



New South Wales

Industrial Relations Amendment (De-amalgamation) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Industrial Relations Act 1996* to provide for the de-amalgamation of the CFMEU NSW.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Industrial Relations Act 1996 No 17

Schedule 1[2] inserts proposed Schedule 7 to provide for the withdrawal of the following divisions from the CFMEU NSW and for each division to reconstitute as a State organisation—

- (a) the Forestry, Furnishing, Building Products and Manufacturing Division,
- (b) the Mining and Energy Division.

Proposed Part 1 contains definitions for the schedule.

Proposed Part 2 makes provision for the Industrial Court, on application, to give effect to the withdrawal and reconstitution of the division and enables the Industrial Court to make other orders to ensure a withdrawal and reconstitution takes proper effect.

Proposed Part 3 addresses matters concerning registration, membership, eligibility rules and office holders for the new State organisation reconstituted after the withdrawal of the division.

Proposed Part 4 provides for the transfer of assets, rights and liabilities from the withdrawn division to the new State organisation.

Proposed Part 5 provides for the validation of matters to give effect to the withdrawal of the division and reconstitution as a new State organisation. The proposed part also provides for regulations to be made and for the repeal of the proposed schedule on the day that is 2 years from the commencement of the proposed schedule.

Schedule 1[1] provides that regulations may be made for savings and transitional matters.



New South Wales

Industrial Relations Amendment (De-amalgamation) Bill 2025

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Industrial Relations Act 1996 No 17	3

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Industrial Relations Amendment (De-amalgamation) Bill 2025

No , 2025

A Bill for

An Act to amend the *Industrial Relations Act 1996* to provide for the de-amalgamation of a particular employee organisation; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Industrial Relations Amendment (De-amalgamation) Act 2025</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1 Amendment of Industrial Relations Act 1996 No 17

[1] Schedule 4 Savings, transitional and other provisions

Insert after clause 2(4)—

- (4A) The regulations may contain provisions of a savings or transitional nature consequent on the repeal of a provision of Schedule 7.
- (4B) A savings or transitional provision consequent on the repeal of a provision of Schedule 7 must not be made more than 2 years after the repeal.
- (4C) A savings or transitional provision made consequent on the repeal of a provision of Schedule 7 is repealed 2 years after the repeal.
- (4D) A savings or transitional provision made consequent on the repeal of a provision of Schedule 7 may take effect on and from the repeal of the provision.
- (4E) Despite subclauses (4B) and (4C), a savings or transitional provision may continue the effect, and provide, as necessary, for the continuation, of Schedule 7, clauses 11 and 24–27 on the repeal of a provision of Schedule 7.

[2] Schedule 7

Insert after Schedule 6—

Schedule 7 Withdrawal from CFMEU NSW

Part 1 Preliminary

1 Definitions

In this schedule—

assets—

- (a) means any legal or equitable estate or interest in real or personal property of any description whether—
 - (i) present or future, and
 - (ii) vested or contingent, and
 - (iii) personal or assignable, and
- (b) includes money, securities, choses in action and documents.

CFMEU—

- (a) has the same meaning as CFMEU in Schedule 6, clause 1, and
- (b) includes the amalgamated organisation, within the meaning of the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth, resulting from the withdrawal of the Manufacturing Division from the CFMEU under that Act.

CFMEU NSW—

- (a) has the same meaning as CFMEU (NSW) in Schedule 6, clause 1, and
- (b) includes a successor of the CFMEU (NSW) as constituted after the withdrawal of a division under this schedule.

CFMEU NSW body means—

- (a) the CFMEU NSW, or

- (b) the Construction and General Division of the CFMEU NSW, or 1
- (c) the Forestry, Furnishing, Building Products and Manufacturing 2
Division of the CFMEU NSW, or 3
- (d) the Mining and Energy Division of the CFMEU NSW. 4
- committee of management**, in relation to a division of an organisation, 5
includes a group or body of persons, however described, that manages the 6
affairs of the division. 7
- eligibility rules** means the rules of an organisation relating to eligibility for 8
membership of the organisation. 9
- Industrial Court** means the Commission in Court Session. 10
- interested office holder** means the following— 11
- (a) an office holder of the CFMEU NSW, 12
- (b) an office holder of a branch or division of the CFMEU NSW, 13
- (c) an office holder of a new State organisation. 14
- liabilities** means any liabilities, debts or obligations, whether— 15
- (a) present or future, and 16
- (b) vested or contingent, and 17
- (c) personal or assignable. 18
- new State organisation**, in relation to a withdrawal order, means a State 19
organisation taken to be registered under clause 9. 20
- rights** means any rights, powers, privileges or immunities, whether— 21
- (a) present or future, and 22
- (b) vested or contingent, and 23
- (c) personal or assignable. 24
- State organisation** has the same meaning as in section 217(1)(a). 25
- withdrawal application**, in relation to the withdrawal of a division of the 26
CFMEU NSW, means an application made under clause 2. 27
- withdrawal date**, in relation to a withdrawal order, means the date determined 28
by the Industrial Court under clause 3(3)(a) for the withdrawal of the division. 29
- withdrawal order**, in relation to a withdrawal application, means an order 30
made by the Industrial Court under clause 3. 31
- withdrawn division** means a division of the CFMEU NSW withdrawn from 32
the CFMEU NSW under this schedule. 33

