

# Post-ballot report

Order: D2024/10

## Withdrawal from amalgamation ballot

*A ballot (the Ballot), to decide whether, in relation to the amalgamated organisation known as the Construction, Forestry and Maritime, Employees Union (the CFMEU), the Manufacturing Division established under the rules of the CFMEU (the Constituent Part), should withdraw from the CFMEU.*

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# Relevant law

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*Fair Work (Registered Organisations) Act 2009 ('the Act')*

## **Old Section 107:**

### **107 Post-ballot report by person conducting ballot**

(1) After the completion of the ballot, the AEC, or the designated official, must give a report on the conduct of the ballot to:

- (b) the General Manager; and
- (c) if the applicant was a person mentioned in paragraph 94(3)(aa), (b), (c) or (d)—each applicant; and
- (d) the amalgamated organisation from which the constituent part withdrew or sought to withdraw.

(2) After the completion of the ballot, the AEC or designated official must make a report on the conduct of the ballot available in any way that it considers appropriate to each applicant under paragraph 94(3)(a).

(3) The report must include details of the prescribed matters.

(4) If the AEC or designated official is of the opinion that the register of members, or the part of the register, made available to the AEC or designated official for the purposes of the ballot, contained at the time of the ballot:

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

this fact must be included in the report.

*Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')*

## **Old Reg 98:**

### **98 Post-ballot report by AEC or designated official (s 107)**

(1) For subsection 107(3) of the Act, the following matters are prescribed for inclusion in the report:

- (a) the certificate mentioned in subsection 106(1) of the Act;
- (b) for a postal ballot—the total number of envelopes posted in accordance with regulation 91 that were returned undelivered by the closing date of the ballot to the AEC or designated official (if applicable);
- (ba) for an attendance ballot—the total number of envelopes posted in accordance with regulation 94B that were returned undelivered by the closing date of the ballot to the AEC or designated official (if applicable);
- (bb) for an attendance ballot—the total number of ballots posted to one or more persons for the purposes of exercising an absentee vote in relation to the ballot in accordance with subregulation 94C(2) that were returned undelivered by the closing date of the ballot to the AEC or designated official (if applicable);
- (c) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
- (d) any matters in relation to the roll of voters including those matters contained in subsection 107(4) of the Act;
- (e) the number of written allegations (if any) of irregularities made to the AEC or designated official during the ballot;
- (f) action taken by the AEC or designated official in relation to those allegations;
- (g) any other irregularities identified by the AEC or designated official and action taken by the AEC or designated official in relation to those other irregularities.

(2) If the ballot was conducted by the AEC, the AEC must:

- (a) give the report under subsection 107(1) of the Act within 14 days after the closing day of the ballot; and
- (b) publish the report on its web site as soon as practicable, but no later than 21 days after the closing day of the ballot.

(2A) If the ballot was conducted by a designated official:

- (a) the designated official must give the report under subsection 107(1) of the Act within 14 days after the closing day of the ballot; and
- (b) the amalgamated organisation from which the constituent part withdrew or sought to withdraw must publish the report as soon as practicable, but no later than 21 days after the closing day of the ballot:
  - (i) on the amalgamated organisation's website; or
  - (ii) if the amalgamated organisation does not have a website—in a manner that is reasonably accessible to the organisation's members.

(3) The amalgamated organisation from which the constituent part withdrew or sought to withdraw must, as soon as practicable after receiving a report mentioned in paragraph (2)(a) or (2A)(a), publish a notice of the availability of the report:

- (i) on the amalgamated organisation's website; or
- (ii) if the amalgamated organisation does not have a website—in a manner that is reasonably accessible to the organisation's members.

(4) A notice published under subregulation (3) must remain on the web site until the end of the period in which an application may be made under section 108 of the Act.

# Ballot Covered in this Report

Organisation(s):	CFMEU (Manufacturing Division) and CFMEU
Ballot:	Withdrawal from an amalgamated organisation
Ballot Order Number:	D2024/10
Date Ballot commenced:	24 February 2025
Date Ballot closed:	14 April 2025

## Roll of Voters

Based on an analysis of the register of members made available to the AEC for the purposes of the Ballot, there were no issues of concern with the Roll of Voters, including that there was not:

- an unduly large proportion of members’ addresses that were not current; nor
- an unduly large proportion of members’ addresses that were workplace addresses.

## Ballot material

The Ballot was both a postal ballot and an attendance ballot, which means the following information is relevant to report, as required by the Regulation 98:

<i>(b) for a <b>postal ballot</b>—the total number of envelopes posted in accordance with regulation 91 that were returned undelivered by the closing date of the ballot to the AEC</i>	<b>120</b>
<i>(ba) for an <b>attendance ballot</b>—the total number of envelopes posted in accordance with regulation 94B that were returned undelivered by the closing date of the ballot to the AEC (<b>information Packs</b>)</i>	<b>43</b>
<i>(bb) for an <b>attendance ballot</b>—the total number of ballots posted to one or more persons for the purposes of exercising an <b>absentee vote</b> in relation to the ballot in accordance with subregulation 94C(2) that were returned undelivered by the closing date of the ballot to the AEC</i>	<b>63</b>

## Rules

There were no rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply.

## Irregularities

There were no written allegations of any irregularities during the Ballot, nor any irregularities identified by the AEC.

## Signed

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Benjamin Murray  
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Australian Electoral Commission  
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17 April 2025

## Attachments

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A. Certificate subsection 106(1) of the Act