts (shifts that are not worked despite workers being rostered);

² In some States, there is an organisation registered under State legislation, but those State-registered organisations are not the subject of this proceeding under s 323 of the FWRO Act.

³ CFMEU National Rules, rule 4.

- g. making enterprise agreements with companies on the basis of the payment of bribes, or otherwise soliciting or receiving bribes;
 - h. receiving the benefit of free labour and supplies for personal building projects;
 - i. threatening physical violence against construction industry participants who had agreements with unions other than the CFMEU;
 - j. threatening that construction industry participants that did not have enterprise agreements with the CFMEU would be banned from building projects;
 - k. threatening to close down projects unless particular construction industry participants were removed from the project;
 - l. harassment of workers because they had previously been employed by construction industry participants that had enterprise agreements with unions other than the CFMEU; and
 - m. threats and intimidation of officers of other Divisions of the CFMEU seen not to be aligned with the C&G Division.
15. The steps that have been taken by the CFMEU in relation to these serious allegations, since the media reporting in July 2024, are limited in nature:
- a. the CFMEU has indicated that Mr John Setka (holder of various offices including Divisional Vice President of the C&G Branch, and Branch Secretary of both the Vic-Tas Divisional Branch and of the SA Divisional Branch) and Mr Marty Albert (Divisional Branch Management Committee of the Vic-Tas Divisional Branch) have resigned with effect from 12 July 2024 from all such offices;
 - b. on or about 15 July 2024 at a meeting of the C& G Divisional Executive, a resolution was passed under r 9(15)(j) of the C&G Divisional Rules to, amongst other things, appoint Mr Zachary Smith (Divisional Secretary of the C&G Division, and National Secretary of the CFMEU since 12 July 2024) to investigate and take action in relation to the Vic-Tas Divisional Branch, confer upon Mr Smith powers and functions including those of Branch Secretary of the Vic-Tas Divisional Branch, and to direct and oblige each member of the Vic-Tas Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith;
 - c. on or about 16 July 2024 the Vic-Tas Divisional Branch Management Committee passed a resolution, among other things, confirming support for the resolution referred to in paragraph 15.b above;
 - d. in or about mid July 2024, it was reported that Mr Smith had taken action to dismiss eight delegates of the Vic-Tas Divisional Branch who are members of outlaw motorcycle gangs or closely affiliated with them;
 - e. on 26 July 2024, Mr Smith informed the Applicant that he had “*appointed a suitably qualified senior counsel and junior counsel to conduct an investigation and make findings of fact*”, was “*undertaking a review of relevant policies and procedures*”, intends to “*issue interim and revised policies and procedures promptly*” and that “*two suitably qualified individuals have been engaged in order to scrutinise and advise me as to the content of those policies and procedures, and to review compliance with them*”;
 - f. except as summarised above, it appears that to date no other action has been taken by the CFMEU, the C&G Division or the Vic-Tas Divisional Branch, to remove any other Officeholders of the Vic-Tas Divisional Branch;

- g. it appears that no action has been taken in relation to the Officeholders of the NSW Divisional Branch and the Qld-NT Divisional Branch;
 - h. it appears that Officeholders, or previous Officeholders, of the Vic-Tas Divisional Branch remain as Officeholders of the SA Divisional Branch; and
 - i. under Schedule 1 of the Divisional Rules of the C&G Division, no later than 2 January 2025, the SA Divisional Branch will be amalgamated with the Vic-Tas Divisional Branch to become the Victoria-Tasmania-South Australia Divisional Branch of the C&G Division.
16. On or about 21 June 2023, the Vic-Tas Divisional Branch lodged with the Fair Work Commission a Statement of Loans, Grants and Donations which disclosed 10 payments totalling \$186,583.10 (including GST) made by the Branch to a commercial printing company in the financial year ended 31 March 2023, with the description “*in-kind donations for Diana Asmar’s HWU in-house election*”. It is not apparent which object of the CFMEU, as set out in its National Rules of the CFMEU r 4, is achieved by such transactions.
17. In circumstances where a number of Officeholders of the Administered Divisional Branches also hold offices in one or more other decision-making bodies of the CFMEU and/or the C&G Division, under the National Rules of the CFMEU and/or the Divisional Rules of the C&G Division, the exercise of powers including those of:
- a. the National Conference under r 13(x), including r 13(x)(g) and (j), of the National Rules of the CFMEU;
 - b. the National Executive under r 15(j) of the National Rules of the CFMEU;
 - c. the C&G Divisional Conference under r 8(xi) and (xvii) of the C&G Divisional Rules;
 - d. the C&G Divisional Executive under r 9(15) of the C&G Divisional Rules; and
 - e. the CFMEU State Branches under r 28 of the National Rules of the CFMEU,
- will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
18. Because the C&G Divisional Secretary’s exercise of powers under r 13(ii) of the C&G Divisional Rules is subject to decisions of the Divisional Conference, Divisional Executive, National Conference and National Executive, and for the reasons in paragraph 17 above, the actions of the C&G Divisional Secretary will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
19. On or about 17 July 2024, the Australian Council of Trade Unions (**ACTU**) (the peak body for Australian unions) passed a resolution to suspend the C&G Division of the CFMEU from the ACTU until such time that the ACTU is “*satisfied that the C&G Division is free of criminal elements and upholds standards of behaviour that align with union values.*”⁴

The primary legal grounds for the relief sought

20. An essential element of the effective functioning of a registered organisation is complying with the law and responding promptly and appropriately to serious allegations of criminal and other unlawful conduct of the kind described in paragraph 14 above.
21. In the circumstances alleged in paragraphs 13 to 20 above, the Court should be satisfied that the Administered Division, and each of the Administered Divisional Branches, have ceased to function effectively: FWRO Act s 323(1).

⁴ ACTU’s statement issued 17 July 2024.

22. Those circumstances should further satisfy the Court that there are no effective means under the rules of the CFMEU by which the Administered Division and each of the Administered Divisional Branches can be enabled to function effectively: s 323(1).
23. The appointment of an Administrator to the Administered Division and each of the Administered Divisional Branches, the approval of the Scheme, and the making of the orders sought, will enable the Administered Division and each of the Administered Divisional Branches to function effectively: s 323(2)(b).
24. The proposed orders, including the appointment of an Administrator and the approval of the Scheme, would not do substantial injustice to the CFMEU or any member of the CFMEU: s 323(4).
25. To the extent that the proposed orders provide for elections for offices of the Administered Division and the Administered Divisional Branches, the scheme provides for the elections to be held by a direct voting system or a collegiate voting system: s 323(7).

Alleged harm caused by the cessation of the C&G Division to function effectively

26. The conduct alleged herein harms, or has the potential to harm:
 - a. the members of the C&G Division and each of the Administered Divisional Branches, whose interests the CFMEU exists to advance and protect;
 - b. other workplace participants in the construction industry; and
 - c. the public interest.
27. In enacting the FWRO Act, Parliament intended and considered that relations within workplaces between employers and employees are enhanced, and the adverse effects of industrial disputation are reduced, if registered organisations are required to meet the standards set out in the FWRO Act: ss 5(1), (2). Those standards, among other things:
 - a. ensure that registered employee organisations are representative of and accountable to their members, and are able to operate effectively: s 5(3)(a);
 - b. encourage members to participate in the affairs of organisations to which they belong: s 5(3)(b); and
 - c. encourage the efficient management of organisations and high standards of accountability of organisations to their members: s 5(3)(c).
28. Those statutory objectives are defeated by alleged conduct of the kind described in paragraphs 13 to 18 above, and by the Administered Division and the Administered Divisional Branches ceasing to function effectively.
29. It is in the interests of the CFMEU and its members, other workplace participants, and the public interest, that the Court appoint an Administrator and approve a Scheme, to enable the Administered Division and the Administered Divisional Branches to function effectively.

Date: 2 August 2024



Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor

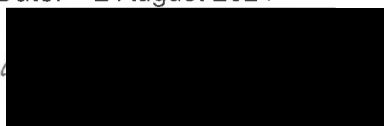
Lawyer for the Applicant

This Concise Statement was prepared by Jonathan Kirkwood SC, Brendan Avallone and Daniel Fawcett of counsel

Certificate of lawyer

I, Abigail Cooper, certify to the Court that, in relation to the concise statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the concise statement.

Date: 2 August 2024

A black rectangular redaction box covering the signature of Abigail Cooper.

Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor

Lawyer for the Applicant

NOTICE OF FILING

Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:31 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

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APPLICANT'S GENUINE STEPS STATEMENT

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: FAIR WORK**

NO VID OF 2024

**GENERAL MANAGER OF THE FAIR WORK
COMMISSION**

Applicant

**CONSTRUCTION, FORESTRY AND MARITIME
EMPLOYEES UNION and others named in the Schedule
to the Originating Application**

Respondents

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011* (Cth.).

STEPS TAKEN TO TRY TO RESOLVE THE ISSUES IN DISPUTE

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondents in the proceeding:

1. On 15 July 2024 the Applicant wrote to the First Respondent stating that FWC staff had been instructed to analyse the issues being raised in the media regarding the union, and providing the First Respondent with information about the support and expertise available if the National Executive intended to reconstitute the Victoria-Tasmania Branch (**Vic-Tas Branch**) of the Construction & General Division (**C&G Division**).
2. On 16 July 2024 the Applicant wrote to the First Respondent urgently seeking information regarding the process by which the National Executive had resolved to put its Vic-Tas Branch into administration following media reports of the same.
3. On 16 July 2024, the First Respondent wrote to the Applicant advising that on 15 July 2024 at a meeting of the C & G Divisional Executive, a resolution was passed under r 9(15(j)) of the C&G Divisional Rules to:

Filed on behalf of the Applicant, General Manager of the Fair Work
Commission

File ref: 24006449

Prepared by: Abigail Cooper
AGS lawyer within the meaning of s 551 of the *Judiciary Act 1903*

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abigail.cooper@ags.gov.au
Facsimile: 02 6169 3054

- a) appoint the National Secretary, Zachary Smith, to investigate and take any action he considers necessary to resolve any and all matters arising out of, or in connection with recent media allegations including in relation to the conduct of any members holding a position within the Vic-Tas Branch, and to take any steps he considers necessary to secure the day-to-day administration of the Branch
 - b) confer upon Mr Smith powers and functions necessary to perform this role, including those of the Branch Secretary office and the authority to appoint, control and dismiss staff within the Branch;
 - c) direct and oblige each member of the Vic-Tasmania Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith, including by exercising any powers conferred on them either individually or collectively under the Rules (including calling meetings, passing any necessary further resolutions and implementing decisions and recommendations).
4. On 17 July the First Respondent wrote to the Applicant requesting information regarding reports in the media that the Applicant was seeking advice on making an application under s 323 of the *Fair Work (Registered Organisations) Act 2009* (**FWRO Act**) for reconstitution of a part of an organisation and which parts of the union the Applicant would seek to reconstitute.
 5. On 22 July 2024 the Applicant wrote to the First Respondent confirming that the Applicant was seeking advice on making application under s 323 of the FWRO Act and considering which parts of the C&G Division should be subject to reconstitution.
 6. On 22 July 2024 the First Respondent wrote to the Applicant seeking a meeting to discuss any potential application by the Applicant in the Federal Court seeking that an administrator be appointed to manage the affairs of the First Respondent.
 7. On 23 July 2024 the Applicant wrote to the First Respondent seeking that it disclose specified information regarding officeholders and delegates and, in particular, the individuals alleged in the media to have been stood down in relation to links to organised crime.
 8. On 24 July 2024 the Applicant wrote to the First Respondent requesting that it advise whether it would be prepared to consent to an application under s.323 of the FWRO Act seeking an order in the Federal Court for reconstitution, and enquiring as to the scope of a proposed scheme for administration to which the First Respondent might consent.
 9. On 26 July 2024 the First Respondent wrote to the Applicant stating that Mr Smith had appointed senior counsel and junior counsel to conduct an investigation, and engaged qualified persons to review policies and procedures, issue interim policies and to review compliance with them. The letter also advised that Mr Smith wished to meet with the Applicant to discuss the Applicant's proposed scheme and consider it.

10. On 29 July 2024 the Applicant wrote to the First Respondent advising that the information sought on 23 July 2024 was necessary before the Applicant would be in a position to meet with Mr Smith to discuss a proposed scheme. The letter also requested that the Respondent clarify whether the National Executive had taken steps in response to allegations reported in the media about officials, delegates or other persons connected with other Divisional Branches and, if not, the reasons for limiting the response to the Vic-Tas Branch.
11. On 29 July 2024 the First Respondent wrote to the Applicant in relation to the Applicant's request for information regarding officeholders and delegates, and seeking certain information from the Applicant before providing the information that was sought.
12. On 1 August 2024 the First Respondent wrote to the Applicant asking, if the Applicant had reasonable grounds for suspicions regarding the conduct of officials outside Victoria and Tasmania, that the Applicant notify Mr Smith and stating Mr Smith would consider his response. The letter also stated that the First Respondent was embedding voluntary compliance, and confirmed Mr Smith's willingness to meet with the Applicant.
13. Having considered the information provided by the First Respondent, the Applicant is of the view that the C&G Division and several of its divisional branches have ceased to function effectively and that there are no effective means under the rules of the First Respondent or the C&G Division by which it can be enabled to function effectively, and that it is appropriate that a Scheme be put in place under s 323(2) of the FWRO Act, and that an Administrator be appointed and other orders be made, in the terms sought in the Originating Application of today's date, for the reasons summarised in the Concise Statement of today's date.
14. Having formed the view set out in the paragraph above, and in circumstances where a Scheme under s 323(2) of the FWRO Act cannot be put in place, and an Administrator cannot be appointed under s 323 of the FWRO Act, without Orders being made by the Federal Court of Australia upon the making of an application under s 323(1), and having regard to the steps described in the correspondence summarised above, the Applicant has formed the view that the matters cannot be resolved without the commencement of proceedings.

Date: 2 August 2024



.....
Abigail Cooper
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Applicant

5 August 2024

Partner Steven Amendola
Email steven.amendola@kingstonreid.com
Tel 03 9958 9606

The Proper Officer
Victorian Registry of the Federal Court
Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000

Partner Brad Popple
Email brad.popple@kingstonreid.com
Tel 03 9958 9613

Our ref: 11419.0003

Dear Registrar

VID758/2024 - General Manager Of The Fair Work Commission v Construction, Forestry And Maritime Employees Union & Ors

We act for Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations.

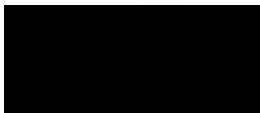
The Minister believes it is in the public interest to intervene on behalf of the Commonwealth of Australia in the above proceedings.

To this end, we **enclose** a notice of acting – appointment of lawyer, filed on behalf of the Minister, notifying of his intervention pursuant to section 351A of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**Notice**).

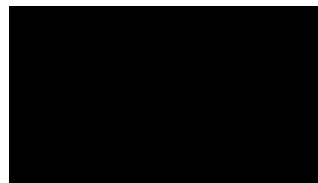
A copy of this correspondence and the Notice will be served on the solicitors for the Applicant and the First Respondent. The Second to Two hundred and sixty-ninth Respondents will be served once their address for service has been confirmed.

We respectfully request that we be included on all correspondence in relation to this matter.

Yours faithfully



Steven Amendola
Partner



Brad Popple
Partner

Copy:

Abigail Cooper, Australian Government Solicitor (solicitors for the Applicant)
Josh Bornstein; Daniel Victory, Maurice Blackburn (solicitors for the First Respondent)

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of Acting - Appointment of Lawyer - Form 4 - Rule 4.03
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 5/08/2024 3:59:31 PM AEST
Date Accepted for Filing: 5/08/2024 4:21:00 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION &
ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 4
Rule 4.03



Notice of acting – appointment of lawyer

No. VID758 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission and others named in the Schedule
Applicant

Construction, Forestry and Maritime Employees Union and others
Respondents

Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations, intervenor, has appointed Steven Amendola and Brad Popple, Kingston Reid, to represent the intervenor in the proceeding.

The address for service of the intervenor is:

Place: Level 17, 459 Collins Street, Melbourne, 3000

Email: steven.amendola@kingstonreid.com // brad.popple@kingstonreid.com // marcus.topp@kingstonreid.com

Date: 5 August 2024



Signed by Brad Popple
Lawyer for the Intervenor

Filed on behalf of (name & role of party)	Minister for Employment and Workplace Relations
Prepared by (name of person/lawyer)	Brad Popple
Law firm (if applicable)	Kingston Reid
Tel	03 9958 9606
	Fax
Email	steven.amendola@kingstonreid.com // brad.popple@kingstonreid.com // marcus.topp@kingstonreid.com
Address for service (include state and postcode)	Level 17, 459 Collins Street Melbourne VIC 3000

[Form approved 01/08/2011]



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID758/2024

GENERAL MANAGER OF THE FAIR WORK COMMISSION

Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others
named in the schedule

Respondents

MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS (CTH)

Intervener

ORDER

JUDGE: Justice Wheelahan

DATE OF ORDER: 6 August 2024

WHERE MADE: Melbourne

OTHER MATTERS:

- A. The Court will set a date for a further case management hearing in the proceeding, on a date to be fixed. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).
- B. The New South Wales Minister for Industrial Relations appeared by counsel to inform the Court of a proceeding filed by the Minister in the Industrial Court of New South Wales, seeking declarations and orders in relation to the New South Wales Construction, Forestry and Maritime Employees Union (**NSW CFMEU**), a State organisation registered under the *Industrial Relations Act 1996* (NSW), and officers of the Construction and General Division of the NSW CFMEU, and the possibility of an application to the Supreme Court of New South Wales for the proceedings to be removed from the Industrial Court of New South Wales and transferred to the Federal Court to be heard concurrently with VID758/2024.



THE COURT ORDERS THAT:

1. By 4.00 pm on 14 August 2024, the first respondent is to send by email or by express or registered post the originating application filed on 2 August 2024, and its accompanying concise statement and genuine steps statement, the letter from Kingston Reid dated 5 August 2024 and its enclosed notice of acting for the Minister for Employment and Workplace Relations (Cth), and any orders in this proceeding (**Relevant Documents**) to the email address or postal address recorded by the first respondent in its records for each of the second to 269th respondents, by way of service.
2. By 4.00 pm on 16 August 2024, the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent):
 - (a) verifying that order 1 has been complied with; and
 - (b) stating that the first respondent received a bounce back, out of office, return to sender or similar notification which may reasonably indicate that the relevant respondent did not in fact receive the communication.
3. In relation to the relevant respondents referred to in order 2(b):
 - (a) the first respondent is to send by email the Relevant Documents to the branch with which that relevant respondent is associated by 4.00 pm on 20 August 2024;
 - (b) the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent) verifying compliance with order 3(a).
4. Subject to any further order of the Court, the Relevant Documents are taken as having been served upon one of the second to 269th respondents if:
 - (a) they are sent by the first respondent by email or registered post in accordance with order 1; and



- (b) to the extent relevant, they are sent by the first respondent by email in accordance with order 3(a).
5. The interlocutory application filed by Liam O'Brien, a representative of the Australian Council of Trade Unions, be adjourned to a date to be fixed.
 6. Counsel for the parties and the intervener are to confer with a view to advising the Court of an appropriate date on which to fix the next case management hearing.
 7. Costs be reserved.

Date orders authenticated: 6 August 2024.

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kera
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Spervovasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwmans
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspudic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Misic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Grizalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Brodan Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hlis
Forty-fifth Respondent:	Jim Stuh
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakarun
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilia
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantis
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Crnac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamish Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seadon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Orterga
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karlusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Philip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emosi Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinski
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupric
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sievas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelham
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozai
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battisini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Ponisi
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Colin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amies
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkesser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Philip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent	Steven Kuckzerka
Two hundred sixty-ninth Respondent	Stuart Peacock

QUESTIONS AND ANSWERS

Could I lose my job?

If you are not employed by the Union

If you are not employed by the Union's Construction & General Division, this proceeding will not impact your employment.

If you are a delegate, you will continue to be a delegate unless notified otherwise – the court application does not seek to automatically remove delegates from their positions in the workplace.

If you are employed by the Union

The Court application is seeking to vacate the offices which are identified in Annexures B and C to the Originating Application. These "offices" include all officers that are elected in the Unions' 4-yearly elections and include being a member of a Branch Divisional Branch Management Committee, or a Branch Councillor.

If you are employed by the Union, you will cease being an officer-holder when these offices are vacated..

The proposed administration scheme provides that:

- to the extent that any person is an employee or paid official of the CFMEU *by reason of* the offices that are being vacated, their employment will be terminated with effect from the date of commencement of the Order of the Court;
- however, this does *not* affect the continued employment of a person (including organisers) who are not employed because they hold an office which is vacated.

The scheme does not terminate the employment of any employees of the ACT or WA Divisional Branches.

If you are unsure as to your situation, please reply to this email and you will be contacted by one of the union's lawyers to discuss your situation.

The Union is currently obtaining legal advice with respect to employment entitlements for those whose employment may be terminated.

Where do I get legal advice?

The Union has engaged lawyers to represent officers of each branch. Those lawyers will represent you. You do not have to pay any legal fees.

Please reply to this email if you wish to obtain legal advice, and you will be directed to the right person to find out more and ask any questions.

You may also choose to engage your own lawyer to represent you at your own cost.

Am I in trouble? What orders can be made against me?

This is a civil trial, not a criminal trial. The police are not involved.

This proceeding is about appointing an administrator to run the VIC-TAS, SA, QLD/NT and NSW branches of the Construction & General Division of the Union. It is not currently proposed to place the WA and ACT branches into administration.

The GM is asking the Court to make orders that remove each respondent from their CFMEU office. If the Court makes that order:

- you will cease being a delegate/officer/secretary/committee member/branch president/divisional trustee/executive member etc of the Union.
- you will have to return all property of the Union within 7 days (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels).

Will I be ordered to personally pay financial penalties?

No. The GM is not seeking to impose financial penalties against respondents in this proceeding.

Do I have to go to Court?

No. You do not have to attend Court. You may attend the hearings to observe if you choose.

For ACT/WA officers – why am I a respondent if my branch is not being placed into administration?

The GM is not currently seeking to place the WA or ACT branches into administration or vacate the offices of any officeholders. This means that, for now, the proceeding and proposed scheme of administration will not affect your status as an office-holder within the Branch or your employment.

However, in his application to the Court, the GM stated that at any time during the administration scheme, the administrator may determine that the ACT Branch or the WA Branch has ceased to function effectively and seek orders to place those branches into administration. To do this, the GM would have to go to Court again and satisfy a judge that the relevant branch has “ceased to function effectively” before those branches could be placed into administration and the offices are vacated.

When is the next Court date?

It will likely be on 6 September 2024 at 9.30 am.

The next hearing will be a case management hearing which only deals with procedural/administrative issues.

How does the government’s announcement about introducing legislation impact this case?

The case will likely continue until the legislation is passed (if it is passed) and the Minister appoints an administrator under that legislation. Any scheme of administration that is created under legislation may be different from what is sought in this Court case.

How will I get updates about the case?

If you are legally represented in this proceeding then your lawyers will keep you updated.

You can also get updates by visiting the Court's online file here:

[Fair Work Commission v Construction, Forestry and Maritime Employees Union \(CFMEU\): Online File \(fedcourt.gov.au\)](#)

Do I need to do anything?

Not at the moment. However, if you wish to pay for your own lawyers then you will need to arrange this yourself.

You should keep performing your important role as an officer/delegate. We will contact you if we need any information or for you to provide a statement.

What is this case about?

In mid-July 2024, the Nine newspapers published a series of articles detailing allegations of criminality and corruption in the construction industry. The allegations have not yet been proven, but include that persons associated with bikie gangs have been appointed as officeholders or delegates within the union.

In response to these allegations, the Federal Government and General Manager of the Fair Work Commission have indicated that they want to appoint an external administrator to "clean up" the Division. Mark Irving KC, an industrial law barrister from Victoria, has been proposed as the administrator. Section 323 of the *Fair Work Act 2009* (Cth) allows the GM of the FWC to apply to place unions, or just divisions or branches of a union, into administration if it can prove that the Division has "ceased to function effectively".

The Division has asked the GM to provide more information about the proposed administration scheme. The Division is considering whether to consent to an amended version of the scheme.

The Federal Minister for Employment, Murray Watt, has indicated that he will introduce legislation to place the relevant branches into administration if the Division does not consent to the Court application.

What has the Division done in response to the allegations and court case?

- Commenced an investigation into allegations of criminal and/or corrupt conduct led by Geoffrey Watson SC of the NSW Bar and Jessica Moir of the Victorian Bar. That investigation is underway and will consider matters in Victoria and New South Wales;
- Commenced a governance review. This process will entail creating new policies and procedures, which will be reviewed and revised by Susan Halliday (a former sex and disability discrimination commissioner) and Michael Paynter (a former employer representative). In addition, the review will assess compliance over the next 6 months;
- Removed several delegates from their positions.

- A forensic audit is to be conducted by an appropriately qualified firm.

What powers will the administrator have if he gets appointed?

Under the proposed administration scheme, the administrator will have the power to:

- Remove officers and officials.
- Hire and fire employees, consultants and assistant administrator.
- Control all the Division's property.
- Exercise votes of the offices he holds.
- Bring proceedings to recover funds, impose penalties and award compensation.
- Cooperate with any regulatory or police investigations.
- Establish and implement policies, including rule alterations.
- Keep and maintain the register of members.
- Prepare financial accounts as required.

An audit firm, Korda Mentha, will also conduct an audit of the financial affairs of the Division.

The administration will only end when the administrator issues a certificate that the Division is functioning effectively and the GM agreeing with that opinion.

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-2" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Bodhi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-2" being a copy of Mr Singh's file note, including a copy of the registered post tracking number for the Two hundred fifty-first Respondent

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	Josh.bornstein@mauriceblackburn.com.au ; bshribman-dellmann@mauriceblackburn.com.au
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

CFMEU FILE MEMORANDUM / ATTENDANCE RECORD

Member: CFMEU

Date: 12 / 8 / 24

Matter: VIO 758/2024: GM of FWC v CFMEU & OWS

Time: 12:30 - 14:30

Matter No: _____

Location: Trades Hall

Details:

1. Sent email to 31 of 32 respondents. No email bounced back or returned.
2. Sent material to Kay Symes via registered post at ~14:30. Tracking number below.



Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

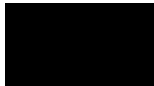
And


Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-3" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me: 
Bath Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-3" being a copy of the Australia Post tax invoice for registered post to the Two hundred fifty-first Respondent

Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

Josh Liley

From: Australia Post <noreply@notifications.auspost.com.au>
Sent: Monday, 12 August 2024 4:31 PM
To: Kivraj Singh
Subject: Your tax invoice from Australia Post

You don't often get email from noreply@notifications.auspost.com.au. Learn why this is important



[VIEW ONLINE](#)

Tax Invoice

Australia Post
PERTH BUSINESS CENTRE
125 STIRLING STREET PERTH WA 6000
ABN 28864970579

WCC: 602669
Till ID: 02
Receipt No: 17276
12 Aug 2024, 14:29:57 PM

ITEM DETAILS

QTY	ITEM	SUBTOTAL
1	Large Letter 251-500g	\$7.50*
1	Article Lodgement Registered Post Box (prepaid) Tracking number: RPP44 [REDACTED] Postcode: [REDACTED]	\$0.00

Please retain as proof of lodgement.

1 **Digital Receipt requested** \$0.00

PAYMENT METHOD

Credit... [REDACTED] \$7.50

GST

TOTAL

\$0.68

\$7.50*

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* POST supplied, price includes GST.

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Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And


Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-4" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me, 
of 360 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

Bohli Shribman - Dellmann

ANNEXURE "JL-4" being a copy of emails from Ms Read, including the attachments and copies of each delivery receipt received by Ms Read

Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

Rosalind Read

From: Rosalind Read
Sent: Monday, 12 August 2024 2:39 PM
To: Rosalind Read
Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Attachments: 1. Originating Application.pdf; 2. Concise statement.pdf; 3. Genuine steps statement.pdf; 4. Letter from Kingston Reid 5.8.24.pdf; 5. Notice of Acting for Minister.pdf; 6. Orders of Justice Wheelahan 6.8.24.pdf; Letter to office-holder.pdf; Q&A document.pdf

Tracking:	Recipient	Delivery
	[REDACTED]	
	[REDACTED]	Delivered: 12/08/2024 2:41 PM
	[REDACTED]	Delivered: 12/08/2024 2:42 PM
	[REDACTED]	Delivered: 12/08/2024 2:42 PM
	[REDACTED]	Delivered: 12/08/2024 2:42 PM

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (GM) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have "ceased to function effectively". The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.



Rosalind Read
Senior Legal Officer and Women's Officer
7-10/8 Cape Street
Dickson ACT 2602



I acknowledge the traditional Aboriginal owners of country throughout the ACT and pay my respect to them, their culture and their Elders past, present and future.

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This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

Rosalind Read

From: Rosalind Read
Sent: Tuesday, 13 August 2024 3:28 PM
To: Rosalind Read
Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Attachments: image001.jpg; image002.png; image003.png; image004.png; image005.png; image006.png; 1. Originating Application.pdf; 2. Concise statement.pdf; 3. Genuine steps statement.pdf; 4. Letter from Kingston Reid 5.8.24.pdf; 5. Notice of Acting for Minister.pdf; 6. Orders of Justice Wheelahan 6.8.24.pdf; Letter to office-holder.pdf; Q&A document.pdf

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Please reply to this email if you have any questions.

CFMEU

Construction & General Division
ACT Branch



Rosalind Read
Senior Legal Officer and Women's Officer

7-10/8 Cape Street
Dickson ACT 2602



I acknowledge the traditional Aboriginal owners of country throughout the ACT and pay my respect to them, their culture and their Elders past, present and future.

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Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmeu.org>
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Your message has been delivered to the following recipients:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



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Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmeu.org>
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
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Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmeu.org>
To: [REDACTED]
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Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Your message has been delivered to the following recipients:

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[REDACTED]

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SERVICE OF
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[REDACTED]
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To: [REDACTED]
Sent: Monday, 12 August 2024 2:41 PM
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Your message has been delivered to the following recipients:

[REDACTED]

Subject: **SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS**



**SERVICE OF
ORIGINATING A..**

Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmeu.org>
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
Subject: Relayed: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

[REDACTED]

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SERVICE OF
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Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmneu.org>
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
Subject: Relayed: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

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SERVICE OF .
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Rosalind Read

From: postmaster@ACTGovernment.onmicrosoft.com
To: [REDACTED]
Sent: Tuesday, 13 August 2024 3:30 PM
Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Your message has been delivered to the following recipients:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



SERVICE OF
ORIGINATING A..

Rosalind Read

From: postmaster@ACTGovernment.onmicrosoft.com
To: [REDACTED]
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Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Your message has been delivered to the following recipients:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



SERVICE OF
ORIGINATING A...

Rosalind Read

From: postmaster@aph.gov.au
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

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[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



SERVICE OF
ORIGINATING A.

Rosalind Read

From: postmaster@outlook.com
To: [REDACTED]
Sent: Monday, 12 August 2024 2:40 PM
Subject: Delivered: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Your message has been delivered to the following recipients:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



SERVICE OF
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Your message has been delivered to the following recipients:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



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[REDACTED]

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[REDACTED]

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SERVICE OF
ORIGINATING A..

Rosalind Read

From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cfmeu.org>
To: [REDACTED]
Sent: Tuesday, 13 August 2024 3:29 PM
Subject: Relayed: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS



SERVICE OF
ORIGINATING A...

CFMEU

CONSTRUCTION

CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN: 46 243 188 565

12 August 2024

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

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Those documents are attached to this email. Please read them carefully.

CFMEU

CONSTRUCTION

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN: 46 243 168 565

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.

Kind regards,

Zach Smith
National Secretary
CFMEU – Construction & General Division

QUESTIONS AND ANSWERS

Could I lose my Job?

If you are not employed by the Union

If you are not employed by the Union's Construction & General Division, this proceeding will not impact your employment.

If you are a delegate, you will continue to be a delegate unless notified otherwise – the court application does not seek to automatically remove delegates from their positions in the workplace.

If you are employed by the Union

The Court application is seeking to vacate the offices which are identified in Annexures B and C to the Originating Application. These "offices" include all officers that are elected in the Unions' 4-yearly elections and include being a member of a Branch Divisional Branch Management Committee, or a Branch Councillor.

If you are employed by the Union, you will cease being an officer-holder when these offices are vacated..

The proposed administration scheme provides that:

- to the extent that any person is an employee or paid official of the CFMEU *by reason of the offices that are being vacated*, their employment will be terminated with effect from the date of commencement of the Order of the Court;
- however, this does *not* affect the continued employment of a person (including organisers) who are not employed because they hold an office which is vacated.

The scheme does not terminate the employment of any employees of the ACT or WA Divisional Branches.

If you are unsure as to your situation, please reply to this email and you will be contacted by one of the union's lawyers to discuss your situation.

The Union is currently obtaining legal advice with respect to employment entitlements for those whose employment may be terminated.

Where do I get legal advice?

The Union has engaged lawyers to represent officers of each branch. Those lawyers will represent you. You do not have to pay any legal fees.

Please reply to this email if you wish to obtain legal advice, and you will be directed to the right person to find out more and ask any questions.

You may also choose to engage your own lawyer to represent you at your own cost.

Am I In trouble? What orders can be made against me?

This is a civil trial, not a criminal trial. The police are not involved.

This proceeding is about appointing an administrator to run the VIC-TAS, SA, QLD/NT and NSW branches of the Construction & General Division of the Union. It is not currently proposed to place the WA and ACT branches into administration.

The GM is asking the Court to make orders that remove each respondent from their CFMEU office. If the Court makes that order:

- you will cease being a delegate/officer/secretary/committee member/branch president/divisional trustee/executive member etc of the Union.
- you will have to return all property of the Union within 7 days (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels).

Will I be ordered to personally pay financial penalties?

No. The GM is not seeking to impose financial penalties against respondents in this proceeding.

Do I have to go to Court?

No. You do not have to attend Court. You may attend the hearings to observe if you choose.

For ACT/WA officers – why am I a respondent if my branch is not being placed into administration?

The GM is not currently seeking to place the WA or ACT branches into administration or vacate the offices of any officeholders. This means that, for now, the proceeding and proposed scheme of administration will not affect your status as an office-holder within the Branch or your employment.

However, in his application to the Court, the GM stated that at any time during the administration scheme, the administrator may determine that the ACT Branch or the WA Branch has ceased to function effectively and seek orders to place those branches into administration. To do this, the GM would have to go to Court again and satisfy a judge that the relevant branch has "ceased to function effectively" before those branches could be placed into administration and the offices are vacated.

When is the next Court date?

It will likely be on 6 September 2024 at 9.30 am.

The next hearing will be a case management hearing which only deals with procedural/administrative issues.

How does the government's announcement about introducing legislation impact this case?

The case will likely continue until the legislation is passed (if it is passed) and the Minister appoints an administrator under that legislation. Any scheme of administration that is created under legislation may be different from what is sought in this Court case.

How will I get updates about the case?

If you are legally represented in this proceeding then your lawyers will keep you updated.

You can also get updates by visiting the Court's online file here:

[Fair Work Commission v Construction, Forestry and Maritime Employees Union \(CFMEU\): Online File \(fedcourt.gov.au\)](#)

Do I need to do anything?

Not at the moment. However, if you wish to pay for your own lawyers then you will need to arrange this yourself.

You should keep performing your important role as an officer/delegate. We will contact you if we need any information or for you to provide a statement.

What is this case about?

In mid-July 2024, the Nine newspapers published a series of articles detailing allegations of criminality and corruption in the construction industry. The allegations have not yet been proven, but include that persons associated with bikie gangs have been appointed as officeholders or delegates within the union.

In response to these allegations, the Federal Government and General Manager of the Fair Work Commission have indicated that they want to appoint an external administrator to "clean up" the Division. Mark Irving KC, an industrial law barrister from Victoria, has been proposed as the administrator. Section 323 of the *Fair Work Act 2009* (Cth) allows the GM of the FWC to apply to place unions, or just divisions or branches of a union, into administration if it can prove that the Division has "ceased to function effectively".

The Division has asked the GM to provide more information about the proposed administration scheme. The Division is considering whether to consent to an amended version of the scheme.

The Federal Minister for Employment, Murray Watt, has indicated that he will introduce legislation to place the relevant branches into administration if the Division does not consent to the Court application.

What has the Division done in response to the allegations and court case?

- Commenced an investigation into allegations of criminal and/or corrupt conduct led by Geoffrey Watson SC of the NSW Bar and Jessica Moir of the Victorian Bar. That investigation is underway and will consider matters in Victoria and New South Wales;
- Commenced a governance review. This process will entail creating new policies and procedures, which will be reviewed and revised by Susan Halliday (a former sex and disability discrimination commissioner) and Michael Paynter (a former employer representative). In addition, the review will assess compliance over the next 6 months;
- Removed several delegates from their positions.

- A forensic audit is to be conducted by an appropriately qualified firm.

What powers will the administrator have if he gets appointed?

Under the proposed administration scheme, the administrator will have the power to:

- Remove officers and officials.
- Hire and fire employees, consultants and assistant administrator.
- Control all the Division's property.
- Exercise votes of the offices he holds.
- Bring proceedings to recover funds, impose penalties and award compensation.
- Cooperate with any regulatory or police investigations.
- Establish and implement policies, including rule alterations.
- Keep and maintain the register of members.
- Prepare financial accounts as required.

An audit firm, Korda Mentha, will also conduct an audit of the financial affairs of the Division.

The administration will only end when the administrator issues a certificate that the Division is functioning effectively and the GM agreeing with that opinion.

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:21 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 15
Rules 8.01(1); 8.04(1)



Originating application

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule
Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Federal Court of Australia, 305 William Street, MELBOURNE, Vic

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	General Manager of the Fair Work Commission, the Applicant		
Prepared by (name of person/lawyer)	Abigail Cooper		
Law firm (if applicable)	Australian Government Solicitor		
Tel	03 9242 1222	Fax	03 9923 6034
Email	abigail.cooper@ags.gov.au		
Address for service (include state and postcode)	Australian Government Solicitor Level 34, 800 Bourke Street Melbourne VIC 3000		



Details of claim

On the grounds stated in the accompanying concise statement, the Applicant claims:

1. A declaration under s 323(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**) that the Construction and General Division (**C&G Division**) of the Construction, Forestry and Maritime Employees Union (**CFMEU**), excluding the Construction and General Division, Western Australia Divisional Branch (**WA Divisional Branch**) and Construction and General Division, Australian Capital Territory Divisional Branch (**ACT Divisional Branch**), (**Administered Division**), has ceased to function effectively and that there are no effective means under the rules of the CFMEU by which it can be enabled to function effectively.
2. A declaration under s 323(1) of the FWRO Act that each of the following divisional branches of the C&G Division:
 - a. the Construction and General Division, Victoria-Tasmania Divisional Branch;
 - b. the Construction and General Division, South Australia Divisional Branch;
 - c. the Construction and General Division, New South Wales Divisional Branch; and
 - d. the Construction and General Division, Queensland Northern Territory Divisional Branch

(together, **Administered Divisional Branches**),

have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively.
3. An order under s 323(2) of the FWRO Act that the scheme attached as Annexure A to this Order (**Scheme**) be approved in relation the Administered Division and each of the Administered Divisional Branches.
4. An order under s 323(2) of the FWRO Act that Mark Irving be appointed administrator of the Administered Division of the CFMEU and each of the Administered Divisional Branches under the Scheme approved in Order 3 above.
5. An order under s 323(2) of the FWRO Act that all offices in the Administered Divisional Branches, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, identified in Annexure B to this Order, be vacated.
6. An order under s 323(2) of the FWRO Act that all offices held by the persons named in Annexure B to this Order, whether that office is held under the National Rules of the CFMEU



or the Divisional Rules of the C&G Division of the CFMEU, and whether or not the particular office is identified in Annexure B, be vacated.

7. An order under s 323(2) of the FWRO Act that all offices in the Administered Division, including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees (regardless of which divisional branch of the C&G Division they might also be officers of), identified in Annexure C to this Order, be vacated.
8. An order under s 323(2) of the FWRO Act that during period of the administration as it relates to the Administered Division, the Divisional Executive and the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
9. An order under s 323(2) of the FWRO Act that during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Committee of Management and the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
10. An order under s 323(2) of the FWRO Act that, until further order of the Court, Schedule 1 of the Divisional Rules of the C&G Division of the CFMEU shall not take effect.
11. An order under s 323(3) of the FWRO Act that, in the event of any difficulty arising in the course of the implementation of the Scheme, the Administrator, the Applicant or any person represented in the proceeding shall have liberty to apply on 72 hours' written notice.
12. Such further or other orders as the Court considers appropriate.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

1. Orders providing for the service upon the Second to 269th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.
2. Orders under s 323(5) of the FWRO Act providing for the publication and advertisement of a Notice in the terms set out as Annexure D to this Application (Notice).

**Applicant's address**

The Applicant's address for service is:

Place: Australian Government Solicitor, Level 34, 600 Bourke Street, Melbourne, VIC, 3000

Email: abigail.cooper@ags.gov.au

The Applicant's address is Level 4, 11 Exhibition Street, Melbourne, VIC, 3000.

Service on the Respondent

It is intended to serve this application on the following Respondents:

Construction, Forestry and Maritime Employees Union (First Respondent).

Note: The Applicant will seek orders providing for the service upon the Second to 289th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.

Date: 2 August 2024

A black rectangular redaction box covering the signature area.

Signed by Abigail Cooper
AGS Lawyer

For and on behalf of the Australian
Government Solicitor
Lawyer for the Applicant



ANNEXURE A

1. For the purposes of this Scheme, unless the contrary intention appears:
 - a. The *ACT Divisional Branch* means the Construction and General Division, Australian Capital Territory Divisional Branch;
 - b. The *Administered Division* means the C&G Division, excluding the WA Divisional Branch and ACT Divisional Branch;
 - c. The *Administered Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and QLD NT Divisional Branch
 - d. The *Administrator* means the person appointed under clause 3.J of the Scheme;
 - e. The *Court* means the Federal Court of Australia;
 - f. *CFMEU* means the Construction, Forestry and Maritime Employees Union, an organisation registered under the FWRO Act;
 - g. *C&G Division* means the Construction and General Division of the CFMEU provided for in rule 27(l) of the National Rules;
 - h. A *Divisional Branch Council* means a Divisional Branch Council constituted under rule 40 of the Divisional Rules;
 - i. The *Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch, Qld NT Divisional Branch, WA Divisional Branch and ACT Divisional Branch;
 - j. The *Divisional Conference* means the Divisional Conference constituted under rule 8 of the Divisional Rules;
 - k. The *Divisional Executive* means the Divisional Executive constituted under rule 9 of the Divisional Rules;
 - l. The *Divisional Rules* means the rules of the Construction, Forestry and Maritime Employees Union Construction and General Division and Construction and General Divisional Branches as certified under section 161 of the FWRO Act from time to time;
 - m. The *FW Act* means the *Fair Work Act 2009* (Cth);
 - n. The *FWRO Act* means the *Fair Work (Registered Organisations) Act 2009* (Cth);



- o. The *General Manager* means the person appointed to the office of General Manager of the Fair Work Commission under section 660 of the FW Act from time to time;
- p. The *National Rules* means the rules of the Construction, Forestry and Maritime Employees Union as certified under section 161 of the FWRO Act from time to time;
- q. The *NSW Divisional Branch* means the Construction and General Division, New South Wales Divisional Branch;
- r. The *Order* means the orders of the Court approving this Scheme under s 323 of the FWRO Act;
- s. The *Qld NT Divisional Branch* means the Construction and General Division, Queensland Northern Territory Divisional Branch;
- t. The *SA Divisional Branch* means the Construction and General Division, South Australia Divisional Branch;
- u. The *Vic-Tas Divisional Branch* means the Construction and General Division, Victoria-Tasmania Divisional Branch;
- v. The *WA Divisional Branch* means the Construction and General Division, Western Australia Divisional Branch; and
- w. Except where otherwise provided, words in this Scheme have the same meaning as in the FWRO Act.

Operation of this Scheme

- 2. For the avoidance of doubt, this Scheme operates notwithstanding anything in the National Rules or Divisional Rules, and prevails to the extent of any inconsistency with the National Rules or Divisional Rules.

Appointment of Administrator

- 3. On the making of the Order:
 - a. all offices in the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and Qld NT Divisional Branch, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, Identified In Annexure B to the Order, shall be declared by the Court to be vacant;



- b. all offices held by the persons who are named in Annexure B to the Order, whether that office is held under the National Rules or the Divisional Rules, and whether or not the particular office is identified in Annexure B, shall be declared by the Court to be vacant;
- c. all offices in the Administered Division including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees, identified in Annexure C to the Order, shall be declared by the Court to be vacant;
- d. to the extent that any person is an employee or paid official of the CFMEU by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c, that employment or paid position is terminated with effect from the date of commencement of the Order;
- e. clause 3.a, clause 3.b and clause 3.c do not affect the continued employment of a person (including organisers) who is not employed or a paid official by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c;
- f. during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- g. subject to clause 4, during the period of the administration as it relates to the Administered Division, the holder(s) of any office within the Administered Division not declared vacated under clause 3.a or clause 3.b or clause 3.c shall temporarily be divested of each of their powers respectively under the National Rules and the Divisional Rules while the administration is continuing in respect of that part of the CFMEU;
- h. during the period of the administration as it relates to the Administered Division, the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- i. during the period of the administration of the Administered Division or any Administered Divisional Branch, any resolution made prior to the making of the Order, by the Divisional Executive, the Divisional Conference, a Divisional Branch Committee of Management of an Administered Divisional Branch, or a Divisional Branch Council of an Administered Divisional Branch, empowering any person to exercise powers, functions or duties of an officer of the Administered Division or an Administered Divisional Branch, shall not have effect;



- j. Mark Irving shall be appointed as Administrator of the Administered Division and each of the Administered Divisional Branches; and
- k. until further order of the Court, Schedule 1 of the Divisional Rules shall not take effect.
4. For the avoidance of doubt, clause 3 shall not affect the continued exercise of powers in accordance with the National Rules and Divisional Rules of officeholders, or the Divisional Branch Management Committee, or the Divisional Branch Council, of the ACT Divisional Branch or the WA Divisional Branch, acting in their capacity as officers, or the Divisional Branch Management Committee, or the Divisional Branch Council, of that Divisional Branch.
5. Subject to clause 6, within seven days of the making of the Order, those persons whose offices are declared vacant in clause 3 shall:
- a. return to the Administrator all property (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels) of the CFMEU, the Administered Division or any of the Administered Divisional Branches or any of their associated entities, as the case may be, in their possession, custody or power;
 - b. effect to have transferred into the name of the Administrator any real or personal property held by that person on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch, and any real or personal property owned by or held on trust for or on behalf of any associated entity of the CFMEU, Administered Division or any of the Administered Divisional Branches;
 - c. deliver up to the Administrator any documents, whether hard copy, electronic or otherwise, relating to the affairs of the CFMEU, Administered Division, an Administered Divisional Branch or any of their associated entities, as are in their possession, custody or power; and
 - d. where documents of a kind described in clause 5.c are not in the person's possession, custody or power, inform the Administrator in writing as to the existence of such documents and, to the best of the person's knowledge, where those documents are located.
6. For the avoidance of doubt, clause 5 shall not apply to property or documents of the CFMEU, WA Divisional Branch or the ACT Divisional Branch, insofar as those property or documents are held by the person because of an office which has not been vacated under clause 3.



7. As and from the making of the Order and for the period of the administration, the Administrator:
- a. shall have and exercise all of the powers and duties of the Divisional Conference and the Divisional Executive as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;
 - b. shall have and exercise all of the powers and duties of the Divisional Branch Council and Divisional Branch Management Committee of each of the Administered Divisional Branches as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;
 - c. shall have all of the powers and duties of each office that is declared vacant under clause 3.a or clause 3.b or clause 3.c as are conferred on those offices under the National Rules and the Divisional Rules, and the FWRO Act, including without limiting the foregoing the power to exercise voting rights attaching to such offices in decision-making bodies of the CFMEU and the C&G Division;
 - d. shall have power, without limiting the foregoing, to appoint one or more persons as Divisional Trustee of the Administered Division, and/or as Divisional Branch Trustee of an Administered Divisional Branch, and at or after the time of such appointment to transfer into the name of that person any real or personal property held by the Administrator on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch;
 - e. shall have power, without limiting the foregoing, to terminate the appointment of an auditor of the Administered Division or an Administered Divisional Branch, and appoint another person as auditor of the Administered Division or an Administered Divisional Branch;
 - f. shall have power, without limiting the foregoing, to remove officers, officials or employees of the Administered Division and any Administered Divisional Branch from office, positions or employment respectively;
 - g. shall use his powers, under this Scheme and under the National Rules and the Divisional Rules of the CFMEU, to enable the Administered Division and the Administered Divisional Branches to function effectively, in good faith in what he believes to be the best interests of the Administered Division and each Administered Divisional Branch. .



8. For the avoidance of doubt, and whilst the administration continues in respect of the Administered Division or any Administered Divisional Branch, and notwithstanding any provisions of the National Rules or the Divisional Rules, the Administrator may appoint any person deemed suitable to him as a proxy to represent him at any meeting of the National Conference, National Executive, National Executive Committee or National Collegiate of the CFMEU, any State Conference constituted under rule 46 of the National Rules, any State Executive constituted under rule 47 of the National Rules, and any other decision-making body of the CFMEU or one of its Divisions or Branches under the National Rules or the Divisional Rules, and exercise the deliberative vote of such of the Administered Division or the Administered Divisional Branches that remain in administration (and their respective offices) provided that a separate written appointment is made for each such meeting. Each such instrument may provide instructions to the proxy as to how the proxy should vote and must do so in the event of a vote being required on any matter that, in the opinion of the Administrator, may adversely affect the interests of the members of the Administered Division or an Administered Divisional Branch. To avoid doubt, any such instructions may include a direction to abstain from voting.
9. Where notwithstanding this Scheme a person continues to hold office or employment in the Administered Division or an Administered Divisional Branch, the Administrator shall have power to direct that person:
- a. to take leave, including using any accrued annual leave, long service leave or other leave; and / or
 - b. to perform no, or different, work; and / or
 - c. not to attend the premises, or to access any property, information or system, of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - d. to return any property or information of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - e. not to hold themselves out as acting or speaking for or on behalf of the Administered Division or some or all of its Administered Divisional Branches,

for such time as the Administrator considers appropriate (but no later than the date upon which the Administrator ceases to act under this Scheme in respect of the Administered Division or, in the case of an office or employment in an Administered Divisional Branch, that Administered Divisional Branch).



10. For the avoidance of doubt, subclauses 9.a and 9.b do not give power to direct a person in respect of an office which continues by virtue of clause 4 or in respect of a person's employment in a Divisional Branch which is not an Administered Divisional Branch.
11. The Administrator shall have power to bring proceedings in the name of the CFMEU, including for the recovery of any funds of the CFMEU, the Administered Division or any of the Administered Divisional Branches, and for the imposition of penalties and the awarding of compensation as may be available under the FWRO Act or any other law.
12. The Administrator shall have full power to engage, on behalf of the CFMEU and at the expense of the CFMEU, such employees and consultants as the Administrator deems necessary to enable the Administrator to carry out the duties and functions conferred on the Administrator under this Scheme.
13. The Administrator shall have power to refer, to any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State, the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
14. The Administrator shall co-operate with any investigations or inquiries (howsoever described) conducted by or on behalf of any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State into the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
15. Notwithstanding anything in the National Rules or Divisional Rules:
- a. the Administrator will have the power to suspend, expel or dismiss from any office or position a member, representative or delegate of any kind, of the Administered Division or an Administered Divisional Branch, whom the Administrator is satisfied has engaged in conduct of the kind identified in rule 26A 2 of the National Rules or is of general bad character within the meaning of s 188(1) of the FWRO Act;
 - b. the power in clause 15.a may be exercised in relation to conduct that occurred before or after the commencement of this Scheme;
 - c. the process governing the exercise of the power in (a) shall be determined by the Administrator provided the process affords procedural fairness; and



- d. any member expelled from membership by the Administrator shall not be entitled to apply for re-admission as a member of the CFMEU for a period determined in expelling the member so long as the period is not greater than a period of 4 years. ★
16. The Administrator may, upon giving 72 hours' written notice to any person represented in the proceeding, apply to the Court for the appointment of an Assistant Administrator or Assistant Administrators to undertake various duties of the Administrator.
17. The Administrator shall establish and implement policies to ensure the Administered Division will be representative of and accountable to its members, will be able to operate lawfully and effectively, will encourage members to participate in the affairs of the Administered Divisional Branch to which they belong, and will encourage the democratic functioning and control of the Administered Division.
18. The Administrator may alter the Divisional Rules, make new Divisional Rules or delete Divisional Rules, and shall consult with the board of management (as defined in the FWRO Act) of any part of the CFMEU, that is not the Administered Division or an Administered Divisional Branch, if it is affected by that alteration.
19. The Administrator shall meet with the General Manager on a monthly basis to discuss the progress of the Scheme.