Part 2 Withdrawal of divisions 34

2 Applications for withdrawal 35

- (1) An application may be made to the Industrial Court— 36
 - (a) to withdraw the Forestry, Furnishing, Building Products and 37
Manufacturing Division from the CFMEU NSW and reconstitute the 38
withdrawn division as a State organisation named the Timber, 39
Furnishing and Textiles Union of New South Wales, or 40
 - (b) to withdraw the Mining and Energy Division from the CFMEU NSW 41
and reconstitute the withdrawn division as a State organisation named 42
the Mining and Energy Union of New South Wales. 43
- (2) An application may be made— 44

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| <ul style="list-style-type: none"> (a) for an application to withdraw the Forestry, Furnishing, Building Products and Manufacturing Division— <ul style="list-style-type: none"> (i) by the committee of management of the NSW District of the Manufacturing Division of the CFMEU, or (ii) by a person who is authorised by the committee of management referred to in subparagraph (i), or (b) for an application to withdraw the Mining and Energy Division— <ul style="list-style-type: none"> (i) by the Mining and Energy Union that is registered as an organisation of employees under the <i>Fair Work (Registered Organisations) Act 2009</i> and referred to by that name, or (ii) by a person who is authorised by the Mining and Energy Union. (3) The application must be accompanied by— <ul style="list-style-type: none"> (a) proposed eligibility rules for the proposed State organisation that avoid overlap with another organisation as far as is reasonably practicable, and (b) a proposed alteration to the rules and name of the CFMEU NSW. (4) An application must not be made concerning the withdrawal of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU NSW unless— <ul style="list-style-type: none"> (a) the Manufacturing Division of the CFMEU has withdrawn from the CFMEU under the <i>Fair Work (Registered Organisations) Act 2009</i> of the Commonwealth, or (b) the results of a secret ballot of members of the Manufacturing Division of the CFMEU conducted in accordance with the <i>Fair Work (Registered Organisations) Act 2009</i> of the Commonwealth is in favour of the withdrawal of the division from the CFMEU. (5) An applicant must take reasonable steps to notify members of the CFMEU NSW covered by the division proposed to be withdrawn. | <p>1
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- 3 Industrial Court to make withdrawal orders**
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| <ul style="list-style-type: none"> (1) The Industrial Court must determine a withdrawal application by making an order, in accordance with this schedule, for the withdrawal of the division concerned from the CFMEU NSW and the reconstitution of the withdrawn division as a State organisation. (2) Before determining a withdrawal application, the Industrial Court must give the following persons an opportunity to be heard— <ul style="list-style-type: none"> (a) the applicant, (b) another CFMEU NSW body who is not an applicant, (c) a new State organisation. (3) In determining a withdrawal application, the Industrial Court must— <ul style="list-style-type: none"> (a) determine the day on which the withdrawal must take effect, and (b) make orders specifying— <ul style="list-style-type: none"> (i) the rules of the proposed State organisation, and (ii) the alteration of the rules and name of the CFMEU NSW, and (c) make orders necessary to apportion the assets and liabilities of the CFMEU NSW between the CFMEU NSW and the proposed State organisation, and | <p>29
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| (d) | make other orders the Industrial Court thinks fit in relation to giving effect to the withdrawal and proposed State organisation, including in relation to the matters referred to in Part 4. | 1
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| (4) | For orders under subclause (3)(b), the Industrial Court must— | 4 |
| (a) | as far as is reasonably practicable, prevent an overlap between the eligibility rules of the CFMEU NSW and the eligibility rules of the proposed State organisation, and | 5
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| (b) | make rules for the CFMEU NSW that are consistent with the rules of the CFMEU or the corresponding division, branch or other separately identifiable part of the CFMEU, and | 8
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| (c) | despite the other provisions of this schedule, make eligibility rules for the proposed State organisation as follows, unless otherwise agreed by the applicant and the CFMEU NSW— | 11
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| (i) | for the proposed Timber, Furnishing and Textiles Union of New South Wales—as specified in Part 1 of the notice published in the Gazette on 9 September 2025 (the <i>Gazette notice</i>), | 14
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16 |
| (ii) | for the proposed Mining and Energy Union of New South Wales—as specified in Part 2 of the Gazette notice. | 17
18 |
| (5) | In making an order under this clause, the Industrial Court must take reasonable steps to ensure that— | 19
20 |
| (a) | after the withdrawal—the remaining CFMEU NSW bodies or body as constituted after the withdrawal are identical or substantially similar to the corresponding divisions, branches or other separately identifiable parts of the CFMEU in relation to membership, and | 21
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| (b) | the requirements under section 239(1)(a) and (b) would likely be met for rules of the proposed State organisation specified in the order that provide for officers of a State branch of a Federal organisation to be taken to be the officers of the proposed State organisation in accordance with section 239. | 25
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| (6) | In making an order under subclause (3)(c), the Industrial Court must have regard to the following— | 30
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| (a) | the assets and liabilities of the division to be withdrawn before the division, or the State organisation or part of the State organisation existing in relation to the division, was de-registered under this Act in connection with the formation of the CFMEU NSW, | 32
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| (b) | any change in the net value of the assets or liabilities that has occurred since the amalgamation with the CFMEU NSW, | 36
37 |
| (c) | the submissions by parties about the apportionment of the assets and liabilities, | 38
39 |
| (d) | any agreements between the CFMEU NSW and the division to be withdrawn concerning the assets or liabilities of the division, | 40
41 |
| (e) | the proportion of members of the CFMEU NSW covered by the division to be withdrawn, | 42
43 |
| (f) | the interests of creditors of the CFMEU NSW. | 44 |
| 4 | Office holders to take necessary steps to effect withdrawal | 45 |
| (1) | An interested office holder must take the steps necessary to ensure all of the following are fully effective— | 46
47 |
| (a) | a withdrawal from the CFMEU NSW, | 48 |

