

IN FAIR WORK COMMISSION

Matter No: D2022/11

Application by Michael O'Connor, withdrawal from amalgamated organisation

Objections of the Construction Forestry Maritime Mining and Energy Union

1. This document is filed on behalf of the Construction Forestry Maritime Mining and Energy Union (the CFMMEU) pursuant to the directions made on 21 September 2022. The document separately identifies the jurisdictional objections and other objections.

Jurisdictional objection

2. The CFMMEU objects to the application on the basis that the Manufacturing Division did not become a part of the CFMMEU within the meaning of s. 94 of the *Fair Work (Registered Organisations) Act 2009* (Cth) on 27 March 2018 and accordingly there is no jurisdiction to make the order sought. The effect of the amalgamation in 2018 with the Textile Clothing Footwear Union of Australia was to alter the composition of the Manufacturing Division but was not such that the division became a part of the CFMMEU as a result of the amalgamation on 27 March 2018.

Other objection

3. The CFMMEU objects to the application because the proposed rules of the new organisation do not reflect the application of the eligibility rules of the CFMMEU in so far as it relates to the manufacturing division and the other divisions of the CFMMEU. The CFMMEU will file evidence in support of this objection in accordance with any directions made after the jurisdictional objection identified in [1] is determined.
4. The CFMMEU objects to the application because the proposed name of the new organisation is:
 - (a) sufficiently similar to the amalgamated organisation as to be likely to cause confusion within the meaning of s. 95A (2). The phrase “finishing trades” is commonly understood to refer to construction workers who perform

finishing work and according is sufficiently similar to the CFMMEU's name as to cause confusion; and

- (b) misleading as the phrase "finishing trades" is commonly understood to refer to construction workers who perform finishing work and the proposed new organisation will not be eligible to enrol such persons as members.

Dated: 30 September 2022

Maurice Blackburn
Solicitors for the CFMMEU