Maintaining the register and preparation of accounts

20. The Administrator shall cause to be kept and maintained a copy of the register of members of the CFMEU as it relates to the Administered Division and to each of the Administered Divisional Branches, including to record any person joining or resigning from any of the Administered Divisional Branches after the date of the Order and their financial status.
21. The Administrator shall cause to be prepared all financial accounts relating to the Administered Division and each Administered Divisional Branch within the time or times required under the FWRO Act in accordance with Part 3 of Chapter 8 of the FWRO Act, except that if the SA Divisional Branch has not as at the date of the Order lodged its financial report for the year ended 31 March 2024 under section 268 of the FWRO Act, the Administrator shall have an extension of time of four months from the date of the Order to do so.

Fees and expenses of Administrator

22. The CFMEU shall pay the fees and expenses of the Administrator, any employees and consultants referred to in clause 12 above who are assisting in the carrying out of his



functions under this Scheme, and any Assistant Administrator appointed by the Court as referred to in clause 16 above. For the avoidance of doubt, this does not include the fees and expenses of KordaMentha appointed under clause 40 below.

23. The fees payable to the Administrator shall be fixed at the rate of remuneration payable to a Vice President of the Fair Work Commission under s 637(1) of the FW Act, any travel allowance and any applicable allowances payable to a Vice President of the Fair Work Commission under s 637(2) of the FW Act, as fixed by the Remuneration Tribunal from time to time. For the avoidance of doubt, the office of the Administrator is not a public office within the meaning of the *Remuneration Tribunal Act 1973* (Cth).

24. The Administrator shall be paid such travel allowances and be entitled to the same class of travel as a Vice President of the Fair Work Commission, as fixed by the Remuneration Tribunal from time to time.

Duration of administration

25. The Administrator shall use his best endeavours to ensure the completion of the administration within 2 years of the date of the Order, or such further time as the Court may allow.

26. In respect of the Administered Division and each Administered Divisional Branch, upon being satisfied that the relevant part is functioning effectively, the Administrator will issue a certificate stating that he is so satisfied. Such certificate will take effect, as set out below, upon the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate.

27. In deciding whether to issue a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must take into account the report referred to in clause 42 below and any reports relating to the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.

28. In deciding whether to confirm in writing that he agrees with the Administrator's opinion as set out in a certificate under clause 26, the General Manager must take into account the report referred to in clause 42 below and any audit reports for the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.

29. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of any Administered Divisional Branch, and the General Manager confirming in



writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.

30. At the same time as taking the necessary steps to arrange for the conduct of elections for an Administered Divisional Branch in accordance with clause 29 above, the Administrator shall take the necessary steps to arrange for the conduct of elections of any positions declared vacant in accordance with clause 3.b which were declared vacant because of the incumbent being the holder of an office in that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act. For the avoidance of doubt, this clause does not require the conduct of elections in relation to offices in the Divisional Executive – such elections will instead be conducted in accordance with clauses 34 and 35 below.
31. Despite anything to the contrary in the National Rules or the Divisional Rules, no election shall be held in respect of offices in an Administered Divisional Branch until after the issuing of a certificate under clause 26 above in respect of that Administered Divisional Branch.
32. Upon the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices of an Administered Divisional Branch conducted as set out in clause 29 above, the office holders elected will take office and the Administrator shall cease to act under this Scheme in respect of that Administered Divisional Branch.
33. A person elected to an office in an Administered Divisional Branch as a result of the elections referred to in clauses 29 and 32 above shall hold office for the balance of any term of office until the usual quadrennial elections of the CFMEU which are to be commenced in 2028.
34. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of the Administered Division, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of the Divisional Executive of the Administered Division. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.



35. Despite anything to the contrary in the National Rules or the Divisional Rules, no election* shall be held in respect of offices in the Divisional Executive of the Administered Division until after the issuing of a certificate under clause 26 above in respect of the Administered Division.
36. With effect from the date that all of the following conditions have been met:
- a. the Administrator has issued a certificate under clause 26 in respect of Administered Division and every one of the Administered Divisional Branches, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in each of those certificates; and
 - b. the Administrator has ceased to act under this Scheme, in accordance with clause 32, in respect of every one of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch or the Qld NT Divisional Branch; and
 - c. the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices in the Divisional Executive of the Administered Division as set out in clause 33 above,
- the office holders elected to the Divisional Executive will take office and the Administrator will cease to act under this Scheme in respect of the Administered Division.
37. A person elected to an office in the Administered Division as a result of the elections referred to in clauses 34 and 35 above shall hold office for the balance of any term of office until the usual quadrennial elections of the Administered Division which are to be commenced in 2029.

Indemnification of Administrator

38. The CFMEU shall indemnify the Administrator in respect of any and all claims, proceedings, or complaints made in connection with the Administrator's exercise or non-exercise of any of the functions, powers and duties under this Scheme, including in relation to the cost of defending such claims, proceedings or complaints, and in relation to the payment of any compensation, penalties or other amounts awarded or paid in the determination, settlement, or other resolution, of such compensation, penalties or other amounts.
39. For the avoidance of doubt, the indemnification provided for in clause 38 above will continue after the Administrator ceases to act as Administrator under this Scheme, as long as the



relevant exercise or non-exercise of functions, powers and duties occurred at a date when the Administrator still had functions, powers and duties under this Scheme.

Appointment of Special Purpose Auditor

40. Upon the making of the Order, KordaMentha Pty Ltd atf KM Unit Trust (**KordaMentha**) shall be engaged by the General Manager to undertake a special purpose audit for the purposes set out in clauses 42 and 43 below.
41. For the avoidance of doubt, the appointment of KordaMentha under clause 40 will not disturb or vacate the appointment of any other person as an auditor of the C&G Division and each of the Divisional Branches under the National Rules or the Divisional Rules.
42. As soon as practicable after the making of the Order, but no more than 21 days, or such greater period as permitted in writing by the General Manager, thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, an Independent report into the financial position and governance of the Administered Division and each of the Administered Divisional Branches. The report will:
- a. report on the financial position of each of the entities under the control of the Administrator; and
 - b. advise on any significant financial risk identified by KordaMentha relating to entities under the control of the Administrator.
43. At any time during the administration of the Administered Division, the General Manager may request KordaMentha to prepare such further or other independent reports into the affairs of the Administered Division and/or any of the Administered Divisional Branches as remain in administration. As soon as practicable after the receipt of such a request, but no more than 21 days or such greater period as permitted in writing by the General Manager thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, the requested report.
44. Prior to issuing a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must cause an audit report into the financial affairs of the relevant Administered Divisional Branch or (in the case of a proposed certificate in respect of the Administered Division) of the Administered Division to be prepared at the CFMEU's expense and provided to the General Manager. The person appointed by the Administrator to conduct each such audit report must be a person entitled to be appointed as an auditor of the relevant Administered Divisional Branch or the



Administered Division in accordance with the FWRO Act, National Rules and Divisional Rules.

45. The Administrator, and all office holders and employees of the CFMEU in the Administered Division and each of the Administered Divisional Branches, shall cooperate fully with the conduct of the audits and preparation of reports referred to in clauses 40, 42, 43 and 44 above.
46. The Fair Work Commission shall pay the fees and expenses of KordaMentha in relation to the carrying out of the duties in clauses 40, 42 and 43 above.

WA Divisional Branch and the ACT Divisional Branch

47. At any time during the administration of the Administered Division, the Administrator may advise the General Manager that in his opinion either the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively.
48. If the General Manager is satisfied that the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively, the General Manager may apply to the Court for a further declaration and orders under s 323 of the FWRO Act in relation to that Divisional Branch.

Annexure B¹

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Victoria-Tasmania Divisional Branch		
1.	Divisional Branch Secretary	(Vacant) ²
2.	Divisional Branch Assistant Secretary	Derek Christopher
3.	Divisional Branch Assistant Secretary	Elias Spemovasilis
4.	Divisional Branch President	Robert Graauwmans
5.	Divisional Branch Senior Vice President	Joe Myles
6.	Divisional Branch Vice President	Mick Myles
7.	Divisional Sub-Branch President <i>(Tasmania)</i>	Kevin Harkins
8.	Divisional Sub-Branch President <i>(Tasmania)</i>	Richard Hassett
9.	Divisional Branch Management Committee Member <i>(position 1)</i>	David Lythgo
10.	Divisional Branch Management Committee Member <i>(position 2)</i>	Rudy Raspudic
11.	Divisional Branch Management Committee Member <i>(position 3)</i>	Anthony Cordier
12.	Divisional Branch Management Committee Member <i>(position 4)</i>	Anthony Ioannidis

¹ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

² First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
13.	Divisional Branch Management Committee Member <i>(position 5)</i>	Bill Beattie
14.	Divisional Branch Management Committee Member <i>(position 6)</i>	Steve Long
15.	Divisional Branch Management Committee Member <i>(position 7)</i>	Gerard Benstead
16.	Divisional Branch Management Committee Member <i>(position 8)</i>	John Perkovic
17.	Divisional Branch Management Committee Member <i>(position 9)</i>	Darko Mistic
18.	Divisional Branch Management Committee Member <i>(position 10)</i>	John Constantinou
19.	Divisional Branch Management Committee Member <i>(position 11)</i>	John Perak
20.	Divisional Branch Management Committee Member <i>(position 12)</i>	Paddy Farrelly
21.	Divisional Branch Management Committee Member <i>(position 13)</i>	Frank Akbari
22.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
23.	Divisional Branch Management Committee Member <i>(position 15)</i>	Paul Round
24.	Divisional Branch Management Committee Member <i>(position 16)</i>	Martin Murphy
25.	Divisional Branch Management Committee Member <i>(position 17)</i>	Jeremy Tomic
26.	Divisional Branch Management Committee Member <i>(position 18)</i>	Dennis Gritzalis
27.	Divisional Branch Management Committee Member <i>(position 19)</i>	James Simpson
28.	Divisional Branch Management Committee Member <i>(position 20)</i>	Steven Balta
29.	Divisional Branch Management Committee Member <i>(position 21)</i>	Lisa Zanatta
30.	Divisional Branch Management Committee Member <i>(position 22)</i>	Theo Theodorou
31.	Divisional Branch Management Committee Member <i>(position 23)</i>	Brendan Pitt
32.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 1)</i>	Broden Barlow



Column A		Column B
POSITION		NAME OF INCUMBENT
33.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 2)</i>	Kevin Harkins
34.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 3)</i>	Mark Denny
35.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 4)</i>	Richard Hassett
36.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 5)</i>	Dushan Hills
37.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 6)</i>	Jim Stuh
38.	Divisional Branch Trustee	(Unknown)
39.	Divisional Branch Trustee	(Unknown)
40.	Divisional Branch Trustee	(Unknown)
41.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 1)</i>	Rhett Campbell
42.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 2)</i>	Chris Brett
43.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 3)</i>	Richard Bradley
44.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 4)</i>	Bart Scaffidi
45.	Delegate to Divisional Branch Council	Vlado Cakarun



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 5)</i>	
46.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 6)</i>	Emilio Botsaris
47.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 7)</i>	Luke Buttigieg
48.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 8)</i>	Shane Cilla
49.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 9)</i>	Lara Van Graas
50.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 10)</i>	Kelly Ngu
51.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 11)</i>	Sean Paul Donnelly
52.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 12)</i>	Peter Clark
53.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 13)</i>	Antony Grgurevic
54.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 14)</i>	Valerio Macaro
55.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 15)</i>	Ivan Colina
56.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 16)</i>	Mick Fitzsimons
57.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 17)</i>	Felice Filardo



Column A		Column B
POSITION		NAME OF INCUMBENT
58.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 18))</i>	Mathew Montebello
59.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 19))</i>	(Vacant)
60.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 20))</i>	David Costabile
61.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 21))</i>	David Krizan
62.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 22))</i>	Peter Loncar
63.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 23))</i>	Jason Deans
64.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 24))</i>	Anthony Dredge
65.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 25))</i>	Teena Simpson
66.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 26))</i>	Neven Markulin
67.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 27))</i>	Yong Wu
68.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 28))</i>	Jimmy Harris
69.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 29))</i>	Drew McDonald
70.	Delegate to Divisional Branch Council	Guang Liang Xu



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 30)</i>	
71.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 31)</i>	Terence McNamara
72.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 32)</i>	John Mantis
73.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 33)</i>	Gerard McQuaid
74.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 34)</i>	Lita Gillies
75.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 35)</i>	Scott Aird
76.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 36)</i>	Mark McMillan
77.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 37)</i>	Brad McNiven
78.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 38)</i>	Ilija Cmac
79.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 39)</i>	Lee McKenzie
80.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 40)</i>	Tamish Muller
81.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 41)</i>	David Foley
82.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 42)</i>	Kathleen Ingram



Column A		Column B
POSITION		NAME OF INCUMBENT
83.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 43)</i>	Matthew Seadon
84.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 44)</i>	Mick Egan
85.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 45)</i>	Mick Powell
86.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 46)</i>	Carla Rivera
87.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 47)</i>	Liam O'Hearn
88.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 48)</i>	Adam Olsen
89.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 49)</i>	Ashton Fitzpatrick
90.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 50)</i>	Shane McGowan
91.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 51)</i>	Trevor Punshon
92.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 52)</i>	Ricky Orterga
93.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 53)</i>	Mark Peterson
94.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 54)</i>	Gary Roberts
95.	Delegate to Divisional Branch Council	John Pidoto



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 55)</i>	
96.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 56)</i>	Angelo Ruffato
97.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 57)</i>	(Vacant)
98.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 58)</i>	James Ryan
99.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 59)</i>	Terry Ryan
100.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 60)</i>	Gerry Pettifer
101.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 61)</i>	Shane Ross
102.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 62)</i>	Daniel Simioni
103.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 63)</i>	Malachy Farrelly
104.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 64)</i>	Malachy Farrelly
105.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 65)</i>	David Setka
106.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 66)</i>	Chris Spiridonos
107.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 67)</i>	Mick Karlusic



Column A		Column B
POSITION		NAME OF INCUMBENT
108.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 68)</i>	Simon Samardzic
109.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 69)</i>	John Samardzic
110.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 70)</i>	Jack Vucak
111.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 71)</i>	Shelly Goodwin
112.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 72)</i>	Esther Van Arend
113.	Delegate to Divisional Branch Council <i>(Geelong position 1)</i>	Paul McCann
114.	Delegate to Divisional Branch Council <i>(Geelong position 2)</i>	Dean Doran
115.	Delegate to Divisional Branch Council <i>(Geelong position 3)</i>	Mark Travers
116.	Delegate to Divisional Branch Council <i>(Geelong position 4)</i>	Rachel McCann
117.	Delegate to Divisional Branch Council <i>(Central Victoria position 1)</i>	Nigel Davies
118.	Delegate to Divisional Branch Council <i>(Central Victoria position 2)</i>	David Duffy
119.	Delegate to Divisional Branch Council <i>(Central Victoria position 3)</i>	Andrew Pitlik
120.	Delegate to Divisional Branch Council	Brett James Fleming



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Central Victoria position 4)</i>	
121.	Delegate to Divisional Branch Council <i>(Northern Victoria position 1)</i>	James Gianchino
122.	Delegate to Divisional Branch Council <i>(Northern Victoria position 2)</i>	Joel Hannebery
123.	Delegate to Divisional Branch Council <i>(Northern Victoria position 3)</i>	Mark Tait
124.	Delegate to Divisional Branch Council <i>(Northern Victoria position 4)</i>	Cameron McClure
125.	Delegate to Divisional Branch Council <i>(La Trobe position 1)</i>	Philip Darcy
126.	Delegate to Divisional Branch Council <i>(La Trobe position 2)</i>	John Thomson
127.	Delegate to Divisional Branch Council <i>(La Trobe position 3)</i>	Toby Thornton
128.	Delegate to Divisional Branch Council <i>(La Trobe position 4)</i>	Tom Malone
Construction and General South Australian Divisional Branch		
129.	Divisional Branch Secretary	(Vacant) ³
130.	Divisional Branch Assistant Secretary	Marcus Pare
131.	Divisional Branch President	Robert Graauwmans
132.	Divisional Branch Vice President	Mark Palmer
133.	Divisional Branch Treasurer	Travis Hera-Singh
134.	Divisional Branch Trustee	(Vacant)

³ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
135.	Divisional Branch Trustee	Travis Brook
136.	Divisional Branch Organiser	Emosl Veron
137.	Divisional Branch Organiser	(Vacant)
138.	Divisional Branch Management Committee Member <i>(position 1)</i>	Mark Forster
139.	Divisional Branch Management Committee Member <i>(position 2)</i>	James Rusinski
140.	Divisional Branch Management Committee Member <i>(position 3)</i>	(Vacant)
141.	Divisional Branch Management Committee Member <i>(position 4)</i>	Daniel Bottrell
142.	Divisional Branch Management Committee Member <i>(position 5)</i>	David Ellis
143.	Divisional Branch Council Member <i>(position 1)</i>	Holly Hedges
144.	Divisional Branch Council Member <i>(position 2)</i>	Kain Shanko
145.	Divisional Branch Council Member <i>(position 3)</i>	Lance Herbert
146.	Divisional Branch Council Member <i>(position 4)</i>	(Vacant)
147.	Divisional Branch Council Member	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 5)</i>	
148.	Divisional Branch Council Member <i>(position 6)</i>	Michael McCluskey
149.	Divisional Branch Council Member <i>(position 7)</i>	Damien O'Connell
150.	Divisional Branch Council Member <i>(position 8)</i>	Patrick Rupric
151.	Divisional Branch Council Member <i>(position 9)</i>	(Vacant)
152.	Divisional Branch Council Member <i>(position 10)</i>	(Vacant)
153.	Divisional Branch Council Member <i>(position 11)</i>	Zac Strawbridge
154.	Divisional Branch Council Member <i>(position 12)</i>	Jarrad Tapp
155.	Divisional Branch Council Member <i>(position 13)</i>	Doug Tilley
156.	Divisional Branch Council Member <i>(position 14)</i>	Nathan White
Construction and General New South Wales Divisional Branch		
157.	Divisional Branch Secretary	Darren Greenfield
158.	Divisional Branch Assistant Secretary	Michael Greenfield
159.	Divisional Branch Assistant Secretary	Robert Kera
160.	Divisional Branch President	Rita Mallia



Column A		Column B
POSITION		NAME OF INCUMBENT
161.	Divisional Branch Management Committee Member <i>(position 1)</i>	Yusuf Mhaiche
162.	Divisional Branch Management Committee Member <i>(position 2)</i>	Scott Andrew
163.	Divisional Branch Management Committee Member <i>(position 3)</i>	Howard Byrnes
164.	Divisional Branch Management Committee Member <i>(position 4)</i>	Denis McNamara
165.	Divisional Branch Management Committee Member <i>(position 5)</i>	Simon Curtis
166.	Divisional Branch Management Committee Member <i>(position 6)</i>	Simon Gutierrez
167.	Divisional Branch Management Committee Member <i>(position 7)</i>	Zachary Latief
168.	Divisional Branch Management Committee Member <i>(position 8)</i>	Luke Allen
169.	Divisional Branch Management Committee Member <i>(position 9)</i>	Yannis Sievas
170.	Divisional Branch Management Committee Member <i>(position 10)</i>	Steven Parker



Column A		Column B
POSITION		NAME OF INCUMBENT
171.	Divisional Branch Management Committee Member <i>(position 11)</i>	Pierre Boumelham
172.	Divisional Branch Management Committee Member <i>(position 12)</i>	Colm Munroe
173.	Divisional Branch Management Committee Member <i>(position 13)</i>	Elmedin Begic
174.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)
175.	Divisional Branch Management Committee Member <i>(position 15)</i>	Dean Hackett
176.	Divisional Branch Management Committee Member <i>(position 16)</i>	Munro Jones
177.	Divisional Branch Management Committee Member <i>(position 17)</i>	Rocco Ianni
178.	Divisional Branch Management Committee Member <i>(position 18)</i>	Michael Restuccia
179.	Divisional Branch Management Committee Member <i>(position 19)</i>	Timur Rasih
180.	Divisional Branch Management Committee Member <i>(position 20)</i>	Sime Buterin



Column A		Column B
POSITION		NAME OF INCUMBENT
181.	Divisional Branch Management Committee Member <i>(position 21)</i>	Bruce Cartwright
182.	Divisional Branch Management Committee Member <i>(position 22)</i>	Dario Damjanovic
183.	Divisional Branch Management Committee Member <i>(position 23)</i>	Michael Lynch
184.	Divisional Branch Management Committee Member <i>(position 24)</i>	(Vacant)
185.	Divisional Branch Management Committee Member <i>(position 25)</i>	Anthony Vecchio
186.	Divisional Branch Management Committee Member <i>(position 26)</i>	Darren Wick
187.	Divisional Branch Council Member <i>(Cumberland Zone position 1)</i>	Nur Begg
188.	Divisional Branch Council Member <i>(Cumberland Zone position 2)</i>	(Vacant)
189.	Divisional Branch Council Member <i>(Cumberland Zone position 3)</i>	Kahon Alkozai
190.	Divisional Branch Council Member <i>(Cumberland Zone position 4)</i>	John Hughes
191.	Divisional Branch Council Member <i>(Cumberland Zone position 5)</i>	Michael Bailey



Column A		Column B
POSITION		NAME OF INCUMBENT
192.	Divisional Branch Council Member <i>(Cumberland Zone position 6)</i>	Mario Battisini
193.	Divisional Branch Council Member <i>(Cumberland Zone position 7)</i>	Derek Gallagher
194.	Divisional Branch Council Member <i>(Cumberland Zone position 8)</i>	Jack Bosden
195.	Divisional Branch Council Member <i>(Cumberland Zone position 9)</i>	Craig Bremner
196.	Divisional Branch Council Member <i>(Cumberland Zone position 10)</i>	Geoff Bates
197.	Divisional Branch Council Member <i>(Cumberland Zone position 11)</i>	Robert Burland
198.	Divisional Branch Council Member <i>(Cumberland Zone position 12)</i>	Colin Chapman
199.	Divisional Branch Council Member <i>(Cumberland Zone position 13)</i>	James Ponisi
200.	Divisional Branch Council Member <i>(Cumberland Zone position 14)</i>	Mohamed Gabr
201.	Divisional Branch Council Member <i>(Cumberland Zone position 15)</i>	Mohamed Hammoud
202.	Divisional Branch Council Member <i>(Cumberland Zone position 16)</i>	Colin Lamond
203.	Divisional Branch Council Member <i>(Cumberland Zone position 17)</i>	Edward Sloane
204.	Divisional Branch Council Member	Ian McKinnon



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Cumberland Zone position 18)</i>	
205.	Divisional Branch Council Member <i>(Cumberland Zone position 19)</i>	Russell Munro
206.	Divisional Branch Council Member <i>(Cumberland Zone position 20)</i>	Jason Williams
207.	Divisional Branch Council Member <i>(Cumberland Zone position 21)</i>	Geoffrey Vaughan
208.	Divisional Branch Council Member <i>(Cumberland Zone position 22)</i>	James Wall
209.	Divisional Branch Council Member <i>(Northumberland Zone position 1)</i>	Neal Attwood
210.	Divisional Branch Council Member <i>(Northumberland Zone position 2)</i>	Mitchell Deas
211.	Divisional Branch Council Member <i>(Northumberland Zone position 3)</i>	Mark Kelly
212.	Divisional Branch Council Member <i>(Camden Zone position 1)</i>	David Mackay
213.	Divisional Branch Council Member <i>(Camden Zone position 2)</i>	Paul Fisher
214.	Divisional Branch Council Member <i>(Camden Zone position 3)</i>	Sallie Oxborough
215.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Gary McCarthy
216.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Michael Sykes



Column A		Column B
POSITION		NAME OF INCUMBENT
217.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Paul Wright
Construction and General Queensland-Northern Territory Divisional Branch		
218.	Divisional Branch Secretary	Michael Ravbar
219.	Divisional Branch Assistant Secretary <i>(Plasterers)</i>	Kane Lowth
220.	Divisional Branch Assistant Secretary <i>(Painters)</i>	Keith Murphy
221.	Divisional Branch Assistant Secretary <i>(General)</i>	Jade Ingham
222.	Divisional Branch President	Royce Kupsch
223.	Divisional Branch Senior Vice President	Steven Gaske
224.	Divisional Branch Senior Vice President	Dallas Ezzy
225.	Divisional Branch Vice President	Ian McKewin
226.	Divisional Branch Vice President	Steven Amies
227.	Divisional Branch Trustee	(Unknown)
228.	Divisional Branch Trustee	(Unknown)
229.	Divisional Branch Trustee	(Unknown)
230.	Divisional Branch Executive Member <i>(position 1)</i>	Peter Close
231.	Divisional Branch Executive Member <i>(position 2)</i>	Mark Read
232.	Divisional Branch Council Member <i>(position 1)</i>	Steve Amies
233.	Divisional Branch Council Member	Craig Brown



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 2)</i>	
234.	Divisional Branch Council Member <i>(position 3)</i>	Josh Burling
235.	Divisional Branch Council Member <i>(position 4)</i>	Tony Dougherty
236.	Divisional Branch Council Member <i>(position 5)</i>	Tom McGovern
237.	Divisional Branch Council Member <i>(position 6)</i>	Ian (Badge) McKewin
238.	Divisional Branch Council Member <i>(position 7)</i>	Mick Robinson

Annexure C⁴

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Divisional Executive		
1.	Divisional Secretary	Zachary Smith
2.	Divisional Assistant Secretary	Jason Jennings
3.	Divisional Assistant Secretary	Andrew Sutherland
4.	Divisional President	Jade Ingham
5.	Divisional Senior Vice President	Robert Kera
6.	Divisional Vice President	(Vacant) ⁵
7.	Divisional Executive Member <i>(ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
8.	Divisional Executive Member <i>(ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
9.	Divisional Executive Member <i>(ex officio ACT Divisional Branch Secretary)</i>	Michael Hiscox
10.	Divisional Executive Member <i>(ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁶
11.	Divisional Executive Member <i>(ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
12.	Divisional Executive Member <i>(VIC-TAS additional position 1)</i>	Derek Christopher
13.	Divisional Executive Member <i>(VIC-TAS additional position 2)</i>	Elias Spornovasilis

⁴ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

⁵ First Respondent's Notification of Changes to Records dated 1 August 2024.