(b)	the reconstitution of a withdrawn division as a State organisation,	1
(c)	the operation of this schedule in relation to a withdrawal or reconstitution.	2 3
(2)	The Industrial Court may, on the application of an interested office holder, make orders it considers appropriate to ensure that a person complies with subclause (1).	4 5 6
5	Industrial Court may resolve difficulties	7
(1)	The Industrial Court may, on application or on the Court's own initiative, make orders it considers necessary to resolve a difficulty arising in relation to the application of this schedule to a particular matter.	8 9 10
(2)	An application may be made by an interested office holder.	11
(3)	An order under subclause (1) has effect despite another law.	12
6	No breach of CFMEU NSW rules	13
	A CFMEU NSW body or other person does not breach the rules of a CFMEU NSW body for anything done, or omitted to be done, under or for this schedule.	14 15 16
7	CFMEU NSW not to penalise protected persons	17
(1)	The CFMEU NSW, or an officer or member of the CFMEU NSW, must not impose or threaten to impose a penalty of any kind on a protected person because the protected person proposes to do an act or omission under or for this schedule.	18 19 20 21
(2)	The Industrial Court may, if the Court considers it appropriate in all the circumstances, make one or more of the following orders for conduct that contravenes subclause (1)—	22 23 24
(a)	an order imposing a penalty on a person whose conduct contravenes subclause (1) of not more than—	25 26
(i)	for an individual—20 penalty units, or	27
(ii)	otherwise—100 penalty units,	28
(b)	an order requiring the person not to carry out a threat made by the person or not to make further threats,	29 30
(c)	injunctions, including interim injunctions and other orders, the Court considers necessary to stop the conduct or remedy the effects of the conduct,	31 32 33
(d)	other consequential orders.	34
(3)	An application for an order may be made by—	35
(a)	a person against whom the conduct is being, has been, or is threatened to be, taken, or	36 37
(b)	another person prescribed by the regulations.	38
(4)	Action done by one of the following is taken to have been done by the CFMEU NSW—	39 40
(a)	a committee of management of the CFMEU NSW,	41
(b)	an officer or agent of the CFMEU NSW acting in that capacity,	42
(c)	a member or group of members acting under the rules of the CFMEU NSW,	43 44