⁶ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
14.	Divisional Executive Member <i>(QNT additional position 1)</i>	Kane Lowth
15.	Divisional Executive Member <i>(NSW additional position 2)</i>	Michael Greenfield
Construction and General Divisional Trustees		
16.	Divisional Trustee	Rita Mallia
17.	Divisional Trustee	Robert Graauwmans
18.	Divisional Trustee	Darren Greenfield
Construction and General Divisional Conference		
19.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 1 – ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
20.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 2 – ex officio QNT Divisional Branch Assistant Secretary – Plasterers)</i>	Kane Lowth
21.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 3 – ex officio QNT Divisional Branch Assistant Secretary – Painters)</i>	Keith Murphy
22.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 4)</i>	Royce Kupsch
23.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 5)</i>	Steven Gaske
24.	Divisional Branch Delegate to Divisional Conference	Ian McKewin



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(QNT position 6)</i>	
25.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 7)</i>	Jade Ingham
26.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 8)</i>	Peter Close
27.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 9)</i>	Steve Amies
28.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 10 – NT position)</i>	Josh Burling
29.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 1 – ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
30.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 2)</i>	Michael Greenfield
31.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 3)</i>	Elmedin Begic
32.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 4)</i>	Warren Whitney
33.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 5)</i>	Munro Jones



Column A		Column B
POSITION		NAME OF INCUMBENT
34.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 6)</i>	Robert Kera
35.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 7)</i>	Rita Mallia
36.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 8)</i>	Denis McNamara
37.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 9)</i>	(Vacant)
38.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 1 – ex officio ACT Divisional Branch Secretary)</i>	Zachary Smith
39.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 2)</i>	Jason Jennings
40.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 3)</i>	Michael Hlscox
41.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 1 – ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁷
42.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 2)</i>	Joe Myles

⁷ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
43.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 3)</i>	Elias Spemovasilis
44.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 4)</i>	Derek Christopher
45.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 5)</i>	Robert Graauwmans
46.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 6)</i>	David Lythgo
47.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 7)</i>	Steve Long
48.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 8)</i>	Skye Allan
49.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 9)</i>	Lisa Zanatta
50.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 10)</i>	Theo Theodorou
51.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 11)</i>	Gerard McQuaid
52.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 12)</i>	James Simpson



Column A		Column B
POSITION		NAME OF INCUMBENT
53.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 13)</i>	Garry Donnon
54.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 14)</i>	Mark Travers
55.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 15)</i>	Paul Tzimas
56.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 16)</i>	Ivan Colina
57	Divisional Branch Delegate to Divisional Conference <i>(SA position 1 – ex officio SA Divisional Branch Secretary)</i>	(Vacant) ⁸
58.	Divisional Branch Delegate to Divisional Conference <i>(SA position 2 – ex officio SA Divisional Branch Assistant Secretary)</i>	Marcus Pare
59.	Divisional Branch Delegate to Divisional Conference <i>(SA position 3)</i>	Andrew Sutherland
60.	Divisional Branch Delegate to Divisional Conference <i>(WA position 1 – ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
61.	Divisional Branch Delegate to Divisional Conference	Robert Benkesser

⁸ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(WA position 2)</i>	
62.	Divisional Branch Delegate to Divisional Conference <i>(WA position 3)</i>	Michelle Sheehy



Annexure D

NOTICE

Construction, Forestry and Maritime Employees Union, Construction and General Division

The General Manager of the Fair Work Commission has applied to the Federal Court of Australia for declarations under section 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) that the Construction and General (C&G) Division of the Construction, Forestry and Maritime Employees Union (CFMEU) excluding the divisional branches for Western Australia and the Australian Capital Territory (**Administered Division**), and each of its divisional branches for Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia, (**Administered Divisional Branches**), have ceased to function effectively, and there are no effective means under their rules by which they can be enabled to function effectively, and for orders approving a scheme under which:

- all offices in the Victoria-Tasmania Divisional Branch, South Australia Divisional Branch, New South Wales Divisional Branch and Queensland-Northern Territory Divisional Branch would be declared vacant (**Vacant Branch Offices**);
- all other offices held by the persons previously in the Vacant Branch Offices, under the CFMEU's National rules or the C&G Division's rules, would also be declared vacant;
- all offices in the Administered Division, including Divisional Executive, Divisional Conference and Divisional Trustees, would be declared vacant;
- a suitably qualified person would be appointed Administrator of the Administered Division and each of the Administered Divisional Branches, until the Administrator is satisfied that the Administered Division and each Administered Divisional Branch is functioning effectively;
- a suitably qualified auditor would be appointed to prepare audit reports into the financial and other affairs of the Administered Division and each of the Administered Divisional Branches;
- the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch not take effect until further order of the Court.

Any persons who wish to be heard by the Court in this matter are invited to attend a Directions Hearing at [time and date to be inserted] (Australian Eastern Standard Time).

This hearing will take place in the Federal Court of Australia, in Victoria (Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne), transmitted by video link to the Federal Court of Australia in:



- the Australian Capital Territory (Nigel Bowen Commonwealth Law Courts Building, Childers Street, Canberra);
- New South Wales (Law Courts Building, 184 Phillip Street, Queens Square, Sydney);
- the Northern Territory (Supreme Court Building, State Square, Darwin);
- Queensland (Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane);
- South Australia (Roma Mitchell Commonwealth Law Courts Building, 3 Angas Street, Adelaide);
- Tasmania (Edward Braddon Commonwealth Law Courts Building, 39 - 41 Davey Street, Hobart); and
- Western Australia (Peter Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth).

The court numbers will be published on the day in the court buildings, and will be accessible from the night before through the Federal Court's website at [Daily Court lists \(fedcourt.gov.au\)](http://Daily Court lists (fedcourt.gov.au)).

For any queries, the Federal Court of Australia, Victorian Registry, may be contacted on 1300 720 980.



Schedule

No. VID of 2024

Federal Court of Australia
 District Registry: Victoria
 Division: Fair Work

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kera
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Ellas Spemovasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwmans
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspudic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Misic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Gritzalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Broden Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hlis
Forty-fifth Respondent:	Jim Stuht
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakarun
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilia
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantis
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Cmac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamish Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seadon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Orterga
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Kariusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Talt
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Philip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emos Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinski
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupric
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sievas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelham
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozai
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battislini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Ponisi
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Colin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amles
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkesser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Philip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent:	Steven Kuckzerka
Two hundred sixty-ninth Respondent:	Stuart Peacock

Date: 2 August 2024

NOTICE OF FILING

Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:31 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 16
Rules 8.02

APPLICANT'S GENUINE STEPS STATEMENT

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: FAIR WORK**

NO VID OF 2024

**GENERAL MANAGER OF THE FAIR WORK
COMMISSION**
Applicant

**CONSTRUCTION, FORESTRY AND MARITIME
EMPLOYEES UNION and others named in the Schedule
to the Originating Application**
Respondents

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011* (Cth.).

STEPS TAKEN TO TRY TO RESOLVE THE ISSUES IN DISPUTE

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondents in the proceeding:

1. On 15 July 2024 the Applicant wrote to the First Respondent stating that FWC staff had been instructed to analyse the issues being raised in the media regarding the union, and providing the First Respondent with information about the support and expertise available if the National Executive intended to reconstitute the Victoria-Tasmania Branch (Vic-Tas Branch) of the Construction & General Division (C&G Division).
2. On 16 July 2024 the Applicant wrote to the First Respondent urgently seeking information regarding the process by which the National Executive had resolved to put its Vic-Tas Branch into administration following media reports of the same.
3. On 16 July 2024, the First Respondent wrote to the Applicant advising that on 15 July 2024 at a meeting of the C&G Divisional Executive, a resolution was passed under r 9(15(j)) of the C&G Divisional Rules to:

Filed on behalf of the Applicant, General Manager of the Fair Work Commission

File ref: 24008449

Prepared by: Abigail Cooper
AGS lawyer within the meaning of s 661 of the *Judiciary Act 1903*

Address for Service:
The Australian Government Solicitor
Level 34, 600 Bourke Street, MELBOURNE VIC 3000
abigail.cooper@ags.gov.au

Telephone: 03 9242 1222
Lawyer's Email:
abigail.cooper@ags.gov.au
Facsimile: 02 6169 3054

- a) **appoint the National Secretary, Zachary Smith, to investigate and take any action he considers necessary to resolve any and all matters arising out of, or in connection with recent media allegations including in relation to the conduct of any members holding a position within the Vic-Tas Branch, and to take any steps he considers necessary to secure the day-to-day administration of the Branch**
 - b) **confer upon Mr Smith powers and functions necessary to perform this role, including those of the Branch Secretary office and the authority to appoint, control and dismiss staff within the Branch;**
 - c) **direct and oblige each member of the Vic-Tasmania Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith, including by exercising any powers conferred on them either individually or collectively under the Rules (including calling meetings, passing any necessary further resolutions and implementing decisions and recommendations).**
4. **On 17 July the First Respondent wrote to the Applicant requesting information regarding reports in the media that the Applicant was seeking advice on making an application under s 323 of the *Fair Work (Registered Organisations) Act 2009* (FWRO Act) for reconstitution of a part of an organisation and which parts of the union the Applicant would seek to reconstitute.**
 5. **On 22 July 2024 the Applicant wrote to the First Respondent confirming that the Applicant was seeking advice on making application under s 323 of the FWRO Act and considering which parts of the C&G Division should be subject to reconstitution.**
 6. **On 22 July 2024 the First Respondent wrote to the Applicant seeking a meeting to discuss any potential application by the Applicant in the Federal Court seeking that an administrator be appointed to manage the affairs of the First Respondent.**
 7. **On 23 July 2024 the Applicant wrote to the First Respondent seeking that it disclose specified information regarding officeholders and delegates and, in particular, the Individuals alleged in the media to have been stood down in relation to links to organised crime.**
 8. **On 24 July 2024 the Applicant wrote to the First Respondent requesting that it advise whether it would be prepared to consent to an application under s.323 of the FWRO Act seeking an order in the Federal Court for reconstitution, and enquiring as to the scope of a proposed scheme for administration to which the First Respondent might consent.**
 9. **On 26 July 2024 the First Respondent wrote to the Applicant stating that Mr Smith had appointed senior counsel and junior counsel to conduct an investigation, and engaged qualified persons to review policies and procedures, issue interim policies and to review compliance with them. The letter also advised that Mr Smith wished to meet with the Applicant to discuss the Applicant's proposed scheme and consider it.**

10. On 29 July 2024 the Applicant wrote to the First Respondent advising that the Information sought on 23 July 2024 was necessary before the Applicant would be in a position to meet with Mr Smith to discuss a proposed scheme. The letter also requested that the Respondent clarify whether the National Executive had taken steps in response to allegations reported in the media about officials, delegates or other persons connected with other Divisional Branches and, if not, the reasons for limiting the response to the Vic-Tas Branch.
11. On 29 July 2024 the First Respondent wrote to the Applicant in relation to the Applicant's request for information regarding officeholders and delegates, and seeking certain information from the Applicant before providing the information that was sought.
12. On 1 August 2024 the First Respondent wrote to the Applicant asking, if the Applicant had reasonable grounds for suspicions regarding the conduct of officials outside Victoria and Tasmania, that the Applicant notify Mr Smith and stating Mr Smith would consider his response. The letter also stated that the First Respondent was embedding voluntary compliance, and confirmed Mr Smith's willingness to meet with the Applicant.
13. Having considered the information provided by the First Respondent, the Applicant is of the view that the C&G Division and several of its divisional branches have ceased to function effectively and that there are no effective means under the rules of the First Respondent or the C&G Division by which it can be enabled to function effectively, and that it is appropriate that a Scheme be put in place under s 323(2) of the FWRO Act, and that an Administrator be appointed and other orders be made, in the terms sought in the Originating Application of today's date, for the reasons summarised in the Concise Statement of today's date.
14. Having formed the view set out in the paragraph above, and in circumstances where a Scheme under s 323(2) of the FWRO Act cannot be put in place, and an Administrator cannot be appointed under s 323 of the FWRO Act, without Orders being made by the Federal Court of Australia upon the making of an application under s 323(1), and having regard to the steps described in the correspondence summarised above, the Applicant has formed the view that the matters cannot be resolved without the commencement of proceedings.

Date: 2 August 2024



Abigail Cooper
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Applicant

5 August 2024

Partner Steven Amendola
Email steven.amendola@kingstonreid.com
Tel 03 9958 9806

The Proper Officer
Victorian Registry of the Federal Court
Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000

Partner Brad Pople
Email brad.pople@kingstonreid.com
Tel 03 9958 9813

Our ref: 11419.0003

Dear Registrar

VID758/2024 - General Manager Of The Fair Work Commission v Construction, Forestry And Maritime Employees Union & Ors

We act for Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations.

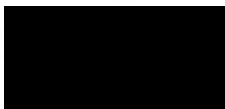
The Minister believes it is in the public interest to intervene on behalf of the Commonwealth of Australia in the above proceedings.

To this end, we enclose a notice of acting – appointment of lawyer, filed on behalf of the Minister, notifying of his intervention pursuant to section 351A of the *Fair Work (Registered Organisations) Act 2009 (Cth) (Notice)*.

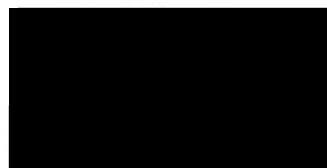
A copy of this correspondence and the Notice will be served on the solicitors for the Applicant and the First Respondent. The Second to Two hundred and sixty-ninth Respondents will be served once their address for service has been confirmed.

We respectfully request that we be included on all correspondence in relation to this matter.

Yours faithfully



Steven Amendola
Partner



Brad Pople
Partner

Copy:

Abigail Cooper, Australian Government Solicitor (solicitors for the Applicant)
Josh Bornstein; Daniel Victory, Maurice Blackburn (solicitors for the First Respondent)

NOTICE OF FILING

Details of Filing

Document Lodged: Concise Statement
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:33 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form NCF1

Concise Statement



No. VID of 2024

Federal Court of Australia

District Registry: Victoria

Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule to the Originating Application

Respondents

CONCISE STATEMENT OF THE APPLICANT

Filed on behalf of (name & role of party)	General Manager of the Fair Work Commission	the Applicant
Prepared by (name of person/lawyer)	Abigail Cooper	
Law firm (if applicable)	Australian Government Solicitor	
Tel	03 9242 1222	Fax 03 9923 6034
Email	abigail.cooper@ags.gov.au	
Address for service (include state and postcode)	Australian Government Solicitor Level 34, 800 Bourke Street Melbourne VIC 3000	

Summary of relief sought from the Court

1. The Applicant seeks the declarations and orders set out in the Originating Application, pursuant to s 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**).
2. The declarations sought are that the Construction and General Division (**C&G Division**) (excluding the Western Australian Divisional Branch and ACT Divisional Branch) of the Construction, Forestry and Maritime Employees Union (**CFMEU**) (**Administered Division**), and its divisional branches for each of Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia (**Administered Divisional Branches**), have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively: s 323(1).
3. The proposed orders are for the appointment of an Administrator of, the approval of a Scheme as set out in Annexure A to the proposed orders (**Scheme**) for, and the vacation of offices in, the Administered Division and each of the Administered Divisional Branches, and related orders: s 323(2) and (3).
4. The Applicant also seeks orders for service and the giving of notice of the application and the Court's orders, and regarding the service and advertisement of such notice: s 323(5).
5. The proposed orders would have effect in spite of anything in the National Rules of the CFMEU or the Divisional Rules of the C&G Division: s 323(6).

Parties to the proceeding

6. The Applicant holds the office of General Manager of the Fair Work Commission, pursuant to ss 656 and 660 of the *Fair Work Act 2009* (Cth) (**FW Act**).
7. The Applicant has a sufficient interest in relation to the CFMEU, and therefore has standing to make an application under s 323(1) of the FWRO Act. The Applicant's statutory functions¹ include to:
 - a. promote efficient management of organisations and high standards of accountability of organisations and their office holders to their members: s329A(1)(a)(i) of the FWRO Act;
 - b. monitor acts and practices to ensure they comply with the provisions of the FWRO Act providing for the democratic functioning and control of organisations: s 329A(1)(b);
 - c. do anything incidental to or conducive to the performance of the above functions: s 329A(1)(c); and
 - d. seek to embed within organisations a culture of good governance and voluntary compliance with the law: s 329A(2).
8. Parliament's intention in enacting the FWRO Act included to assist employees to promote and protect their economic and social interests through the formation of employee organisations, by providing for their registration, and according rights and privileges to them once registered: s 5(4). Parliament thereby recognised and respected the role of employee organisations in facilitating the operation of the workplace relations system: s 5(5).

¹ See also s 657(1A)(b) of the FW Act.

9. The CFMEU is an organisation of employees registered under the FWRO Act. It is a body corporate: s 27(a). The C&G Division and its divisional branches are part of the federally registered CFMEU, and do not have their own separate legal personality.²
10. The CFMEU (including its C&G Division and its divisional branches) has important objects concerning the protection and advancement of the interests, welfare and safety of its members.³
11. The Second to 224th Respondents are officeholders of the Administered Division and the Administered Divisional Branches (**Officeholders**). They exercise powers and duties under the National Rules of the CFMEU and under the Divisional Rules of the C&G Division (which rules are made and apply under the FWRO Act). The Officeholders will be affected by the making of the proposed orders.
12. The 225th to 252nd Respondents, and the 253rd to 289th Respondents, are officeholders of the Western Australian Divisional Branch and the ACT Divisional Branch respectively, who are not otherwise Officeholders referred to in paragraph 11 above. They will be affected, or potentially affected, by the making of the proposed orders.

Important facts giving rise to the claim

13. In the construction industry, since 2003, the CFMEU has been the subject of findings of contraventions of federal workplace laws on more than 1,500 occasions (plus 1,100 contraventions by its officeholders, employees, delegates and members) in approximately 213 proceedings, resulting in total penalties ordered against the CFMEU of at least \$24 million plus at least \$4 million ordered against its office holders, employees, delegates and members.
14. The Applicant has become aware, via media reporting in July 2024, of serious allegations of criminal conduct and other unlawful conduct, by current and former Officeholders, employees and other representatives of the Administered Division and various Administered Divisional Branches, including:
 - a. appointing as officeholders and/or delegates persons with criminal associations;
 - b. making agreements with, and/or supporting the appointment to projects, of construction industry participants with criminal associations;
 - c. encouraging construction industry participants to employ, or enter into business arrangements with, persons with criminal associations;
 - d. threats and intimidation of construction industry participants, including in relation to the signing of enterprise agreements, and in relation to the engagement of particular persons;
 - e. persons held out to be delegates or other representatives of the CFMEU forcing construction industry participants to employ and pay union delegates who do not attend work;
 - f. dealings with third party consultants who allegedly solicited the payment of bribes to CFMEU officials in return for CFMEU support to win work on particular projects, and who stated that the CFMEU encourages construction industry participants to invoice clients for "ghost" shifts (shifts that are not worked despite workers being rostered);

² In some States, there is an organisation registered under State legislation, but those State-registered organisations are not the subject of this proceeding under s 323 of the FWRO Act.

³ CFMEU National Rules, rule 4.

- g. making enterprise agreements with companies on the basis of the payment of bribes, or otherwise soliciting or receiving bribes;
 - h. receiving the benefit of free labour and supplies for personal building projects;
 - i. threatening physical violence against construction industry participants who had agreements with unions other than the CFMEU;
 - j. threatening that construction industry participants that did not have enterprise agreements with the CFMEU would be banned from building projects;
 - k. threatening to close down projects unless particular construction industry participants were removed from the project;
 - l. harassment of workers because they had previously been employed by construction industry participants that had enterprise agreements with unions other than the CFMEU; and
 - m. threats and intimidation of officers of other Divisions of the CFMEU seen not to be aligned with the C&G Division.
15. The steps that have been taken by the CFMEU in relation to these serious allegations, since the media reporting in July 2024, are limited in nature:
- a. the CFMEU has indicated that Mr John Setka (holder of various offices including Divisional Vice President of the C&G Branch, and Branch Secretary of both the Vic-Tas Divisional Branch and of the SA Divisional Branch) and Mr Marty Albert (Divisional Branch Management Committee of the Vic-Tas Divisional Branch) have resigned with effect from 12 July 2024 from all such offices;
 - b. on or about 15 July 2024 at a meeting of the C&G Divisional Executive, a resolution was passed under r 9(15)(j) of the C&G Divisional Rules to, amongst other things, appoint Mr Zachary Smith (Divisional Secretary of the C&G Division, and National Secretary of the CFMEU since 12 July 2024) to investigate and take action in relation to the Vic-Tas Divisional Branch, confer upon Mr Smith powers and functions including those of Branch Secretary of the Vic-Tas Divisional Branch, and to direct and oblige each member of the Vic-Tas Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith;
 - c. on or about 16 July 2024 the Vic-Tas Divisional Branch Management Committee passed a resolution, among other things, confirming support for the resolution referred to in paragraph 15.b above;
 - d. in or about mid July 2024, it was reported that Mr Smith had taken action to dismiss eight delegates of the Vic-Tas Divisional Branch who are members of outlaw motorcycle gangs or closely affiliated with them;
 - e. on 26 July 2024, Mr Smith informed the Applicant that he had "*appointed a suitably qualified senior counsel and junior counsel to conduct an investigation and make findings of fact*", was "*undertaking a review of relevant policies and procedures*", intends to "*issue interim and revised policies and procedures promptly*" and that "*two suitably qualified individuals have been engaged in order to scrutinise and advise me as to the content of those policies and procedures, and to review compliance with them*";
 - f. except as summarised above, it appears that to date no other action has been taken by the CFMEU, the C&G Division or the Vic-Tas Divisional Branch, to remove any other Officeholders of the Vic-Tas Divisional Branch;

- g. it appears that no action has been taken in relation to the Officeholders of the NSW Divisional Branch and the Qld-NT Divisional Branch;
 - h. it appears that Officeholders, or previous Officeholders, of the Vic-Tas Divisional Branch remain as Officeholders of the SA Divisional Branch; and
 - i. under Schedule 1 of the Divisional Rules of the C&G Division, no later than 2 January 2025, the SA Divisional Branch will be amalgamated with the Vic-Tas Divisional Branch to become the Victoria-Tasmania-South Australia Divisional Branch of the C&G Division.
16. On or about 21 June 2023, the Vic-Tas Divisional Branch lodged with the Fair Work Commission a Statement of Loans, Grants and Donations which disclosed 10 payments totalling \$186,583.10 (including GST) made by the Branch to a commercial printing company in the financial year ended 31 March 2023, with the description *"In-kind donations for Diana Asmar's HWU in-house election"*. It is not apparent which object of the CFMEU, as set out in its National Rules of the CFMEU r 4, is achieved by such transactions.
17. In circumstances where a number of Officeholders of the Administered Divisional Branches also hold offices in one or more other decision-making bodies of the CFMEU and/or the C&G Division, under the National Rules of the CFMEU and/or the Divisional Rules of the C&G Division, the exercise of powers including those of:
- a. the National Conference under r 13(x), including r 13(x)(g) and (j), of the National Rules of the CFMEU;
 - b. the National Executive under r 15(j) of the National Rules of the CFMEU;
 - c. the C&G Divisional Conference under r 8(xi) and (xvii) of the C&G Divisional Rules;
 - d. the C&G Divisional Executive under r 9(15) of the C&G Divisional Rules; and
 - e. the CFMEU State Branches under r 28 of the National Rules of the CFMEU,
- will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
18. Because the C&G Divisional Secretary's exercise of powers under r 13(ii) of the C&G Divisional Rules is subject to decisions of the Divisional Conference, Divisional Executive, National Conference and National Executive, and for the reasons in paragraph 17 above, the actions of the C&G Divisional Secretary will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
19. On or about 17 July 2024, the Australian Council of Trade Unions (ACTU) (the peak body for Australian unions) passed a resolution to suspend the C&G Division of the CFMEU from the ACTU until such time that the ACTU is *"satisfied that the C&G Division is free of criminal elements and upholds standards of behaviour that align with union values."*⁴

The primary legal grounds for the relief sought

20. An essential element of the effective functioning of a registered organisation is complying with the law and responding promptly and appropriately to serious allegations of criminal and other unlawful conduct of the kind described in paragraph 14 above.
21. In the circumstances alleged in paragraphs 13 to 20 above, the Court should be satisfied that the Administered Division, and each of the Administered Divisional Branches, have ceased to function effectively: FWRO Act s 323(1).

⁴ ACTU's statement issued 17 July 2024.

22. Those circumstances should further satisfy the Court that that there are no effective means under the rules of the CFMEU by which the Administered Division and each of the Administered Divisional Branches can be enabled to function effectively: s 323(1).
23. The appointment of an Administrator to the Administered Division and each of the Administered Divisional Branches, the approval of the Scheme, and the making of the orders sought, will enable the Administered Division and each of the Administered Divisional Branches to function effectively: s 323(2)(b).
24. The proposed orders, including the appointment of an Administrator and the approval of the Scheme, would not do substantial injustice to the CFMEU or any member of the CFMEU: s 323(4).
25. To the extent that the proposed orders provide for elections for offices of the Administered Division and the Administered Divisional Branches, the scheme provides for the elections to be held by a direct voting system or a collegiate voting system: s 323(7).

Alleged harm caused by the cessation of the C&G Division to function effectively

26. The conduct alleged herein harms, or has the potential to harm:
- a. the members of the C&G Division and each of the Administered Divisional Branches, whose interests the CFMEU exists to advance and protect;
 - b. other workplace participants in the construction industry; and
 - c. the public interest.
27. In enacting the FWRO Act, Parliament intended and considered that relations within workplaces between employers and employees are enhanced, and the adverse effects of industrial disputation are reduced, if registered organisations are required to meet the standards set out in the FWRO Act: ss 5(1), (2). Those standards, among other things:
- a. ensure that registered employee organisations are representative of and accountable to their members, and are able to operate effectively: s 5(3)(a);
 - b. encourage members to participate in the affairs of organisations to which they belong: s 5(3)(b); and
 - c. encourage the efficient management of organisations and high standards of accountability of organisations to their members: s 5(3)(c).
28. Those statutory objectives are defeated by alleged conduct of the kind described in paragraphs 13 to 18 above, and by the Administered Division and the Administered Divisional Branches ceasing to function effectively.
29. It is in the interests of the CFMEU and its members, other workplace participants, and the public interest, that the Court appoint an Administrator and approve a Scheme, to enable the Administered Division and the Administered Divisional Branches to function effectively.

Date: 2 August 2024



Signed by Abigail Cooper

AGS Lawyer

**For and on behalf of the Australian
Government Solicitor**

Lawyer for the Applicant

This Concise Statement was prepared by Jonathan Kirkwood SC, Brendan Avallone and Daniel Fawcett of counsel

Certificate of lawyer

I, Abigail Cooper, certify to the Court that, in relation to the concise statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the concise statement.

Date: 2 August 2024



Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor

Lawyer for the Applicant

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of Acting - Appointment of Lawyer - Form 4 - Rule 4.03
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 5/08/2024 3:59:31 PM AEST
Date Accepted for Filing: 5/08/2024 4:21:00 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION &
ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 4
Rule 4.03



Notice of acting – appointment of lawyer

No. VID758 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission and others named in the Schedule
Applicant

Construction, Forestry and Maritime Employees Union and others
Respondents

Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations, Intervenor, has appointed Steven Amendola and Brad Popple, Kingston Reid, to represent the intervenor in the proceeding.

The address for service of the intervenor is:

Place: Level 17, 459 Collins Street, Melbourne, 3000

Email: steven.amendola@kingstonreid.com // brad.popple@kingstonreid.com // marcus.topp@kingstonreid.com

Date: 5 August 2024



Signed by Brad Popple
Lawyer for the Intervenor

Filed on behalf of (name & role of party)	Minister for Employment and Workplace Relations
Prepared by (name of person/lawyer)	Brad Popple
Law firm (if applicable)	Kingston Reid
Tel	03 9958 9608
Fax	
Email	steven.amendola@kingstonreid.com // brad.popple@kingstonreid.com // marcus.topp@kingstonreid.com
Address for service (include state and postcode)	Level 17, 459 Collins Street Melbourne VIC 3000

[Form approved 01/08/2011]



Federal Court of Australia
District Registry: Victoria Registry
Division: Fair Work

No: VID758/2024

GENERAL MANAGER OF THE FAIR WORK COMMISSION
Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others
named in the schedule
Respondents

MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS (CTH)
Intervener

ORDER

JUDGE: Justice Wheelahan

DATE OF ORDER: 6 August 2024

WHERE MADE: Melbourne

OTHER MATTERS:

- A. The Court will set a date for a further case management hearing in the proceeding, on a date to be fixed. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).
- B. The New South Wales Minister for Industrial Relations appeared by counsel to inform the Court of a proceeding filed by the Minister in the Industrial Court of New South Wales, seeking declarations and orders in relation to the New South Wales Construction, Forestry and Maritime Employees Union (NSW CFMEU), a State organisation registered under the *Industrial Relations Act 1996* (NSW), and officers of the Construction and General Division of the NSW CFMEU, and the possibility of an application to the Supreme Court of New South Wales for the proceedings to be removed from the Industrial Court of New South Wales and transferred to the Federal Court to be heard concurrently with VID758/2024.



THE COURT ORDERS THAT:

1. By 4.00 pm on 14 August 2024, the first respondent is to send by email or by express or registered post the originating application filed on 2 August 2024, and its accompanying concise statement and genuine steps statement, the letter from Kingston Reid dated 5 August 2024 and its enclosed notice of acting for the Minister for Employment and Workplace Relations (Cth), and any orders in this proceeding (**Relevant Documents**) to the email address or postal address recorded by the first respondent in its records for each of the second to 269th respondents, by way of service.
2. By 4.00 pm on 16 August 2024, the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent):
 - (a) verifying that order 1 has been complied with; and
 - (b) stating that the first respondent received a bounce back, out of office, return to sender or similar notification which may reasonably indicate that the relevant respondent did not in fact receive the communication.
3. In relation to the relevant respondents referred to in order 2(b):
 - (a) the first respondent is to send by email the Relevant Documents to the branch with which that relevant respondent is associated by 4.00 pm on 20 August 2024;
 - (b) the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent) verifying compliance with order 3(a).
4. Subject to any further order of the Court, the Relevant Documents are taken as having been served upon one of the second to 269th respondents if:
 - (a) they are sent by the first respondent by email or registered post in accordance with order 1; and



- (b) to the extent relevant, they are sent by the first respondent by email in accordance with order 3(a).
5. The interlocutory application filed by Liam O'Brien, a representative of the Australian Council of Trade Unions, be adjourned to a date to be fixed.
 6. Counsel for the parties and the intervener are to confer with a view to advising the Court of an appropriate date on which to fix the next case management hearing.
 7. Costs be reserved.

Date orders authenticated: 6 August 2024.

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Inghem
Sixth Respondent:	Robert Kara
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Damen Greenfield
Ninth Respondent:	Michael Hiecox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Spemovasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwman
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspuđic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Mistic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Grizalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Brodin Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hills
Forty-fifth Respondent:	Jim Stuhrt
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakaran
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilla
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimone
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montabello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deane
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantle
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Cmac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamiah Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seaton
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Ortega
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karlusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Phillip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emos Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinkal
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupric
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrod Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhalche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrne
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Slevas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelhem
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Slme Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozal
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battalini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Poniak
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Colin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amles
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skys Alan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkesser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kibson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jealings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Phillip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent:	Steven Kuckzerka
Two hundred sixty-ninth Respondent:	Stuart Peacock

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-5" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Bathi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-5" being a copy of the documents sent to the Two hundred sixty-seventh Respondent via express post, including the express post tracking number

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	Josh.bornstein@mauriceblackburn.com.au ; bshribman-dellmann@mauriceblackburn.com.au
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

CFMEU

CONSTRUCTION

CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN: 46 249 168 565



12 August 2024

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN *GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS*

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (GM) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have "ceased to function effectively". The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

CFMEU

CONSTRUCTION

**CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE**
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN: 46 243 168 565

Next steps In the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.

Kind regards,

Zach Smith
National Secretary
CFMEU – Construction & General Division

QUESTIONS AND ANSWERS

Could I lose my job?

If you are not employed by the Union

If you are not employed by the Union's Construction & General Division, this proceeding will not impact your employment.

If you are a delegate, you will continue to be a delegate unless notified otherwise – the court application does not seek to automatically remove delegates from their positions in the workplace.

If you are employed by the Union

The Court application is seeking to vacate the offices which are identified in Annexures B and C to the Originating Application. These "offices" include all officers that are elected in the Unions' 4-yearly elections and include being a member of a Branch Divisional Branch Management Committee, or a Branch Councillor.

If you are employed by the Union, you will cease being an officer-holder when these offices are vacated..

The proposed administration scheme provides that:

- to the extent that any person is an employee or paid official of the CFMEU *by reason of the offices that are being vacated*, their employment will be terminated with effect from the date of commencement of the Order of the Court;
- however, this does *not* affect the continued employment of a person (including organisers) who are not employed because they hold an office which is vacated.

The scheme does not terminate the employment of any employees of the ACT or WA Divisional Branches.

If you are unsure as to your situation, please reply to this email and you will be contacted by one of the union's lawyers to discuss your situation.

The Union is currently obtaining legal advice with respect to employment entitlements for those whose employment may be terminated.

Where do I get legal advice?

The Union has engaged lawyers to represent officers of each branch. Those lawyers will represent you. You do not have to pay any legal fees.

Please reply to this email if you wish to obtain legal advice, and you will be directed to the right person to find out more and ask any questions.

You may also choose to engage your own lawyer to represent you at your own cost.

Am I in trouble? What orders can be made against me?

This is a civil trial, not a criminal trial. The police are not involved.

This proceeding is about appointing an administrator to run the VIC-TAS, SA, QLD/NT and NSW branches of the Construction & General Division of the Union. It is not currently proposed to place the WA and ACT branches into administration.

The GM is asking the Court to make orders that remove each respondent from their CFMEU office. If the Court makes that order:

- you will cease being a delegate/officer/secretary/committee member/branch president/divisional trustee/executive member etc of the Union.
- you will have to return all property of the Union within 7 days (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels).

Will I be ordered to personally pay financial penalties?

No. The GM is not seeking to impose financial penalties against respondents in this proceeding.

Do I have to go to Court?

No. You do not have to attend Court. You may attend the hearings to observe if you choose.

For ACT/WA officers – why am I a respondent if my branch is not being placed into administration?

The GM is not currently seeking to place the WA or ACT branches into administration or vacate the offices of any officeholders. This means that, for now, the proceeding and proposed scheme of administration will not affect your status as an office-holder within the Branch or your employment.

However, in his application to the Court, the GM stated that at any time during the administration scheme, the administrator may determine that the ACT Branch or the WA Branch has ceased to function effectively and seek orders to place those branches into administration. To do this, the GM would have to go to Court again and satisfy a judge that the relevant branch has "ceased to function effectively" before those branches could be placed into administration and the offices are vacated.

When is the next Court date?

It will likely be on 6 September 2024 at 9.30 am.

The next hearing will be a case management hearing which only deals with procedural/administrative issues.

How does the government's announcement about introducing legislation impact this case?

The case will likely continue until the legislation is passed (if it is passed) and the Minister appoints an administrator under that legislation. Any scheme of administration that is created under legislation may be different from what is sought in this Court case.

How will I get updates about the case?

If you are legally represented in this proceeding then your lawyers will keep you updated.

You can also get updates by visiting the Court's online file here:

[Fair Work Commission v Construction, Forestry and Maritime Employees Union \(CFMEU\); Online File \(fedcourt.gov.au\)](#)

Do I need to do anything?

Not at the moment. However, if you wish to pay for your own lawyers then you will need to arrange this yourself.

You should keep performing your important role as an officer/delegate. We will contact you if we need any information or for you to provide a statement.

What is this case about?

In mid-July 2024, the Nine newspapers published a series of articles detailing allegations of criminality and corruption in the construction industry. The allegations have not yet been proven, but include that persons associated with bike gangs have been appointed as officeholders or delegates within the union.

In response to these allegations, the Federal Government and General Manager of the Fair Work Commission have indicated that they want to appoint an external administrator to "clean up" the Division. Mark Irving KC, an industrial law barrister from Victoria, has been proposed as the administrator. Section 323 of the *Fair Work Act 2009* (Cth) allows the GM of the FWC to apply to place unions, or just divisions or branches of a union, into administration if it can prove that the Division has "ceased to function effectively".

The Division has asked the GM to provide more information about the proposed administration scheme. The Division is considering whether to consent to an amended version of the scheme.

The Federal Minister for Employment, Murray Watt, has indicated that he will introduce legislation to place the relevant branches into administration if the Division does not consent to the Court application.

What has the Division done in response to the allegations and court case?

- Commenced an investigation into allegations of criminal and/or corrupt conduct led by Geoffrey Watson SC of the NSW Bar and Jessica Moir of the Victorian Bar. That investigation is underway and will consider matters in Victoria and New South Wales;
- Commenced a governance review. This process will entail creating new policies and procedures, which will be reviewed and revised by Susan Halliday (a former sex and disability discrimination commissioner) and Michael Paynter (a former employer representative). In addition, the review will assess compliance over the next 6 months;
- Removed several delegates from their positions.

- A forensic audit is to be conducted by an appropriately qualified firm.

What powers will the administrator have if he gets appointed?

Under the proposed administration scheme, the administrator will have the power to:

- Remove officers and officials.
- Hire and fire employees, consultants and assistant administrator.
- Control all the Division's property.
- Exercise votes of the offices he holds.
- Bring proceedings to recover funds, impose penalties and award compensation.
- Cooperate with any regulatory or police investigations.
- Establish and implement policies, including rule alterations.
- Keep and maintain the register of members.
- Prepare financial accounts as required.

An audit firm, Korda Mentha, will also conduct an audit of the financial affairs of the Division.

The administration will only end when the administrator issues a certificate that the Division is functioning effectively and the GM agreeing with that opinion.

NOTICE OF FILING

Details of Filing

Document Lodged: Concise Statement
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:33 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form NCF1

Concise Statement



No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule to the Originating Application
Respondents

CONCISE STATEMENT OF THE APPLICANT

Filed on behalf of (name & role of party)	General Manager of the Fair Work Commission the Applicant		
Prepared by (name of person/lawyer)	Abigail Cooper		
Law firm (if applicable)	Australian Government Solicitor		
Tel	03 9242 1222	Fax	03 9923 6034
Email	abigail.cooper@ags.gov.au		
Address for service (include state and postcode)	Australian Government Solicitor Level 34, 800 Bourke Street, Melbourne VIC 3000		

Summary of relief sought from the Court

1. The Applicant seeks the declarations and orders set out in the Originating Application, pursuant to s 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**).
2. The declarations sought are that the Construction and General Division (**C&G Division**) (excluding the Western Australian Divisional Branch and ACT Divisional Branch) of the Construction, Forestry and Maritime Employees Union (**CFMEU**) (**Administered Division**), and its divisional branches for each of Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia (**Administered Divisional Branches**), have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively: s 323(1).
3. The proposed orders are for the appointment of an Administrator of, the approval of a Scheme as set out in Annexure A to the proposed orders (**Scheme**) for, and the vacation of offices in, the Administered Division and each of the Administered Divisional Branches, and related orders: s 323(2) and (3).
4. The Applicant also seeks orders for service and the giving of notice of the application and the Court's orders, and regarding the service and advertisement of such notice: s 323(5).
5. The proposed orders would have effect in spite of anything in the National Rules of the CFMEU or the Divisional Rules of the C&G Division: s 323(6).

Parties to the proceeding

6. The Applicant holds the office of General Manager of the Fair Work Commission, pursuant to ss 656 and 660 of the *Fair Work Act 2009* (Cth) (**FW Act**).
7. The Applicant has a sufficient interest in relation to the CFMEU, and therefore has standing to make an application under s 323(1) of the FWRO Act. The Applicant's statutory functions¹ include to:
 - a. promote efficient management of organisations and high standards of accountability of organisations and their office holders to their members: s329A(1)(a)(i) of the FWRO Act;
 - b. monitor acts and practices to ensure they comply with the provisions of the FWRO Act providing for the democratic functioning and control of organisations: s 329A(1)(b);
 - c. do anything incidental to or conducive to the performance of the above functions: s 329A(1)(c); and
 - d. seek to embed within organisations a culture of good governance and voluntary compliance with the law: s 329A(2).
8. Parliament's intention in enacting the FWRO Act included to assist employees to promote and protect their economic and social interests through the formation of employee organisations, by providing for their registration, and according rights and privileges to them once registered: s 5(4). Parliament thereby recognised and respected the role of employee organisations in facilitating the operation of the workplace relations system: s 5(5).

¹ See also s 657(1A)(b) of the FW Act.

9. The CFMEU is an organisation of employees registered under the FWRO Act. It is a body corporate: s 27(a). The C&G Division and its divisional branches are part of the federally registered CFMEU, and do not have their own separate legal personality.²
10. The CFMEU (including its C&G Division and its divisional branches) has important objects concerning the protection and advancement of the interests, welfare and safety of its members.³
11. The Second to 224th Respondents are officeholders of the Administered Division and the Administered Divisional Branches (Officeholders). They exercise powers and duties under the National Rules of the CFMEU and under the Divisional Rules of the C&G Division (which rules are made and apply under the FWRO Act). The Officeholders will be affected by the making of the proposed orders.
12. The 225th to 252nd Respondents, and the 253rd to 289th Respondents, are officeholders of the Western Australian Divisional Branch and the ACT Divisional Branch respectively, who are not otherwise Officeholders referred to in paragraph 11 above. They will be affected, or potentially affected, by the making of the proposed orders.

Important facts giving rise to the claim

13. In the construction industry, since 2003, the CFMEU has been the subject of findings of contraventions of federal workplace laws on more than 1,500 occasions (plus 1,100 contraventions by its officeholders, employees, delegates and members) in approximately 213 proceedings, resulting in total penalties ordered against the CFMEU of at least \$24 million plus at least \$4 million ordered against its office holders, employees, delegates and members.
14. The Applicant has become aware, via media reporting in July 2024, of serious allegations of criminal conduct and other unlawful conduct, by current and former Officeholders, employees and other representatives of the Administered Division and various Administered Divisional Branches, including:
 - a. appointing as officeholders and/or delegates persons with criminal associations;
 - b. making agreements with, and/or supporting the appointment to projects, of construction industry participants with criminal associations;
 - c. encouraging construction industry participants to employ, or enter into business arrangements with, persons with criminal associations;
 - d. threats and intimidation of construction industry participants, including in relation to the signing of enterprise agreements, and in relation to the engagement of particular persons;
 - e. persons held out to be delegates or other representatives of the CFMEU forcing construction industry participants to employ and pay union delegates who do not attend work;
 - f. dealings with third party consultants who allegedly solicited the payment of bribes to CFMEU officials in return for CFMEU support to win work on particular projects, and who stated that the CFMEU encourages construction industry participants to invoice clients for "ghost" shifts (shifts that are not worked despite workers being rostered);

² In some States, there is an organisation registered under State legislation, but those State-registered organisations are not the subject of this proceeding under s 323 of the FWRO Act.

³ CFMEU National Rules, rule 4.

- g. making enterprise agreements with companies on the basis of the payment of bribes, or otherwise soliciting or receiving bribes;
 - h. receiving the benefit of free labour and supplies for personal building projects;
 - i. threatening physical violence against construction industry participants who had agreements with unions other than the CFMEU;
 - j. threatening that construction industry participants that did not have enterprise agreements with the CFMEU would be banned from building projects;
 - k. threatening to close down projects unless particular construction industry participants were removed from the project;
 - l. harassment of workers because they had previously been employed by construction industry participants that had enterprise agreements with unions other than the CFMEU; and
 - m. threats and intimidation of officers of other Divisions of the CFMEU seen not to be aligned with the C&G Division.
15. The steps that have been taken by the CFMEU in relation to these serious allegations, since the media reporting in July 2024, are limited in nature:
- a. the CFMEU has indicated that Mr John Setka (holder of various offices including Divisional Vice President of the C&G Branch, and Branch Secretary of both the Vic-Tas Divisional Branch and of the SA Divisional Branch) and Mr Marty Albert (Divisional Branch Management Committee of the Vic-Tas Divisional Branch) have resigned with effect from 12 July 2024 from all such offices;
 - b. on or about 15 July 2024 at a meeting of the C&G Divisional Executive, a resolution was passed under r 9(15)(j) of the C&G Divisional Rules to, amongst other things, appoint Mr Zachary Smith (Divisional Secretary of the C&G Division, and National Secretary of the CFMEU since 12 July 2024) to investigate and take action in relation to the Vic-Tas Divisional Branch, confer upon Mr Smith powers and functions including those of Branch Secretary of the Vic-Tas Divisional Branch, and to direct and oblige each member of the Vic-Tas Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith;
 - c. on or about 16 July 2024 the Vic-Tas Divisional Branch Management Committee passed a resolution, among other things, confirming support for the resolution referred to in paragraph 15.b above;
 - d. in or about mid July 2024, it was reported that Mr Smith had taken action to dismiss eight delegates of the Vic-Tas Divisional Branch who are members of outlaw motorcycle gangs or closely affiliated with them;
 - e. on 26 July 2024, Mr Smith informed the Applicant that he had "*appointed a suitably qualified senior counsel and junior counsel to conduct an investigation and make findings of fact*", was "*undertaking a review of relevant policies and procedures*", intends to "*issue interim and revised policies and procedures promptly*" and that "*two suitably qualified individuals have been engaged in order to scrutinise and advise me as to the content of those policies and procedures, and to review compliance with them*";
 - f. except as summarised above, it appears that to date no other action has been taken by the CFMEU, the C&G Division or the Vic-Tas Divisional Branch, to remove any other Officeholders of the Vic-Tas Divisional Branch;

- g. it appears that no action has been taken in relation to the Officeholders of the NSW Divisional Branch and the Qld-NT Divisional Branch;
 - h. it appears that Officeholders, or previous Officeholders, of the Vic-Tas Divisional Branch remain as Officeholders of the SA Divisional Branch; and
 - i. under Schedule 1 of the Divisional Rules of the C&G Division, no later than 2 January 2025, the SA Divisional Branch will be amalgamated with the Vic-Tas Divisional Branch to become the Victoria-Tasmania-South Australia Divisional Branch of the C&G Division.
16. On or about 21 June 2023, the Vic-Tas Divisional Branch lodged with the Fair Work Commission a Statement of Loans, Grants and Donations which disclosed 10 payments totalling \$186,583.10 (including GST) made by the Branch to a commercial printing company in the financial year ended 31 March 2023, with the description "*in-kind donations for Diana Asmar's HWU in-house election*". It is not apparent which object of the CFMEU, as set out in its National Rules of the CFMEU r 4, is achieved by such transactions.
17. In circumstances where a number of Officeholders of the Administered Divisional Branches also hold offices in one or more other decision-making bodies of the CFMEU and/or the C&G Division, under the National Rules of the CFMEU and/or the Divisional Rules of the C&G Division, the exercise of powers including those of:
- a. the National Conference under r 13(x), including r 13(x)(g) and (j), of the National Rules of the CFMEU;
 - b. the National Executive under r 15(j) of the National Rules of the CFMEU;
 - c. the C&G Divisional Conference under r 8(xi) and (xvii) of the C&G Divisional Rules;
 - d. the C&G Divisional Executive under r 9(15) of the C&G Divisional Rules; and
 - e. the CFMEU State Branches under r 28 of the National Rules of the CFMEU,
- will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
18. Because the C&G Divisional Secretary's exercise of powers under r 13(II) of the C&G Divisional Rules is subject to decisions of the Divisional Conference, Divisional Executive, National Conference and National Executive, and for the reasons in paragraph 17 above, the actions of the C&G Divisional Secretary will be subject to decision-making by some or all of the same Officeholders who are alleged to have engaged in conduct referred to in paragraphs 13 to 16 above.
19. On or about 17 July 2024, the Australian Council of Trade Unions (ACTU) (the peak body for Australian unions) passed a resolution to suspend the C&G Division of the CFMEU from the ACTU until such time that the ACTU is "*satisfied that the C&G Division is free of criminal elements and upholds standards of behaviour that align with union values.*"⁴

The primary legal grounds for the relief sought

20. An essential element of the effective functioning of a registered organisation is complying with the law and responding promptly and appropriately to serious allegations of criminal and other unlawful conduct of the kind described in paragraph 14 above.
21. In the circumstances alleged in paragraphs 13 to 20 above, the Court should be satisfied that the Administered Division, and each of the Administered Divisional Branches, have ceased to function effectively: FWRO Act s 323(1).

⁴ ACTU's statement issued 17 July 2024.

22. Those circumstances should further satisfy the Court that that there are no effective means under the rules of the CFMEU by which the Administered Division and each of the Administered Divisional Branches can be enabled to function effectively: s 323(1).
23. The appointment of an Administrator to the Administered Division and each of the Administered Divisional Branches, the approval of the Scheme, and the making of the orders sought, will enable the Administered Division and each of the Administered Divisional Branches to function effectively: s 323(2)(b).
24. The proposed orders, including the appointment of an Administrator and the approval of the Scheme, would not do substantial injustice to the CFMEU or any member of the CFMEU: s 323(4).
25. To the extent that the proposed orders provide for elections for offices of the Administered Division and the Administered Divisional Branches, the scheme provides for the elections to be held by a direct voting system or a collegiate voting system: s 323(7).

Alleged harm caused by the cessation of the C&G Division to function effectively

26. The conduct alleged herein harms, or has the potential to harm:
 - a. the members of the C&G Division and each of the Administered Divisional Branches, whose interests the CFMEU exists to advance and protect;
 - b. other workplace participants in the construction industry; and
 - c. the public interest.
27. In enacting the FWRO Act, Parliament intended and considered that relations within workplaces between employers and employees are enhanced, and the adverse effects of industrial disputation are reduced, if registered organisations are required to meet the standards set out in the FWRO Act: ss 5(1), (2). Those standards, among other things:
 - a. ensure that registered employee organisations are representative of and accountable to their members, and are able to operate effectively: s 5(3)(a);
 - b. encourage members to participate in the affairs of organisations to which they belong: s 5(3)(b); and
 - c. encourage the efficient management of organisations and high standards of accountability of organisations to their members: s 5(3)(c).
28. Those statutory objectives are defeated by alleged conduct of the kind described in paragraphs 13 to 18 above, and by the Administered Division and the Administered Divisional Branches ceasing to function effectively.
29. It is in the interests of the CFMEU and its members, other workplace participants, and the public interest, that the Court appoint an Administrator and approve a Scheme, to enable the Administered Division and the Administered Divisional Branches to function effectively.

Date: 2 August 2024



Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor

Lawyer for the Applicant

This Concise Statement was prepared by Jonathan Kirkwood SC, Brendan Avallone and Daniel Fawcett of counsel

Certificate of lawyer

I, Abigail Cooper, certify to the Court that, in relation to the concise statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the concise statement.

Date: 2 August 2024



Signed by Abigail Cooper

AGS Lawyer

For and on behalf of the Australian
Government Solicitor

Lawyer for the Applicant



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID758/2024

GENERAL MANAGER OF THE FAIR WORK COMMISSION
Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others
named in the schedule
Respondents

MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS (CTH)
Intervener

ORDER

JUDGE: Justice Wheelahan

DATE OF ORDER: 6 August 2024

WHERE MADE: Melbourne

OTHER MATTERS:

- A. The Court will set a date for a further case management hearing in the proceeding, on a date to be fixed. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).
- B. The New South Wales Minister for Industrial Relations appeared by counsel to inform the Court of a proceeding filed by the Minister in the Industrial Court of New South Wales, seeking declarations and orders in relation to the New South Wales Construction, Forestry and Maritime Employees Union (NSW CFMEU), a State organisation registered under the *Industrial Relations Act 1996* (NSW), and officers of the Construction and General Division of the NSW CFMEU, and the possibility of an application to the Supreme Court of New South Wales for the proceedings to be removed from the Industrial Court of New South Wales and transferred to the Federal Court to be heard concurrently with VID758/2024.



THE COURT ORDERS THAT:

1. By 4.00 pm on 14 August 2024, the first respondent is to send by email or by express or registered post the originating application filed on 2 August 2024, and its accompanying concise statement and genuine steps statement, the letter from Kingston Reid dated 5 August 2024 and its enclosed notice of acting for the Minister for Employment and Workplace Relations (Cth), and any orders in this proceeding (**Relevant Documents**) to the email address or postal address recorded by the first respondent in its records for each of the second to 269th respondents, by way of service.
2. By 4.00 pm on 16 August 2024, the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent):
 - (a) verifying that order 1 has been complied with; and
 - (b) stating that the first respondent received a bounce back, out of office, return to sender or similar notification which may reasonably indicate that the relevant respondent did not in fact receive the communication.
3. In relation to the relevant respondents referred to in order 2(b):
 - (a) the first respondent is to send by email the Relevant Documents to the branch with which that relevant respondent is associated by 4.00 pm on 20 August 2024;
 - (b) the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent) verifying compliance with order 3(a).
4. Subject to any further order of the Court, the Relevant Documents are taken as having been served upon one of the second to 269th respondents if:
 - (a) they are sent by the first respondent by email or registered post in accordance with order 1; and



- (b) to the extent relevant, they are sent by the first respondent by email in accordance with order 3(a).
5. The interlocutory application filed by Liam O'Brien, a representative of the Australian Council of Trade Unions, be adjourned to a date to be fixed.
 6. Counsel for the parties and the intervener are to confer with a view to advising the Court of an appropriate date on which to fix the next case management hearing.
 7. Costs be reserved.

Date orders authenticated: 6 August 2024.

Sia Lagos

Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No. VID of 2024

**Federal Court of Australia
District Registry: Victoria
Division: Fair Work**

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kara
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Sparnovassilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwman
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hasset
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspidic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Misic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Gritzalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Bala
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Brodan Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hills
Forty-fifth Respondent:	Jim Stuit
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakarun
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luka Buttigieg
Fifty-third Respondent:	Shene Cilia
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantia
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Crnac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamsh Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Saddon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Travor Punshon
Ninety-sixth Respondent:	Ricky Ortega
Ninety-seventh Respondent:	Mark Paterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simoni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Phillip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emosi Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinkel
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupic
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mella
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sivas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelhem
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozal
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battisani
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Boeden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Ponial
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Collin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Kelth Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaska
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amies
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Gerry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkasser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Ausale Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Philip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Key Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent:	Steven Kuctzerka
Two hundred sixty-ninth Respondent:	Stuart Peacock

5 August 2024

The Proper Officer
Victorian Registry of the Federal Court
Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000

Partner Steven Amendola
Email steven.amendola@kingstonreid.com
Tel 03 9958 9606

Partner Brad Popple
Email brad.popple@kingstonreid.com
Tel 03 9958 9813

Our ref: 11419.0003

Dear Registrar

VID758/2024 - General Manager Of The Fair Work Commission v Construction, Forestry And Maritime Employees Union & Ors

We act for Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations.

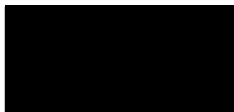
The Minister believes it is in the public interest to intervene on behalf of the Commonwealth of Australia in the above proceedings.

To this end, we enclose a notice of acting – appointment of lawyer, filed on behalf of the Minister, notifying of his intervention pursuant to section 351A of the *Fair Work (Registered Organisations) Act 2009* (Cth) (Notice).

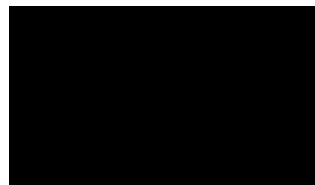
A copy of this correspondence and the Notice will be served on the solicitors for the Applicant and the First Respondent. The Second to Two hundred and sixty-ninth Respondents will be served once their address for service has been confirmed.

We respectfully request that we be included on all correspondence in relation to this matter.

Yours faithfully



Steven Amendola
Partner



Brad Popple
Partner

Copy:

Abigail Cooper, Australian Government Solicitor (solicitors for the Applicant)
Josh Bornstein; Daniel Victory, Maurice Blackburn (solicitors for the First Respondent)

NOTICE OF FILING

Details of Filing

Document Lodged: Notice of Acting - Appointment of Lawyer - Form 4 - Rule 4.03
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 5/08/2024 3:59:31 PM AEST
Date Accepted for Filing: 5/08/2024 4:21:00 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION &
ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 4
Rule 4.03



Notice of acting – appointment of lawyer

No. VID758 of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission and others named in the Schedule
Applicant
Construction, Forestry and Maritime Employees Union and others
Respondents

Senator the Honourable Murray Watt, Minister for Employment and Workplace Relations, intervenor, has appointed Steven Amendola and Brad Pople, Kingston Reid, to represent the intervenor in the proceeding.

The address for service of the intervenor is:

Place: Level 17, 459 Collins Street, Melbourne, 3000

Email: steven.amendola@kingstonreid.com // brad.pople@kingstonreid.com // marcus.topp@kingstonreid.com

Date: 5 August 2024


Signed by Brad Pople
Lawyer for the Intervenor

Filed on behalf of (name & role of party)	Minister for Employment and Workplace Relations
Prepared by (name of person/lawyer)	Brad Pople
Law firm (if applicable)	Kingston Reid
Tel	03 9958 9606
Fax	
Email	steven.amendola@kingstonreid.com // brad.pople@kingstonreid.com // marcus.topp@kingstonreid.com
Address for service (include state and postcode)	Level 17, 459 Collins Street Melbourne VIC 3000

[Form approved 01/08/2011]

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:21 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 15
Rules 8.01(1); 8.04(1)



Originating application

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Construction, Forestry and Maritime Employees Union and others named in the Schedule
Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Federal Court of Australia, 305 William Street, MELBOURNE, Vic

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	General Manager of the Fair Work Commission the Applicant
Prepared by (name of person/lawyer)	Abigail Cooper
Law firm (if applicable)	Australian Government Solicitor
Tel	03 9242 1222
	Fax 03 9923 6034
Email	abigail.cooper@ags.gov.au
Address for service	Australian Government Solicitor
(Include state and postcode)	Level 34, 600 Bourke Street, Melbourne VIC 3000



Details of claim

On the grounds stated in the accompanying concise statement, the Applicant claims:

1. A declaration under s 323(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**) that the Construction and General Division (**C&G Division**) of the Construction, Forestry and Maritime Employees Union (**CFMEU**), excluding the Construction and General Division, Western Australia Divisional Branch (**WA Divisional Branch**) and Construction and General Division, Australian Capital Territory Divisional Branch (**ACT Divisional Branch**), (**Administered Division**), has ceased to function effectively and that there are no effective means under the rules of the CFMEU by which it can be enabled to function effectively.
2. A declaration under s 323(1) of the FWRO Act that each of the following divisional branches of the C&G Division:
 - a. the Construction and General Division, Victoria-Tasmania Divisional Branch;
 - b. the Construction and General Division, South Australia Divisional Branch;
 - c. the Construction and General Division, New South Wales Divisional Branch; and
 - d. the Construction and General Division, Queensland Northern Territory Divisional Branch

(together, **Administered Divisional Branches**),

have ceased to function effectively and that there are no effective means under the rules of the CFMEU by which they can be enabled to function effectively.
3. An order under s 323(2) of the FWRO Act that the scheme attached as Annexure A to this Order (**Scheme**) be approved in relation the Administered Division and each of the Administered Divisional Branches.
4. An order under s 323(2) of the FWRO Act that Mark Irving be appointed administrator of the Administered Division of the CFMEU and each of the Administered Divisional Branches under the Scheme approved in Order 3 above.
5. An order under s 323(2) of the FWRO Act that all offices in the Administered Divisional Branches, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, identified in Annexure B to this Order, be vacated.
6. An order under s 323(2) of the FWRO Act that all offices held by the persons named in Annexure B to this Order, whether that office is held under the National Rules of the CFMEU



or the Divisional Rules of the C&G Division of the CFMEU, and whether or not the particular office is identified in Annexure B, be vacated.

7. An order under s 323(2) of the FWRO Act that all offices in the Administered Division, including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees (regardless of which divisional branch of the C&G Division they might also be officers of), identified in Annexure C to this Order, be vacated.
8. An order under s 323(2) of the FWRO Act that during period of the administration as it relates to the Administered Division, the Divisional Executive and the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
9. An order under s 323(2) of the FWRO Act that during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Committee of Management and the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules of the CFMEU or the Divisional Rules of the C&G Division of the CFMEU.
10. An order under s 323(2) of the FWRO Act that, until further order of the Court, Schedule 1 of the Divisional Rules of the C&G Division of the CFMEU shall not take effect.
11. An order under s 323(3) of the FWRO Act that, in the event of any difficulty arising in the course of the implementation of the Scheme, the Administrator, the Applicant or any person represented in the proceeding shall have liberty to apply on 72 hours' written notice.
12. Such further or other orders as the Court considers appropriate.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

1. Orders providing for the service upon the Second to 269th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.
2. Orders under s 323(5) of the FWRO Act providing for the publication and advertisement of a Notice in the terms set out as Annexure D to this Application (Notice).

**Applicant's address**

The Applicant's address for service is:

Place: Australian Government Solicitor, Level 34, 600 Bourke Street, Melbourne, VIC, 3000

Email: abigail.cooper@ags.gov.au

The Applicant's address is Level 4, 11 Exhibition Street, Melbourne, VIC, 3000.

Service on the Respondent

It is intended to serve this application on the following Respondents:

Construction, Forestry and Maritime Employees Union (First Respondent).

Note: The Applicant will seek orders providing for the service upon the Second to 269th Respondents of the Originating Application and its accompanying Concise Statement and Genuine Steps Statement, any Orders of the Court, and such other documents as the Court sees fit.

Date: 2 August 2024

A black rectangular redaction box covering the signature area.

Signed by Abigail Cooper
AGS Lawyer

For and on behalf of the Australian
Government Solicitor
Lawyer for the Applicant



ANNEXURE A

1. For the purposes of this Scheme, unless the contrary intention appears:
 - a. The *ACT Divisional Branch* means the Construction and General Division, Australian Capital Territory Divisional Branch;
 - b. The *Administered Division* means the C&G Division, excluding the WA Divisional Branch and ACT Divisional Branch;
 - c. The *Administered Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and QLD NT Divisional Branch
 - d. The *Administrator* means the person appointed under clause 3.j of the Scheme;
 - e. The *Court* means the Federal Court of Australia;
 - f. *CFMEU* means the Construction, Forestry and Maritime Employees Union, an organisation registered under the FWRO Act;
 - g. *C&G Division* means the Construction and General Division of the CFMEU provided for in rule 27(l) of the National Rules;
 - h. A *Divisional Branch Council* means a Divisional Branch Council constituted under rule 40 of the Divisional Rules;
 - i. The *Divisional Branches* means collectively each of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch, Qld NT Divisional Branch, WA Divisional Branch and ACT Divisional Branch;
 - j. The *Divisional Conference* means the Divisional Conference constituted under rule 8 of the Divisional Rules;
 - k. The *Divisional Executive* means the Divisional Executive constituted under rule 9 of the Divisional Rules;
 - l. The *Divisional Rules* means the rules of the Construction, Forestry and Maritime Employees Union Construction and General Division and Construction and General Divisional Branches as certified under section 161 of the FWRO Act from time to time;
 - m. The *FW Act* means the *Fair Work Act 2009* (Cth);
 - n. The *FWRO Act* means the *Fair Work (Registered Organisations) Act 2009* (Cth);



- o. The *General Manager* means the person appointed to the office of General Manager of the Fair Work Commission under section 660 of the FW Act from time to time;
- p. The *National Rules* means the rules of the Construction, Forestry and Maritime Employees Union as certified under section 161 of the FWRO Act from time to time;
- q. The *NSW Divisional Branch* means the Construction and General Division, New South Wales Divisional Branch;
- r. The *Order* means the orders of the Court approving this Scheme under s 323 of the FWRO Act;
- s. The *Qld NT Divisional Branch* means the Construction and General Division, Queensland Northern Territory Divisional Branch;
- t. The *SA Divisional Branch* means the Construction and General Division, South Australia Divisional Branch;
- u. The *Vic-Tas Divisional Branch* means the Construction and General Division, Victoria-Tasmania Divisional Branch;
- v. The *WA Divisional Branch* means the Construction and General Division, Western Australia Divisional Branch; and
- w. Except where otherwise provided, words in this Scheme have the same meaning as in the FWRO Act.

Operation of this Scheme

- 2. For the avoidance of doubt, this Scheme operates notwithstanding anything in the National Rules or Divisional Rules, and prevails to the extent of any inconsistency with the National Rules or Divisional Rules.

Appointment of Administrator

- 3. On the making of the Order:
 - a. all offices in the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch and Qld NT Divisional Branch, including without limitation the offices of members of the Divisional Branch Committee of Management, Divisional Branch Council and Divisional Branch Trustees, identified in Annexure B to the Order, shall be declared by the Court to be vacant;



- b. all offices held by the persons who are named in Annexure B to the Order, whether the office is held under the National Rules or the Divisional Rules, and whether or not the particular office is identified in Annexure B, shall be declared by the Court to be vacant;
- c. all offices in the Administered Division including without limitation the offices of members of the Divisional Executive, Divisional Conference and Divisional Trustees, identified in Annexure C to the Order, shall be declared by the Court to be vacant;
- d. to the extent that any person is an employee or paid official of the CFMEU by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c, that employment or paid position is terminated with effect from the date of commencement of the Order;
- e. clause 3.a, clause 3.b and clause 3.c do not affect the continued employment of a person (including organisers) who is not employed or a paid official by reason of that person holding an office vacated as a result of clause 3.a or clause 3.b or clause 3.c;
- f. during the period of the administration as it relates to each Administered Divisional Branch respectively, the Divisional Branch Council of that Administered Divisional Branch shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- g. subject to clause 4, during the period of the administration as it relates to the Administered Division, the holder(s) of any office within the Administered Division not declared vacated under clause 3.a or clause 3.b or clause 3.c shall temporarily be divested of each of their powers respectively under the National Rules and the Divisional Rules while the administration is continuing in respect of that part of the CFMEU;
- h. ;during the period of the administration as it relates to the Administered Division, the Divisional Conference of the C&G Division shall not meet or exercise any powers under the National Rules or the Divisional Rules;
- i. during the period of the administration of the Administered Division or any Administered Divisional Branch, any resolution made prior to the making of the Order, by the Divisional Executive, the Divisional Conference, a Divisional Branch Committee of Management of an Administered Divisional Branch, or a Divisional Branch Council of an Administered Divisional Branch, empowering any person to exercise powers, functions or duties of an officer of the Administered Division or an Administered Divisional Branch, shall not have effect;



- j. Mark Irving shall be appointed as Administrator of the Administered Division and each of the Administered Divisional Branches; and
- k. until further order of the Court, Schedule 1 of the Divisional Rules shall not take effect.
4. For the avoidance of doubt, clause 3 shall not affect the continued exercise of powers in accordance with the National Rules and Divisional Rules of officeholders, or the Divisional Branch Management Committee, or the Divisional Branch Council, of the ACT Divisional Branch or the WA Divisional Branch, acting in their capacity as officers, or the Divisional Branch Management Committee, or the Divisional Branch Council, of that Divisional Branch.
5. Subject to clause 6, within seven days of the making of the Order, those persons whose offices are declared vacant in clause 3 shall:
- a. return to the Administrator all property (including without limitation cars, building/security passes, credit cards, devices such as mobile phones and laptops, passwords or other access requirements for email accounts, social media accounts or other communication channels) of the CFMEU, the Administered Division or any of the Administered Divisional Branches or any of their associated entities, as the case may be, in their possession, custody or power;
 - b. effect to have transferred into the name of the Administrator any real or personal property held by that person on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch, and any real or personal property owned by or held on trust for or on behalf of any associated entity of the CFMEU, Administered Division or any of the Administered Divisional Branches;
 - c. deliver up to the Administrator any documents, whether hard copy, electronic or otherwise, relating to the affairs of the CFMEU, Administered Division, an Administered Divisional Branch or any of their associated entities, as are in their possession, custody or power; and
 - d. where documents of a kind described in clause 5.c are not in the person's possession, custody or power, inform the Administrator in writing as to the existence of such documents and, to the best of the person's knowledge, where those documents are located.
6. For the avoidance of doubt, clause 5 shall not apply to property or documents of the CFMEU, WA Divisional Branch or the ACT Divisional Branch, insofar as those property or documents are held by the person because of an office which has not been vacated under clause 3.



- 7 As and from the making of the Order and for the period of the administration, the Administrator:**
- a. shall have and exercise all of the powers and duties of the Divisional Conference and the Divisional Executive as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;**
 - b. shall have and exercise all of the powers and duties of the Divisional Branch Council and Divisional Branch Management Committee of each of the Administered Divisional Branches as are conferred on those bodies under the National Rules and the Divisional Rules, and the FWRO Act;**
 - c. shall have all of the powers and duties of each office that is declared vacant under clause 3.a or clause 3.b or clause 3.c as are conferred on those offices under the National Rules and the Divisional Rules, and the FWRO Act, including without limiting the foregoing the power to exercise voting rights attaching to such offices in decision-making bodies of the CFMEU and the C&G Division;**
 - d. shall have power, without limiting the foregoing, to appoint one or more persons as Divisional Trustee of the Administered Division, and/or as Divisional Branch Trustee of an Administered Divisional Branch, and at or after the time of such appointment to transfer into the name of that person any real or personal property held by the Administrator on trust for or on behalf of the CFMEU, the Administered Division or an Administered Divisional Branch;**
 - e. shall have power, without limiting the foregoing, to terminate the appointment of an auditor of the Administered Division or an Administered Divisional Branch, and appoint another person as auditor of the Administered Division or an Administered Divisional Branch;**
 - f. shall have power, without limiting the foregoing, to remove officers, officials or employees of the Administered Division and any Administered Divisional Branch from office, positions or employment respectively;**
 - g. shall use his powers, under this Scheme and under the National Rules and the Divisional Rules of the CFMEU, to enable the Administered Division and the Administered Divisional Branches to function effectively, in good faith in what he believes to be the best interests of the Administered Division and each Administered Divisional Branch.**



8. For the avoidance of doubt, and whilst the administration continues in respect of the Administered Division or any Administered Divisional Branch, and notwithstanding any provisions of the National Rules or the Divisional Rules, the Administrator may appoint any person deemed suitable to him as a proxy to represent him at any meeting of the National Conference, National Executive, National Executive Committee or National Collegiate of the CFMEU, any State Conference constituted under rule 46 of the National Rules, any State Executive constituted under rule 47 of the National Rules, and any other decision-making body of the CFMEU or one of its Divisions or Branches under the National Rules or the Divisional Rules, and exercise the deliberative vote of such of the Administered Division or the Administered Divisional Branches that remain in administration (and their respective offices) provided that a separate written appointment is made for each such meeting. Each such instrument may provide instructions to the proxy as to how the proxy should vote and must do so in the event of a vote being required on any matter that, in the opinion of the Administrator, may adversely affect the interests of the members of the Administered Division or an Administered Divisional Branch. To avoid doubt, any such instructions may include a direction to abstain from voting.
9. Where notwithstanding this Scheme a person continues to hold office or employment in the Administered Division or an Administered Divisional Branch, the Administrator shall have power to direct that person:
- a. to take leave, including using any accrued annual leave, long service leave or other leave; and / or
 - b. to perform no, or different, work; and / or
 - c. not to attend the premises, or to access any property, information or system, of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - d. to return any property or information of the Administered Division or some or all of its Administered Divisional Branches; and / or
 - e. not to hold themselves out as acting or speaking for or on behalf of the Administered Division or some or all of its Administered Divisional Branches,
- for such time as the Administrator considers appropriate (but no later than the date upon which the Administrator ceases to act under this Scheme in respect of the Administered Division or, in the case of an office or employment in an Administered Divisional Branch, that Administered Divisional Branch).



10. For the avoidance of doubt, subclauses 9.a and 9.b do not give power to direct a person in respect of an office which continues by virtue of clause 4 or in respect of a person's employment in a Divisional Branch which is not an Administered Divisional Branch.
11. The Administrator shall have power to bring proceedings in the name of the CFMEU, including for the recovery of any funds of the CFMEU, the Administered Division or any of the Administered Divisional Branches, and for the imposition of penalties and the awarding of compensation as may be available under the FWRO Act or any other law.
12. The Administrator shall have full power to engage, on behalf of the CFMEU and at the expense of the CFMEU, such employees and consultants as the Administrator deems necessary to enable the Administrator to carry out the duties and functions conferred on the Administrator under this Scheme.
13. The Administrator shall have power to refer, to any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State, the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
14. The Administrator shall co-operate with any investigations or inquiries (howsoever described) conducted by or on behalf of any body established, or officeholder appointed, by or under any law of the Commonwealth or of a State into the conduct of current or former officers, officials, shop-stewards, delegates or employees (howsoever described) of the Administered Division or any of the Administered Divisional Branches.
15. Notwithstanding anything in the National Rules or Divisional Rules:
- a. the Administrator will have the power to suspend, expel or dismiss from any office or position a member, representative or delegate of any kind, of the Administered Division or an Administered Divisional Branch, whom the Administrator is satisfied has engaged in conduct of the kind identified in rule 26A 2 of the National Rules or is of general bad character within the meaning of s 166(1) of the FWRO Act;
 - b. the power in clause 15.a may be exercised in relation to conduct that occurred before or after the commencement of this Scheme;
 - c. the process governing the exercise of the power in (a) shall be determined by the Administrator provided the process affords procedural fairness; and



- d. any member expelled from membership by the Administrator shall not be entitled to apply for re-admission as a member of the CFMEU for a period determined in expelling the member so long as the period is not greater than a period of 4 years.
16. The Administrator may, upon giving 72 hours' written notice to any person represented in the proceeding, apply to the Court for the appointment of an Assistant Administrator or Assistant Administrators to undertake various duties of the Administrator.
17. The Administrator shall establish and implement policies to ensure the Administered Division will be representative of and accountable to its members, will be able to operate lawfully and effectively, will encourage members to participate in the affairs of the Administered Divisional Branch to which they belong, and will encourage the democratic functioning and control of the Administered Division.
18. The Administrator may alter the Divisional Rules, make new Divisional Rules or delete Divisional Rules, and shall consult with the board of management (as defined in the FWRO Act) of any part of the CFMEU, that is not the Administered Division or an Administered Divisional Branch, if it is affected by that alteration.
19. The Administrator shall meet with the General Manager on a monthly basis to discuss the progress of the Scheme.

Maintaining the register and preparation of accounts

20. The Administrator shall cause to be kept and maintained a copy of the register of members of the CFMEU as it relates to the Administered Division and to each of the Administered Divisional Branches, including to record any person joining or resigning from any of the Administered Divisional Branches after the date of the Order and their financial status.
21. The Administrator shall cause to be prepared all financial accounts relating to the Administered Division and each Administered Divisional Branch within the time or times required under the FWRO Act in accordance with Part 3 of Chapter 8 of the FWRO Act, except that if the SA Divisional Branch has not as at the date of the Order lodged its financial report for the year ended 31 March 2024 under section 268 of the FWRO Act, the Administrator shall have an extension of time of four months from the date of the Order to do so.

Fees and expenses of Administrator

22. The CFMEU shall pay the fees and expenses of the Administrator, any employees and consultants referred to in clause 12 above who are assisting in the carrying out of his



functions under this Scheme, and any Assistant Administrator appointed by the Court as referred to in clause 16 above. For the avoidance of doubt, this does not include the fees and expenses of KordaMentha appointed under clause 40 below.

23. The fees payable to the Administrator shall be fixed at the rate of remuneration payable to a Vice President of the Fair Work Commission under s 637(1) of the FW Act, any travel allowance and any applicable allowances payable to a Vice President of the Fair Work Commission under s 637(2) of the FW Act, as fixed by the Remuneration Tribunal from time to time. For the avoidance of doubt, the office of the Administrator is not a public office within the meaning of the *Remuneration Tribunal Act 1973* (Cth).
24. The Administrator shall be paid such travel allowances and be entitled to the same class of travel as a Vice President of the Fair Work Commission, as fixed by the Remuneration Tribunal from time to time.

Duration of administration

25. The Administrator shall use his best endeavours to ensure the completion of the administration within 2 years of the date of the Order, or such further time as the Court may allow.
26. In respect of the Administered Division and each Administered Divisional Branch, upon being satisfied that the relevant part is functioning effectively, the Administrator will issue a certificate stating that he is so satisfied. Such certificate will take effect, as set out below, upon the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate.
27. In deciding whether to issue a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must take into account the report referred to in clause 42 below and any reports relating to the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.
28. In deciding whether to confirm in writing that he agrees with the Administrator's opinion as set out in a certificate under clause 26, the General Manager must take into account the report referred to in clause 42 below and any audit reports for the Administered Division and the relevant Administered Divisional Branch under clauses 43 or 44 below, and any other matters he considers relevant.
29. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of any Administered Divisional Branch, and the General Manager confirming in



writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.

30. At the same time as taking the necessary steps to arrange for the conduct of elections for an Administered Divisional Branch in accordance with clause 29 above, the Administrator shall take the necessary steps to arrange for the conduct of elections of any positions declared vacant in accordance with clause 3.b which were declared vacant because of the incumbent being the holder of an office in that Administered Divisional Branch. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act. For the avoidance of doubt, this clause does not require the conduct of elections in relation to offices in the Divisional Executive – such elections will instead be conducted in accordance with clauses 34 and 35 below.
31. Despite anything to the contrary in the National Rules or the Divisional Rules, no election shall be held in respect of offices in an Administered Divisional Branch until after the issuing of a certificate under clause 26 above in respect of that Administered Divisional Branch.
32. Upon the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices of an Administered Divisional Branch conducted as set out in clause 29 above, the office holders elected will take office and the Administrator shall cease to act under this Scheme in respect of that Administered Divisional Branch.
33. A person elected to an office in an Administered Divisional Branch as a result of the elections referred to in clauses 29 and 32 above shall hold office for the balance of any term of office until the usual quadrennial elections of the CFMEU which are to be commenced in 2028.
34. With effect from the date of the Administrator issuing a certificate under clause 26 above in respect of the Administered Division, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in the certificate, the Administrator will take the necessary steps to arrange for the conduct of elections for offices in respect of the Divisional Executive of the Administered Division. Such elections will be conducted in accordance with the National Rules, Divisional Rules and the FWRO Act, including in accordance with s 323(7) of the FWRO Act.



35. Despite anything to the contrary in the National Rules or the Divisional Rules, no election shall be held in respect of offices in the Divisional Executive of the Administered Division until after the issuing of a certificate under clause 26 above in respect of the Administered Division.

36. With effect from the date that all of the following conditions have been met:

- a. the Administrator has issued a certificate under clause 26 in respect of Administered Division and every one of the Administered Divisional Branches, and the General Manager confirming in writing that he agrees with the Administrator's opinion as set out in each of those certificates; and
- b. the Administrator has ceased to act under this Scheme, in accordance with clause 32, in respect of every one of the Vic-Tas Divisional Branch, SA Divisional Branch, NSW Divisional Branch or the Qld NT Divisional Branch; and
- c. the declaration, in accordance with the FWRO Act and the Divisional Rules, of the results of an election for offices in the Divisional Executive of the Administered Division as set out in clause 33 above,

the office holders elected to the Divisional Executive will take office and the Administrator will cease to act under this Scheme in respect of the Administered Division.

37. A person elected to an office in the Administered Division as a result of the elections referred to in clauses 34 and 35 above shall hold office for the balance of any term of office until the usual quadrennial elections of the Administered Division which are to be commenced in 2029.

Indemnification of Administrator

38. The CFMEU shall indemnify the Administrator in respect of any and all claims, proceedings, or complaints made in connection with the Administrator's exercise or non-exercise of any of the functions, powers and duties under this Scheme, including in relation to the cost of defending such claims, proceedings or complaints, and in relation to the payment of any compensation, penalties or other amounts awarded or paid in the determination, settlement, or other resolution, of such compensation, penalties or other amounts.

39. For the avoidance of doubt, the indemnification provided for in clause 38 above will continue after the Administrator ceases to act as Administrator under this Scheme, as long as the



relevant exercise or non-exercise of functions, powers and duties occurred at a date when the Administrator still had functions, powers and duties under this Scheme.

Appointment of Special Purpose Auditor

40. Upon the making of the Order, KordaMentha Pty Ltd atf KM Unit Trust (KordaMentha) shall be engaged by the General Manager to undertake a special purpose audit for the purposes set out in clauses 42 and 43 below.
41. For the avoidance of doubt, the appointment of KordaMentha under clause 40 will not disturb or vacate the appointment of any other person as an auditor of the C&G Division and each of the Divisional Branches under the National Rules or the Divisional Rules.
42. As soon as practicable after the making of the Order, but no more than 21 days, or such greater period as permitted in writing by the General Manager, thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, an independent report into the financial position and governance of the Administered Division and each of the Administered Divisional Branches. The report will:
- a. report on the financial position of each of the entities under the control of the Administrator; and
 - b. advise on any significant financial risk identified by KordaMentha relating to entities under the control of the Administrator.
43. At any time during the administration of the Administered Division, the General Manager may request KordaMentha to prepare such further or other independent reports into the affairs of the Administered Division and/or any of the Administered Divisional Branches as remain in administration. As soon as practicable after the receipt of such a request, but no more than 21 days or such greater period as permitted in writing by the General Manager thereafter, KordaMentha shall prepare, and provide to both the Administrator and the General Manager, the requested report.
44. Prior to issuing a certificate under clause 26 in respect of the Administered Division or any Administered Divisional Branch, the Administrator must cause an audit report into the financial affairs of the relevant Administered Divisional Branch or (in the case of a proposed certificate in respect of the Administered Division) of the Administered Division to be prepared at the CFMEU's expense and provided to the General Manager. The person appointed by the Administrator to conduct each such audit report must be a person entitled to be appointed as an auditor of the relevant Administered Divisional Branch or the



Administered Division in accordance with the FWRO Act, National Rules and Divisional Rules.

45. The Administrator, and all office holders and employees of the CFMEU in the Administered Division and each of the Administered Divisional Branches, shall cooperate fully with the conduct of the audits and preparation of reports referred to in clauses 40, 42, 43 and 44 above.
46. The Fair Work Commission shall pay the fees and expenses of KordaMentha in relation to the carrying out of the duties in clauses 40, 42 and 43 above.

WA Divisional Branch and the ACT Divisional Branch

47. At any time during the administration of the Administered Division, the Administrator may advise the General Manager that in his opinion either the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively.
48. If the General Manager is satisfied that the ACT Divisional Branch or the WA Divisional Branch has ceased to function effectively, the General Manager may apply to the Court for a further declaration and orders under s 323 of the FWRO Act in relation to that Divisional Branch.

Annexure B¹

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Victoria-Tasmania Divisional Branch		
1.	Divisional Branch Secretary	(Vacant) ²
2.	Divisional Branch Assistant Secretary	Derek Christopher
3.	Divisional Branch Assistant Secretary	Ellas Spernovasilis
4.	Divisional Branch President	Robert Graauwmans
5.	Divisional Branch Senior Vice President	Joe Myles
6.	Divisional Branch Vice President	Mick Myles
7.	Divisional Sub-Branch President <i>(Tasmania)</i>	Kevin Harkins
8.	Divisional Sub-Branch President <i>(Tasmania)</i>	Richard Hassett
9.	Divisional Branch Management Committee Member <i>(position 1)</i>	David Lythgo
10.	Divisional Branch Management Committee Member <i>(position 2)</i>	Rudy Raspudic
11.	Divisional Branch Management Committee Member <i>(position 3)</i>	Anthony Cordier
12.	Divisional Branch Management Committee Member <i>(position 4)</i>	Anthony Ioannidis

¹ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

² First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
13.	Divisional Branch Management Committee Member <i>(position 5)</i>	Bill Beattie
14.	Divisional Branch Management Committee Member <i>(position 6)</i>	Steve Long
15.	Divisional Branch Management Committee Member <i>(position 7)</i>	Gerard Benstead
16.	Divisional Branch Management Committee Member <i>(position 8)</i>	John Perkovic
17.	Divisional Branch Management Committee Member <i>(position 9)</i>	Darko Misic
18.	Divisional Branch Management Committee Member <i>(position 10)</i>	John Constantinou
19.	Divisional Branch Management Committee Member <i>(position 11)</i>	John Perak
20.	Divisional Branch Management Committee Member <i>(position 12)</i>	Paddy Farrelly
21.	Divisional Branch Management Committee Member <i>(position 13)</i>	Frank Akbari
22.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
23.	Divisional Branch Management Committee Member <i>(position 15)</i>	Paul Round
24.	Divisional Branch Management Committee Member <i>(position 16)</i>	Martin Murphy
25.	Divisional Branch Management Committee Member <i>(position 17)</i>	Jeremy Tomic
26.	Divisional Branch Management Committee Member <i>(position 18)</i>	Dennis Gritzalis
27.	Divisional Branch Management Committee Member <i>(position 19)</i>	James Simpson
28.	Divisional Branch Management Committee Member <i>(position 20)</i>	Steven Balta
29.	Divisional Branch Management Committee Member <i>(position 21)</i>	Lisa Zanatta
30.	Divisional Branch Management Committee Member <i>(position 22)</i>	Theo Theodorou
31.	Divisional Branch Management Committee Member <i>(position 23)</i>	Brendan Pitt
32.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 1)</i>	Broden Barlow



Column A		Column B
POSITION		NAME OF INCUMBENT
33.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 2)</i>	Kevin Harkins
34.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 3)</i>	Mark Denny
35.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 4)</i>	Richard Hassett
36.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 5)</i>	Dushan Hlis
37.	Divisional Sub-Branch Management Committee Member <i>(Tasmania) (position 6)</i>	Jim Stuh
38.	Divisional Branch Trustee	(Unknown)
39.	Divisional Branch Trustee	(Unknown)
40.	Divisional Branch Trustee	(Unknown)
41.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 1)</i>	Rhett Campbell
42.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 2)</i>	Chris Brett
43.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 3)</i>	Richard Bradley
44.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 4)</i>	Bart Scaffidi
45.	Delegate to Divisional Branch Council	Vlado Cakarun



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 5)</i>	
46.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 6)</i>	Emilio Botsaris
47.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 7)</i>	Luke Buttigieg
48.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 8)</i>	Shane Cilla
49.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 9)</i>	Lara Van Graas
50.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 10)</i>	Kelly Ngu
51.	Delegate to Divisional Branch Council <i>((Melbourne Metropolitan position 11)</i>	Sean Paul Donnelly
52.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 12)</i>	Peter Clark
53.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 13)</i>	Antony Grgurevic
54.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 14)</i>	Valerio Macaro
55.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 15)</i>	Ivan Colina
56.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 16)</i>	Mick Fitzsimons
57.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 17)</i>	Felice Filardo



Column A		Column B
POSITION		NAME OF INCUMBENT
58.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 18)</i>	Mathew Montebello
59.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 19)</i>	(Vacant)
60.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 20)</i>	David Costable
61.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 21)</i>	David Krizan
62.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 22)</i>	Peter Loncar
63.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 23)</i>	Jason Deans
64.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 24)</i>	Anthony Dredge
65.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 25)</i>	Teena Simpson
66.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 26)</i>	Neven Markulin
67.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 27)</i>	Yong Wu
68.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 28)</i>	Jimmy Harris
69.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 29)</i>	Drew McDonald
70.	Delegate to Divisional Branch Council	Guang Liang Xu



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 30)</i>	
71.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 31)</i>	Terence McNamara
72.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 32)</i>	John Mantle
73.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 33)</i>	Gerard McQuaid
74.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 34)</i>	Lita Gillies
75.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 35)</i>	Scott Aird
76.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 36)</i>	Mark McMillan
77.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 37)</i>	Brad McNiven
78.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 38)</i>	Ilija Crnac
79.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 39)</i>	Lee McKenzie
80.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 40)</i>	Tamish Muller
81.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 41)</i>	David Foley
82.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 42)</i>	Kathleen Ingram



Column A		Column B
POSITION		NAME OF INCUMBENT
83.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 43)</i>	Matthew Seadon
84.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 44)</i>	Mick Egan
85.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 45)</i>	Mick Powell
86.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 46)</i>	Carla Rivera
87.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 47)</i>	Liam O'Hearn
88.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 48)</i>	Adam Olsen
89.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 49)</i>	Ashton Fitzpatrick
90.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 50)</i>	Shane McGowan
91.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 51)</i>	Trevor Punshon
92.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 52)</i>	Ricky Orterga
93.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 53)</i>	Mark Peterson
94.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 54)</i>	Gary Roberts
95.	Delegate to Divisional Branch Council	John Pidoto



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Melbourne Metropolitan position 55)</i>	
96.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 56)</i>	Angelo Ruffato
97.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 57)</i>	(Vacant)
98.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 58)</i>	James Ryan
99.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 59)</i>	Terry Ryan
100.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 60)</i>	Gerry Pettifer
101.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 61)</i>	Shane Ross
102.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 62)</i>	Daniel Simloni
103.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 63)</i>	Malachy Farrelly
104.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 64)</i>	Malachy Farrelly
105.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 65)</i>	David Setka
106.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 66)</i>	Chris Spiridonos
107.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 67)</i>	Mick Karlusic



Column A		Column B
POSITION		NAME OF INCUMBENT
108.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 68)</i>	Simon Samardzic
109.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 69)</i>	John Samardzic
110.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 70)</i>	Jack Vucak
111.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 71)</i>	Shelly Goodwin
112.	Delegate to Divisional Branch Council <i>(Melbourne Metropolitan position 72)</i>	Esther Van Arend
113.	Delegate to Divisional Branch Council <i>(Geelong position 1)</i>	Paul McCann
114.	Delegate to Divisional Branch Council <i>(Geelong position 2)</i>	Dean Doran
115.	Delegate to Divisional Branch Council <i>(Geelong position 3)</i>	Mark Travers
116.	Delegate to Divisional Branch Council <i>(Geelong position 4)</i>	Rachel McCann
117.	Delegate to Divisional Branch Council <i>(Central Victoria position 1)</i>	Nigel Davies
118.	Delegate to Divisional Branch Council <i>(Central Victoria position 2)</i>	David Duffy
119.	Delegate to Divisional Branch Council <i>(Central Victoria position 3)</i>	Andrew Pitlik
120.	Delegate to Divisional Branch Council	Brett James Fleming



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Central Victoria position 4)</i>	
121.	Delegate to Divisional Branch Council <i>(Northern Victoria position 1)</i>	James Gianchino
122.	Delegate to Divisional Branch Council <i>(Northern Victoria position 2)</i>	Joel Hannebery
123.	Delegate to Divisional Branch Council <i>(Northern Victoria position 3)</i>	Mark Talt
124.	Delegate to Divisional Branch Council <i>(Northern Victoria position 4)</i>	Cameron McClure
125.	Delegate to Divisional Branch Council <i>(La Trobe position 1)</i>	Phillip Darcy
126.	Delegate to Divisional Branch Council <i>(La Trobe position 2)</i>	John Thomson
127.	Delegate to Divisional Branch Council <i>(La Trobe position 3)</i>	Toby Thornton
128.	Delegate to Divisional Branch Council <i>(La Trobe position 4)</i>	Tom Malone
Construction and General South Australian Divisional Branch		
129.	Divisional Branch Secretary	(Vacant) ³
130.	Divisional Branch Assistant Secretary	Marcus Pare
131.	Divisional Branch President	Robert Graauwmans
132.	Divisional Branch Vice President	Mark Palmer
133.	Divisional Branch Treasurer	Travis Hera-Singh
134.	Divisional Branch Trustee	(Vacant)

³ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
135.	Divisional Branch Trustee	Travis Brook
136.	Divisional Branch Organiser	Emosi Veron
137.	Divisional Branch Organiser	(Vacant)
138.	Divisional Branch Management Committee Member <i>(position 1)</i>	Mark Forster
139.	Divisional Branch Management Committee Member <i>(position 2)</i>	James Rusinski
140.	Divisional Branch Management Committee Member <i>(position 3)</i>	(Vacant)
141.	Divisional Branch Management Committee Member <i>(position 4)</i>	Daniel Bottrell
142.	Divisional Branch Management Committee Member <i>(position 5)</i>	David Ellis
143.	Divisional Branch Council Member <i>(position 1)</i>	Holly Hedges
144.	Divisional Branch Council Member <i>(position 2)</i>	Kain Shanko
145.	Divisional Branch Council Member <i>(position 3)</i>	Lance Herbert
146.	Divisional Branch Council Member <i>(position 4)</i>	(Vacant)
147.	Divisional Branch Council Member	(Vacant)



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 5)</i>	
148.	Divisional Branch Council Member <i>(position 6)</i>	Michael McCluskey
149.	Divisional Branch Council Member <i>(position 7)</i>	Damien O'Connell
150.	Divisional Branch Council Member <i>(position 8)</i>	Patrick Rupric
151.	Divisional Branch Council Member <i>(position 9)</i>	(Vacant)
152.	Divisional Branch Council Member <i>(position 10)</i>	(Vacant)
153.	Divisional Branch Council Member <i>(position 11)</i>	Zac Strawbridge
154.	Divisional Branch Council Member <i>(position 12)</i>	Jarrad Tapp
155.	Divisional Branch Council Member <i>(position 13)</i>	Doug Tilley
156.	Divisional Branch Council Member <i>(position 14)</i>	Nathan White
Construction and General New South Wales Divisional Branch		
157.	Divisional Branch Secretary	Darren Greenfield
158.	Divisional Branch Assistant Secretary	Michael Greenfield
159.	Divisional Branch Assistant Secretary	Robert Kera
160.	Divisional Branch President	Rita Mallia



Column A		Column B
POSITION		NAME OF INCUMBENT
161.	Divisional Branch Management Committee Member <i>(position 1)</i>	Yusuf Mhalche
162.	Divisional Branch Management Committee Member <i>(position 2)</i>	Scott Andrew
163.	Divisional Branch Management Committee Member <i>(position 3)</i>	Howard Byrnes
164.	Divisional Branch Management Committee Member <i>(position 4)</i>	Denis McNamara
165.	Divisional Branch Management Committee Member <i>(position 5)</i>	Simon Curtis
166.	Divisional Branch Management Committee Member <i>(position 6)</i>	Simon Gutierrez
167.	Divisional Branch Management Committee Member <i>(position 7)</i>	Zachary Latief
168.	Divisional Branch Management Committee Member <i>(position 8)</i>	Luke Allen
169.	Divisional Branch Management Committee Member <i>(position 9)</i>	Yannis Sievas
170.	Divisional Branch Management Committee Member <i>(position 10)</i>	Steven Parker



Column A		Column B
POSITION		NAME OF INCUMBENT
171.	Divisional Branch Management Committee Member <i>(position 11)</i>	Pierre Boumelham
172.	Divisional Branch Management Committee Member <i>(position 12)</i>	Colm Munroe
173.	Divisional Branch Management Committee Member <i>(position 13)</i>	Elmedin Begic
174.	Divisional Branch Management Committee Member <i>(position 14)</i>	(Vacant)
175.	Divisional Branch Management Committee Member <i>(position 15)</i>	Dean Hackett
176.	Divisional Branch Management Committee Member <i>(position 16)</i>	Munro Jones
177.	Divisional Branch Management Committee Member <i>(position 17)</i>	Rocco Ianni
178.	Divisional Branch Management Committee Member <i>(position 18)</i>	Michael Restuccia
179.	Divisional Branch Management Committee Member <i>(position 19)</i>	Timur Rasih
180.	Divisional Branch Management Committee Member <i>(position 20)</i>	Sime Buterin



Column A		Column B
POSITION		NAME OF INCUMBENT
181.	Divisional Branch Management Committee Member <i>(position 21)</i>	Bruce Cartwright
182.	Divisional Branch Management Committee Member <i>(position 22)</i>	Dario Damjanovic
183.	Divisional Branch Management Committee Member <i>(position 23)</i>	Michael Lynch
184.	Divisional Branch Management Committee Member <i>(position 24)</i>	(Vacant)
185.	Divisional Branch Management Committee Member <i>(position 25)</i>	Anthony Vecchio
186.	Divisional Branch Management Committee Member <i>(position 26)</i>	Darren Wick
187.	Divisional Branch Council Member <i>(Cumberland Zone position 1)</i>	Nur Begg
188.	Divisional Branch Council Member <i>(Cumberland Zone position 2)</i>	(Vacant)
189.	Divisional Branch Council Member <i>(Cumberland Zone position 3)</i>	Kahon Alkozai
190.	Divisional Branch Council Member <i>(Cumberland Zone position 4)</i>	John Hughes
191.	Divisional Branch Council Member <i>(Cumberland Zone position 5)</i>	Michael Bailey



Column A		Column B
POSITION		NAME OF INCUMBENT
192.	Divisional Branch Council Member <i>(Cumberland Zone position 6)</i>	Mario Battisini
193.	Divisional Branch Council Member <i>(Cumberland Zone position 7)</i>	Derek Gallagher
194.	Divisional Branch Council Member <i>(Cumberland Zone position 8)</i>	Jack Bosden
195.	Divisional Branch Council Member <i>(Cumberland Zone position 9)</i>	Craig Bremner
196.	Divisional Branch Council Member <i>(Cumberland Zone position 10)</i>	Geoff Bates
197.	Divisional Branch Council Member <i>(Cumberland Zone position 11)</i>	Robert Burland
198.	Divisional Branch Council Member <i>(Cumberland Zone position 12)</i>	Colin Chapman
199.	Divisional Branch Council Member <i>(Cumberland Zone position 13)</i>	James Ponisi
200.	Divisional Branch Council Member <i>(Cumberland Zone position 14)</i>	Mohamed Gabr
201.	Divisional Branch Council Member <i>(Cumberland Zone position 15)</i>	Mohamed Hammoud
202.	Divisional Branch Council Member <i>(Cumberland Zone position 16)</i>	Colin Lamond
203.	Divisional Branch Council Member <i>(Cumberland Zone position 17)</i>	Edward Sloane
204.	Divisional Branch Council Member	Ian McKinnon



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(Cumberland Zone position 18)</i>	
205.	Divisional Branch Council Member <i>(Cumberland Zone position 19)</i>	Russell Munro
206.	Divisional Branch Council Member <i>(Cumberland Zone position 20)</i>	Jason Williams
207.	Divisional Branch Council Member <i>(Cumberland Zone position 21)</i>	Geoffrey Vaughan
208.	Divisional Branch Council Member <i>(Cumberland Zone position 22)</i>	James Wall
209.	Divisional Branch Council Member <i>(Northumberland Zone position 1)</i>	Neal Attwood
210.	Divisional Branch Council Member <i>(Northumberland Zone position 2)</i>	Mitchell Deas
211.	Divisional Branch Council Member <i>(Northumberland Zone position 3)</i>	Mark Kelly
212.	Divisional Branch Council Member <i>(Camden Zone position 1)</i>	David Mackay
213.	Divisional Branch Council Member <i>(Camden Zone position 2)</i>	Paul Fisher
214.	Divisional Branch Council Member <i>(Camden Zone position 3)</i>	Sallie Oxborough
215.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Gary McCarthy
216.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Michael Sykes



Column A		Column B
POSITION		NAME OF INCUMBENT
217.	Divisional Branch Council Member <i>(Country Zone position 1)</i>	Paul Wright
Construction and General Queensland-Northern Territory Divisional Branch		
218.	Divisional Branch Secretary	Michael Ravbar
219.	Divisional Branch Assistant Secretary <i>(Plasterers)</i>	Kane Lowth
220.	Divisional Branch Assistant Secretary <i>(Painters)</i>	Keith Murphy
221.	Divisional Branch Assistant Secretary <i>(General)</i>	Jade Ingham
222.	Divisional Branch President	Royce Kupsch
223.	Divisional Branch Senior Vice President	Steven Gaske
224.	Divisional Branch Senior Vice President	Dallas Ezzy
225.	Divisional Branch Vice President	Ian McKewin
226.	Divisional Branch Vice President	Steven Amies
227.	Divisional Branch Trustee	(Unknown)
228.	Divisional Branch Trustee	(Unknown)
229.	Divisional Branch Trustee	(Unknown)
230.	Divisional Branch Executive Member <i>(position 1)</i>	Peter Close
231.	Divisional Branch Executive Member <i>(position 2)</i>	Mark Read
232.	Divisional Branch Council Member <i>(position 1)</i>	Steve Amies
233.	Divisional Branch Council Member	Craig Brown



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(position 2)</i>	
234.	Divisional Branch Council Member <i>(position 3)</i>	Josh Burling
235.	Divisional Branch Council Member <i>(position 4)</i>	Tony Dougherty
236.	Divisional Branch Council Member <i>(position 5)</i>	Tom McGovern
237.	Divisional Branch Council Member <i>(position 6)</i>	Ian (Badge) McKewin
238.	Divisional Branch Council Member <i>(position 7)</i>	Mick Robinson

Annexure C⁴

Column A		Column B
POSITION		NAME OF INCUMBENT
Construction and General Divisional Executive		
1.	Divisional Secretary	Zachary Smith
2.	Divisional Assistant Secretary	Jason Jennings
3.	Divisional Assistant Secretary	Andrew Sutherland
4.	Divisional President	Jade Ingham
5.	Divisional Senior Vice President	Robert Kera
6.	Divisional Vice President	(Vacant) ⁵
7.	Divisional Executive Member <i>(ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
8.	Divisional Executive Member <i>(ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
9.	Divisional Executive Member <i>(ex officio ACT Divisional Branch Secretary)</i>	Michael Hiscox
10.	Divisional Executive Member <i>(ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁶
11.	Divisional Executive Member <i>(ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
12.	Divisional Executive Member <i>(VIC-TAS additional position 1)</i>	Derek Christopher
13.	Divisional Executive Member <i>(VIC-TAS additional position 2)</i>	Elias Spernovasilis

⁴ This information is current as at the date of the First Respondent's Annual Return of Information lodged on 28 March 2024, but incorporating changes contained in the First Respondent's Notifications of Changes to Records dated 18 April 2024 and 1 August 2024. Positions are as described in the Annual Return.

⁵ First Respondent's Notification of Changes to Records dated 1 August 2024.

⁶ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
14.	Divisional Executive Member <i>(QNT additional position 1)</i>	Kane Lowth
15.	Divisional Executive Member <i>(NSW additional position 2)</i>	Michael Greenfield
Construction and General Divisional Trustees		
16.	Divisional Trustee	Rita Mallia
17.	Divisional Trustee	Robert Graauwmans
18.	Divisional Trustee	Darren Greenfield
Construction and General Divisional Conference		
19.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 1 – ex officio QNT Divisional Branch Secretary)</i>	Michael Ravbar
20.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 2 – ex officio QNT Divisional Branch Assistant Secretary – Plasterers)</i>	Kane Lowth
21.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 3 – ex officio QNT Divisional Branch Assistant Secretary – Painters)</i>	Keith Murphy
22.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 4)</i>	Royce Kupsch
23.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 5)</i>	Steven Gaske
24.	Divisional Branch Delegate to Divisional Conference	Ian McKewin



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(QNT position 6)</i>	
25.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 7)</i>	Jade Ingham
26.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 8)</i>	Peter Close
27.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 9)</i>	Steve Amies
28.	Divisional Branch Delegate to Divisional Conference <i>(QNT position 10 – NT position)</i>	Josh Burling
29.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 1 – ex officio NSW Divisional Branch Secretary)</i>	Darren Greenfield
30.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 2)</i>	Michael Greenfield
31.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 3)</i>	Elmedin Begic
32.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 4)</i>	Warren Whitney
33.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 5)</i>	Munro Jones



Column A		Column B
POSITION		NAME OF INCUMBENT
34.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 6)</i>	Robert Kera
35.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 7)</i>	Rita Mallia
36.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 8)</i>	Denis McNamara
37.	Divisional Branch Delegate to Divisional Conference <i>(NSW position 9)</i>	(Vacant)
38.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 1 – ex officio ACT Divisional Branch Secretary)</i>	Zachary Smith
39.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 2)</i>	Jason Jennings
40.	Divisional Branch Delegate to Divisional Conference <i>(ACT position 3)</i>	Michael Hiscox
41.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 1 – ex officio VIC-TAS Divisional Branch Secretary)</i>	(Vacant) ⁷
42.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 2)</i>	Joe Myles

⁷ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
43.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 3)</i>	Elias Spemovasills
44.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 4)</i>	Derek Christopher
45.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 5)</i>	Robert Graauwmans
46.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 6)</i>	David Lythgo
47.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 7)</i>	Steve Long
48.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 8)</i>	Skye Allan
49.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 9)</i>	Lisa Zanatta
50.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 10)</i>	Theo Theodorou
51.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 11)</i>	Gerard McQuaid
52.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 12)</i>	James Simpson



Column A		Column B
POSITION		NAME OF INCUMBENT
53.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 13)</i>	Garry Donnon
54.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 14)</i>	Mark Travers
55.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 15)</i>	Paul Tzimas
56.	Divisional Branch Delegate to Divisional Conference <i>(VIC-TAS position 16)</i>	Ivan Colina
57.	Divisional Branch Delegate to Divisional Conference <i>(SA position 1 – ex officio SA Divisional Branch Secretary)</i>	(Vacant) ⁸
58.	Divisional Branch Delegate to Divisional Conference <i>(SA position 2 – ex officio SA Divisional Branch Assistant Secretary)</i>	Marcus Pare
59.	Divisional Branch Delegate to Divisional Conference <i>(SA position 3)</i>	Andrew Sutherland
60.	Divisional Branch Delegate to Divisional Conference <i>(WA position 1 – ex officio WA Divisional Branch Secretary)</i>	Mick Buchan
61.	Divisional Branch Delegate to Divisional Conference	Robert Benkesser

⁸ First Respondent's Notification of Changes to Records dated 1 August 2024.



Column A		Column B
POSITION		NAME OF INCUMBENT
	<i>(WA position 2)</i>	
62.	Divisional Branch Delegate to Divisional Conference <i>(WA position 3)</i>	Michelle Sheehy



Annexure D

NOTICE

Construction, Forestry and Maritime Employees Union, Construction and General Division

The General Manager of the Fair Work Commission has applied to the Federal Court of Australia for declarations under section 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) that the Construction and General (C&G) Division of the Construction, Forestry and Maritime Employees Union (CFMEU) excluding the divisional branches for Western Australia and the Australian Capital Territory (Administered Division), and each of its divisional branches for Victoria-Tasmania, New South Wales, Queensland-Northern Territory and South Australia, (Administered Divisional Branches), have ceased to function effectively, and there are no effective means under their rules by which they can be enabled to function effectively, and for orders approving a scheme under which:

- all offices in the Victoria-Tasmania Divisional Branch, South Australia Divisional Branch, New South Wales Divisional Branch and Queensland-Northern Territory Divisional Branch would be declared vacant (Vacant Branch Offices);
- all other offices held by the persons previously in the Vacant Branch Offices, under the CFMEU's National rules or the C&G Division's rules, would also be declared vacant;
- all offices in the Administered Division, including Divisional Executive, Divisional Conference and Divisional Trustees, would be declared vacant;
- a suitably qualified person would be appointed Administrator of the Administered Division and each of the Administered Divisional Branches, until the Administrator is satisfied that the Administered Division and each Administered Divisional Branch is functioning effectively;
- a suitably qualified auditor would be appointed to prepare audit reports into the financial and other affairs of the Administered Division and each of the Administered Divisional Branches;
- the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch not take effect until further order of the Court.

Any persons who wish to be heard by the Court in this matter are invited to attend a Directions Hearing at [time and date to be inserted] (Australian Eastern Standard Time).

This hearing will take place in the Federal Court of Australia, in Victoria (Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne), transmitted by video link to the Federal Court of Australia in:



- the Australian Capital Territory (Nigel Bowen Commonwealth Law Courts Building, Childers Street, Canberra);
- New South Wales (Law Courts Building, 184 Phillip Street, Queens Square, Sydney);
- the Northern Territory (Supreme Court Building, State Square, Darwin);
- Queensland (Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane);
- South Australia (Roma Mitchell Commonwealth Law Courts Building, 3 Angas Street, Adelaide);
- Tasmania (Edward Braddon Commonwealth Law Courts Building, 39 - 41 Davey Street, Hobart); and
- Western Australia (Peter Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth).

The court numbers will be published on the day in the court buildings, and will be accessible from the night before through the Federal Court's website at [Daily Court lists \(fedcourt.gov.au\)](http://DailyCourtLists.fedcourt.gov.au).

For any queries, the Federal Court of Australia, Victorian Registry, may be contacted on 1300 720 980.



Schedule

No. VID of 2024

Federal Court of Australia
 District Registry: Victoria
 Division: Fair Work

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kera
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Spemovasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwmans
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspudic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Misk
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Gritzalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Broden Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hlis
Forty-fifth Respondent:	Jim Stuht
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Viado Cakarun
Fifty-first Respondent:	Emillo Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilla
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantis
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Crnac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamish Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seadon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Orterga
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karlusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Philip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emosi Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinski
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ells
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCiuskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupic
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sievas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelham
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozai
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Marlo Battisini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Collin Chapman
One hundred eighty-seventh Respondent:	James Ponisi
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Collin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amies
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkøsser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Phillip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent	Steven Kuckzerka
Two hundred sixty-ninth Respondent	Stuart Peacock

Date: 2 August 2024

NOTICE OF FILING

Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02
Court of Filing FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 2/08/2024 1:17:03 PM AEST
Date Accepted for Filing: 2/08/2024 1:33:31 PM AEST
File Number: VID758/2024
File Title: GENERAL MANAGER OF THE FAIR WORK COMMISSION v
CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
AND ORS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 16
Rules 8.02

APPLICANT'S GENUINE STEPS STATEMENT

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: FAIR WORK

NO VID OF 2024

GENERAL MANAGER OF THE FAIR WORK
COMMISSION

Applicant

CONSTRUCTION, FORESTRY AND MARITIME
EMPLOYEES UNION and others named in the Schedule
to the Originating Application

Respondents

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011* (Cth.).

STEPS TAKEN TO TRY TO RESOLVE THE ISSUES IN DISPUTE

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondents in the proceeding:

1. On 15 July 2024 the Applicant wrote to the First Respondent stating that FWC staff had been instructed to analyse the issues being raised in the media regarding the union, and providing the First Respondent with information about the support and expertise available if the National Executive intended to reconstitute the Victoria-Tasmania Branch (Vic-Tas Branch) of the Construction & General Division (C&G Division).
2. On 16 July 2024 the Applicant wrote to the First Respondent urgently seeking information regarding the process by which the National Executive had resolved to put its Vic-Tas Branch into administration following media reports of the same.
3. On 16 July 2024, the First Respondent wrote to the Applicant advising that on 15 July 2024 at a meeting of the C & G Divisional Executive, a resolution was passed under r 9(15(j)) of the C&G Divisional Rules to:

Filed on behalf of the Applicant, General Manager of the Fair Work
Commission

File ref: 24008449

Prepared by: Abigail Cooper
AGS lawyer within the meaning of s 551 of the *Judiciary Act 1903*

Address for Service:
The Australian Government Solicitor
Level 34, 800 Bourke Street, MELBOURNE VIC 3000
abigail.cooper@aga.gov.au

Telephone: 03 9242 1222
Lawyer's Email:
abigail.cooper@ags.gov.au
Facsimile: 02 6169 3054

- a) appoint the National Secretary, Zachary Smith, to investigate and take any action he considers necessary to resolve any and all matters arising out of, or in connection with recent media allegations including in relation to the conduct of any members holding a position within the Vic-Tas Branch, and to take any steps he considers necessary to secure the day-to-day administration of the Branch
 - b) confer upon Mr Smith powers and functions necessary to perform this role, including those of the Branch Secretary office and the authority to appoint, control and dismiss staff within the Branch;
 - c) direct and oblige each member of the Vic-Tasmania Divisional Branch Management Committee to do all things necessary to give effect to any directions, decisions and/or recommendations given by Mr Smith, including by exercising any powers conferred on them either individually or collectively under the Rules (including calling meetings, passing any necessary further resolutions and implementing decisions and recommendations).
4. On 17 July the First Respondent wrote to the Applicant requesting information regarding reports in the media that the Applicant was seeking advice on making an application under s 323 of the *Fair Work (Registered Organisations) Act 2009* (FWRO Act) for reconstitution of a part of an organisation and which parts of the union the Applicant would seek to reconstitute.
 5. On 22 July 2024 the Applicant wrote to the First Respondent confirming that the Applicant was seeking advice on making application under s 323 of the FWRO Act and considering which parts of the C&G Division should be subject to reconstitution.
 6. On 22 July 2024 the First Respondent wrote to the Applicant seeking a meeting to discuss any potential application by the Applicant in the Federal Court seeking that an administrator be appointed to manage the affairs of the First Respondent.
 7. On 23 July 2024 the Applicant wrote to the First Respondent seeking that it disclose specified information regarding officeholders and delegates and, in particular, the individuals alleged in the media to have been stood down in relation to links to organised crime.
 8. On 24 July 2024 the Applicant wrote to the First Respondent requesting that it advise whether it would be prepared to consent to an application under s.323 of the FWRO Act seeking an order in the Federal Court for reconstitution, and enquiring as to the scope of a proposed scheme for administration to which the First Respondent might consent.
 9. On 26 July 2024 the First Respondent wrote to the Applicant stating that Mr Smith had appointed senior counsel and junior counsel to conduct an investigation, and engaged qualified persons to review policies and procedures, issue interim policies and to review compliance with them. The letter also advised that Mr Smith wished to meet with the Applicant to discuss the Applicant's proposed scheme and consider it.

10. On 29 July 2024 the Applicant wrote to the First Respondent advising that the information sought on 23 July 2024 was necessary before the Applicant would be in a position to meet with Mr Smith to discuss a proposed scheme. The letter also requested that the Respondent clarify whether the National Executive had taken steps in response to allegations reported in the media about officials, delegates or other persons connected with other Divisional Branches and, if not, the reasons for limiting the response to the Vic-Tas Branch.
11. On 29 July 2024 the First Respondent wrote to the Applicant in relation to the Applicant's request for information regarding officeholders and delegates, and seeking certain information from the Applicant before providing the information that was sought.
12. On 1 August 2024 the First Respondent wrote to the Applicant asking, if the Applicant had reasonable grounds for suspicions regarding the conduct of officials outside Victoria and Tasmania, that the Applicant notify Mr Smith and stating Mr Smith would consider his response. The letter also stated that the First Respondent was embedding voluntary compliance, and confirmed Mr Smith's willingness to meet with the Applicant.
13. Having considered the information provided by the First Respondent, the Applicant is of the view that the C&G Division and several of its divisional branches have ceased to function effectively and that there are no effective means under the rules of the First Respondent or the C&G Division by which it can be enabled to function effectively, and that it is appropriate that a Scheme be put in place under s 323(2) of the FWRO Act, and that an Administrator be appointed and other orders be made, in the terms sought in the Originating Application of today's date, for the reasons summarised in the Concise Statement of today's date.
14. Having formed the view set out in the paragraph above, and in circumstances where a Scheme under s 323(2) of the FWRO Act cannot be put in place, and an Administrator cannot be appointed under s 323 of the FWRO Act, without Orders being made by the Federal Court of Australia upon the making of an application under s 323(1), and having regard to the steps described in the correspondence summarised above, the Applicant has formed the view that the matters cannot be resolved without the commencement of proceedings.

Date: 2 August 2024



Abigail Cooper
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Applicant

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-6" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:

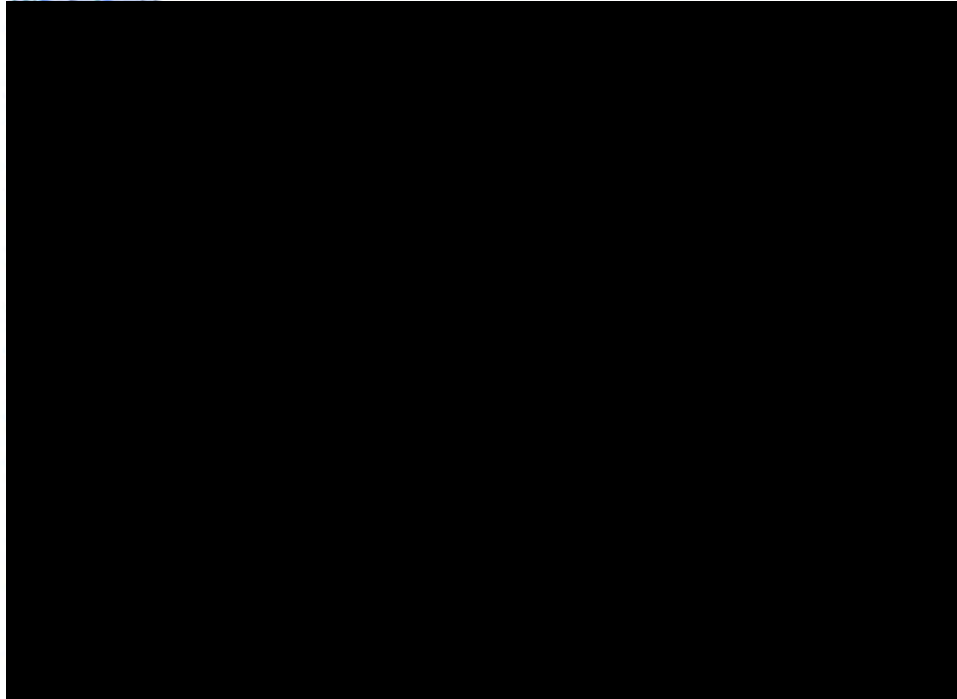


Bodhi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-6" being a copy of the service email on the Eleventh, Twelfth, Fifteenth to One hundred thirty-first and Two hundred twentieth to Two hundred twenty-second Respondents, minus the attachments

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

From: [NAT Legal Mailout](#)
To: [NAT Legal Mailout](#)
Bcc:



Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

Date: Monday, 12 August 2024 3:20:00 PM

Attachments: [Q&A document.pdf](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[1. Originating Application.pdf](#)
[2. Concise statement.pdf](#)
[3. Genuine steps statement.pdf](#)
[4. Letter from Kingston Reid 5.8.24.pdf](#)
[5. Notice of Acting for Minister.pdf](#)
[6. Orders of Justice Wheelahan 6.8.24.pdf](#)

Importance: High

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (**GM**) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have “ceased to function effectively”. The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.

Kind regards,

Zach Smith

National Secretary

CFMEU – Construction & General Division

CFMEU

**Construction & General Division
Victorian - Tasmanian Branch**





*The CFMEU Victorian Branch stands on the lands of the people of the Kulin Nation.
We pay our respect to their elders, past and present, and to all the traditional custodians of land throughout Australia.*

IMPORTANT:

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee.

If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited.

If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

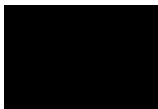
And

Construction, Forestry and Maritime Employees Union and others
Respondents

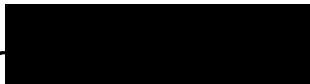
Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-7" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Bodhi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-7" being a copy of the service email to the Forty-Fifth Respondent, minus the attachments

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

From: NAT Legal Mailout
To: [REDACTED]
Subject: SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Date: Tuesday, 13 August 2024 11:22:00 AM
Attachments: [Q&A document.pdf](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[1_ Originating Application.pdf](#)
[2_ Concise statement.pdf](#)
[3_ Genuine steps statement.pdf](#)
[4_ Letter from Kingston Reid 5.8.24.pdf](#)
[5_ Notice of Acting for Minister.pdf](#)
[6_ Orders of Justice Wheelahan 6.8.24.pdf](#)
Importance: High

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (**GM**) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have “ceased to function effectively”. The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at

9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please reply to this email if you have any questions.

Kind regards,

Zach Smith

National Secretary

CFMEU – Construction & General Division

CFMEU

Construction & General Division
Victorian - Tasmanian Branch



The CFMEU Victorian Branch stands on the lands of the people of the Kulin Nation.

We pay our respect to their elders, past and present, and to all the traditional custodians of land throughout Australia.

IMPORTANT:

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-8" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-8" being a copy of the express post envelopes for the Forty-second and Ninety-ninth Respondents, including the tracking numbers

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	Josh.bornstein@mauriceblackburn.com.au ; bshribman-dellmann@mauriceblackburn.com.au
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

Express Post | Prepaid



Within Australia



Tracking+



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Documents only
Max. thickness 20mm

Recipient mobile

Company name

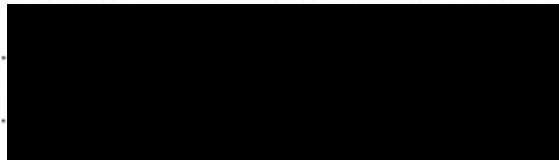
To: *Braden Barlow*

Contact name

Traditional place name (if known)

Street address or PO Box number

Suburb or town, State, Postcode



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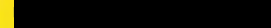
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Company name

To: John Pidoto

Contact name

Traditional place name (if known)

Street address or PO Box number

Suburb or town, State, Postcode



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Official use



Sender to keep



Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

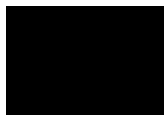
And


Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

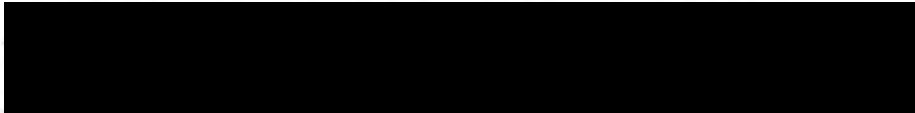
This is the annexure marked "JL-9" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me: 
Josh Bornstein
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

**ANNEXURE "JL-9" being a copy of the email,
including the attached covering letter but not including
the Relevant Documents or the Q&A Document**

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

From: NAT Legal Mailout
Bcc: 
Subject: Service of Originating Application - General Manager of the Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors (VID758/2024)
Date: Monday, 12 August 2024 3:25:26 PM
Attachments: [Letter to office-holder \(QNT\).pdf](#)
[Q&A document.pdf](#)
[1. Originating Application.pdf](#)
[2. Concise statement.pdf](#)
[3. Genuine steps statement.pdf](#)
[4. Letter from Kingston Reid 5.8.24.pdf](#)
[5. Notice of Acting for Minister.pdf](#)
[6. Orders of Justice Wheelahan 6.8.24.pdf](#)
Importance: High

Dear office holder

Please see **attached** for your attention correspondence from the National Secretary, Zach Smith.

Kind regards

12 August 2024

Dear office-holder,

SERVICE OF ORIGINATING APPLICATION IN *GENERAL MANAGER, FAIR WORK COMMISSION v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS*

You are receiving this email because you have been named as a respondent in a Federal Court proceeding: VID758/2024 — *General Manager, Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors*.

The case has been brought by the General Manager of the Fair Work Commission (**GM**) against the CFMEU Construction & General Division and 268 of its officers. You have been named as a respondent as you currently hold an office in the Division.

The GM has applied to the Federal Court for orders under s 323 of the *Fair Work Act 2009* (Cth) to place the Victorian-Tasmania, South Australia, New South Wales and Queensland branches of the Division into administration because the GM alleges that they have “ceased to function effectively”. The case has been commenced in response to serious allegations made in the press against the CFMEU.

On 6 August 2024, a case management hearing in this proceeding was held before Justice Wheelahan. His Honour made orders that the Division serve the following Relevant Documents to each individual respondent by email or post:

1. Originating Application.
2. Concise statement.
3. Genuine steps statement.
4. Letter from Kingston Reid dated 5 August 2024.
5. Notice of Acting for Minister.
6. Orders of Justice Wheelahan made 6 August 2024.

Those documents are attached to this email. Please read them carefully.

CFMEU

CONSTRUCTION

CFMEU CONSTRUCTION &
GENERAL DIVISION NATIONAL OFFICE
540 Elizabeth Street
Melbourne VIC 3000
Ph 02 8524 5800
ABN 46 243 168 565

Next steps in the case

A further case management hearing in the proceeding is likely to be held on 6 September 2024 at 9:30am. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).

What do I need to do?

We would appreciate if you can respond back to the email that this letter was attached saying that you have received the email.

The Union will arrange legal representation for you if you wish to be legally represented. You can also pay for your own legal representation if you wish but we recommend you speak to us first if you wish to do this.

Please contact Michael Ravbar at [REDACTED] if you have any questions.

Kind regards,

Zach Smith
National Secretary
CFMEU – Construction & General Division

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-10" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Bodhi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-10" being a copy of the express post envelope for the Two hundred sixteenth Respondent, including the tracking number

Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

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Contact name

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Traditional place name (if known)

Street address or PO Box number

Suburb or town, State, Postcode

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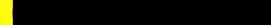
Use & Peel

Official use



Use & Peel

Sender to keep



Medium
Up to 500g

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

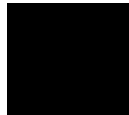
And


Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-11" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me: 
Bochi Shribman - Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

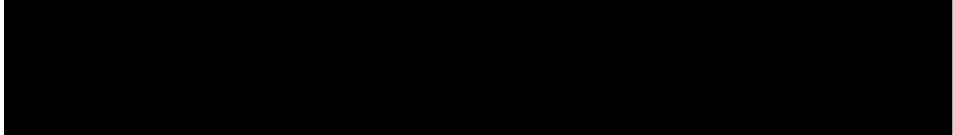
ANNEXURE "JL-11" being a copy of the service email on the One hundred thirty-second to One hundred fiftieth Respondents, minus the attachments

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	<u>Maurice Blackburn</u>
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

Harvir Uppal

From: Harvir Uppal
Sent: Monday, 12 August 2024 3:03 PM

To:



Subject: Service of court documents
Attachments: Letter to office holder.pdf; Q&A document.pdf; 1. Originating Application.pdf; 2. Concise statement.pdf; 3. Genuine steps statement.pdf; 4. Letter from Kingston Reid 5.8.24.pdf; 5. Notice of Acting for Minister.pdf; 6. Orders of Justice Wheelahan 6.8.24.pdf

Dear Branch Council Members,

Please see the attached documents:

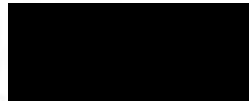
- Letter to office-holder
- Q&A document
- Originating Application
- Concise statement
- Genuine steps statement
- Letter from Kingston Reid of 5 August 2024
- Notice of Acting for Minister Watt
- Orders of Justice Wheelahan of 6 August 2024

Please let me know if you have any questions.

Regards



Harvir Uppal
Office Manager/Finance Officer
Level 1, 32 South Terrace
Adelaide South Australia 5000



I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

IMPORTANT:

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

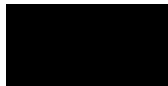
And

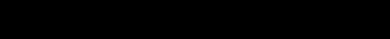
Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-12" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me: 
Bodhi Shribman-Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-12" being a copy of the service email on the One hundred forty-first to One hundred fiftieth Respondents, minus the attachments

Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

Harvir Uppal

From: Harvir Uppal
Sent: Monday, 12 August 2024 2:56 PM
To: [REDACTED]
Subject: Service of court documents
Attachments: Letter to office holder.pdf; Q&A document.pdf; 1. Originating Application.pdf; 2. Concise statement.pdf; 3. Genuine steps statement.pdf; 4. Letter from Kingston Reid 5.8.24.pdf; 5. Notice of Acting for Minister.pdf; 6. Orders of Justice Wheelahan 6.8.24.pdf

Dear Committee Members,

Please see the attached documents:

- Letter to office-holder
- Q&A document
- Originating Application
- Concise statement
- Genuine steps statement
- Letter from Kingston Reid of 5 August 2024
- Notice of Acting for Minister Watt
- Orders of Justice Wheelahan of 6 August 2024

Please let me know if you have any questions.

Regards

CFMEU
Construction & General Division
South Australian Branch



Harvir Uppal
Office Manager/Finance Officer
Level 1, 32 South Terrace
Adelaide South Australia 5000



I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

IMPORTANT:

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And


Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-13" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



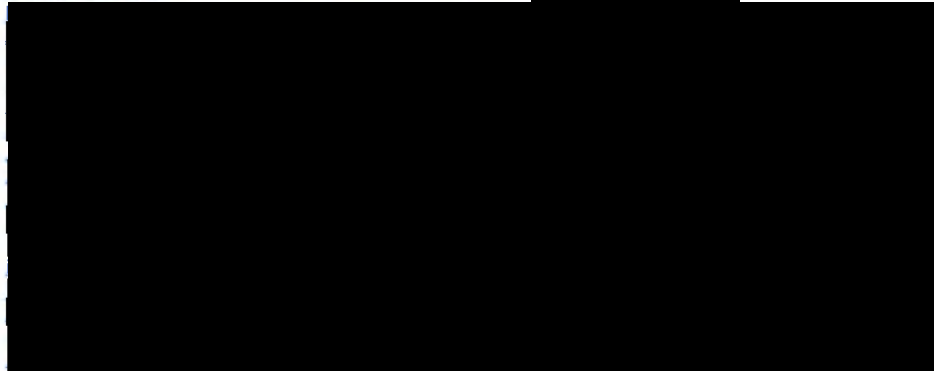
Before me: 
Dodhi Shribman - Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victo

ANNEXURE "JL-13" being a copy of the service email on the Sixth, Eighth, Fourteenth, One hundred fifty-first to One hundred eighty-eighth, One hundred ninetieth to Two hundred fifth and Two hundred nineteenth Respondents, minus the attachments

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel	9605 2700
	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

From: [NAT Legal Mailout](#)

Bcc:



Subject: Service of Originating Application - General Manager of the Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors (VID758/2024)

Date: Monday, 12 August 2024 3:31:40 PM

Attachments: [Letter to office-holder.pdf](#)
[Q&A document.pdf](#)
[1. Originating Application.pdf](#)
[2. Concise statement.pdf](#)
[3. Genuine steps statement.pdf](#)
[4. Letter from Kingston Reid 5.8.24.pdf](#)
[5. Notice of Acting for Minister.pdf](#)
[6. Orders of Justice Wheelahan 6.8.24.pdf](#)

Dear office holder

Please see **attached** for your attention correspondence from the National Secretary, Zach Smith.

Kind regards

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-14" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Josh Bornstein - Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-14" being a copy of the express post envelope for the One hundred seventy-sixth Respondent, including the tracking number

Filed on behalf of (name & role of party) First Respondent
Prepared by (name of person/lawyer) Josh Bornstein
Law firm (if applicable) Maurice Blackburn
Tel 9605 2700 Fax
Email Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au
Address for service 21/380 La Trobe St, Melbourne VIC 3000
(include state and postcode)

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Company name

To:

Contact name

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Traditional place name (if known)

Street address or PO Box number

Suburb or town, State, Postcode



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Up to 500g

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

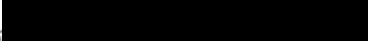
Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "**JL-15**" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me: 
Bodhi Shribman Dellmann
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

ANNEXURE "JL-15" being a copy of the express post envelope for the One hundred seventy-sixth Respondent, including the tracking number

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

Express Post | Prepaid



Within Australia



Tracking+



Next business day[^]



Documents only
Max. thickness 20mm

Recipient mobile

Company name

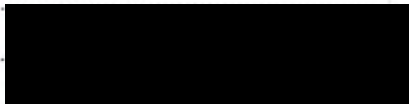
To:

Contact name

DAVID MACKAY

Traditional place name (if known)

Street address or PO Box number



Suburb or town, State, Postcode

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Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission
Applicant

And

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Josh Liley**
Address: 540 Elizabeth Street, Melbourne VIC 3000
Occupation: National Legal Officer
Date: 16 August 2024

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "JL-16" now produced and shown to **Josh Liley** at the time of affirming his affidavit on 16 August 2024.



Before me:



Josh Bornstein
of 380 La Trobe Street, Melbourne
an Australian Legal Practitioner
knowing the meaning of the
Legal Profession Uniform Law (Victoria)

**ANNEXURE "JL-16" being a copy of the service email
on the Fourth and One hundred eighty-ninth
Respondents, minus the attachments**

Filed on behalf of (name & role of party)	First Respondent
Prepared by (name of person/lawyer)	Josh Bornstein
Law firm (if applicable)	Maurice Blackburn
Tel 9605 2700	Fax
Email	<u>Josh.bornstein@mauriceblackburn.com.au; bshribman-dellmann@mauriceblackburn.com.au</u>
Address for service (include state and postcode)	21/380 La Trobe St, Melbourne VIC 3000

From: NAT Legal Mailout
Bcc: [REDACTED]
Subject: Service of Originating Application - General Manager of the Fair Work Commission v Construction, Forestry and Maritime Employees Union & Ors (VID758/2024)
Date: Wednesday, 14 August 2024 12:38:13 PM
Attachments: Letter_to_office-holder.pdf
1. Originating_Application.pdf
2. Concise_statement.pdf
3. Genuine_steps_statement.pdf
4. Letter_from_Kingston_Reid_5.8.24.pdf
5. Notice_of_Acting_for_Minister.pdf
6. Orders_of_Justice_Wheelahan_6.8.24.pdf

Dear office holder

Please see **attached** for your attention correspondence from the National Secretary, Zach Smith.

Kind regards