- (d) a member of the CFMEU NSW who performs the function of dealing with an employer on behalf of other members of the organisation, acting in that capacity. 1
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- (5) Subclause (4)(c) and (d) do not apply if one or more of the following have taken reasonable steps to prevent the action— 4
5
 - (a) a committee of management of the CFMEU NSW, 6
 - (b) a person authorised by the committee, 7
 - (c) an officer of the CFMEU NSW. 8
- (6) In this clause— 9
 - officer*, in relation to the CFMEU NSW, includes— 10
 - (a) a delegate or other representative of the CFMEU NSW, or 11
 - (b) an employee of the CFMEU NSW. 12
 - penalty* includes a forfeiture or disability. 13
 - protected person* means— 14
 - (a) a member or officer of a CFMEU NSW body or new State organisation, or 15
16
 - (b) a branch or division or other part of a CFMEU NSW body or new State organisation. 17
18

Part 3 New State organisations 19

8 Application of part 20

This part applies to a proposed State organisation specified in a withdrawal order. 21
22

9 Registration 23

- (1) On the withdrawal date, the proposed State organisation is taken to be a registered State organisation. 24
25
- (2) On the withdrawal date, the Industrial Registrar must take all necessary steps to update the register under section 221 to give effect to the withdrawal order, including the registration of— 26
27
28
 - (a) the State organisation, and 29
 - (b) the rules of the State organisation, and 30
 - (c) changes to the rules and name of the CFMEU NSW, and 31
 - (d) the federal organisation related to the State organisation if specified in the order. 32
33

10 Membership 34

- (1) On the withdrawal date, the persons who were members in connection with the withdrawn division immediately before the withdrawal date are members, without payment of a fee, of the State organisation. 35
36
37
- (2) As soon as reasonably practicable after the withdrawal date, the State organisation must take reasonable steps to notify the persons about membership of the State organisation. 38
39
40

11	Rules and office holders	1
(1)	On the withdrawal date, the rules for the State organisation and alteration of rules for the CFMEU NSW specified in the withdrawal order take effect.	2 3
(2)	The rules of the State organisation may provide that a person who was elected to office in the withdrawn division and held the office immediately before the withdrawal date holds the corresponding office in the State organisation as if elected under the rules of the State organisation.	4 5 6 7
(3)	However, the rules of the State organisation must not permit a person to hold office without an ordinary election being held in relation to the office after the longer of—	8 9 10
(a)	the period that equals the unexpired part of the term of the office held by the person immediately before the withdrawal date in relation to the withdrawn division, or	11 12 13
(b)	1 year after the withdrawal date.	14
12	Alteration of eligibility rules of CFMEU NSW	15
(1)	Despite another provision of this Act, a decision-maker must not consent to the alteration of the eligibility rules of the CFMEU NSW if the decision-maker is satisfied—	16 17 18
(a)	the alteration to the eligibility rules would result in an overlap between the eligibility rules of the CFMEU NSW and the Timber, Furnishing and Textiles Union of New South Wales, and	19 20 21
(b)	the Timber, Furnishing and Textiles Union of New South Wales has raised an objection with the decision-maker about the alteration.	22 23
(2)	This clause ceases to have effect 10 years from the withdrawal date relating to the Timber, Furnishing and Textiles Union of New South Wales.	24 25
(3)	In this clause—	26
	<i>decision-maker</i> means—	27
(a)	the Commission, or	28
(b)	the Industrial Registrar.	29
Part 4	Transfer of assets, rights and liabilities	30
13	Definition	31
	In this part—	32
	<i>instrument</i> means an instrument that creates, modifies or extinguishes rights or liabilities, or would do so if lodged, filed or registered in accordance with a law, and includes a judgment, order or process of a court.	33 34 35
14	Application of part	36
(1)	The assets, rights and liabilities of a withdrawn division specified in a withdrawal order are transferred from the CFMEU NSW to the new State organisation in accordance with this part.	37 38 39
(2)	This part is subject to the withdrawal order.	40
15	Assets, rights and liabilities	41
(1)	This clause applies on the withdrawal date.	42

(2)	The assets of the withdrawn division existing immediately before the withdrawal date vests in the new State organisation without the need for any further conveyance, transfer, assignment or assurance.	1 2 3
(3)	The rights and liabilities of the withdrawn division become the rights and liabilities of the State organisation.	4 5
(4)	The new State organisation has all the entitlements and obligations of the CFMEU NSW in relation to the assets, rights and liabilities that the CFMEU NSW would have had but for the withdrawal order, whether or not the entitlements and obligations were actual or potential when the order took effect.	6 7 8 9 10
(5)	An act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the withdrawal date by, to or in relation to the CFMEU NSW or a predecessor of the CFMEU NSW is, to the extent to which the act, matter or thing has any force or effect, taken to have been done or omitted by, to or in relation to the new State organisation.	11 12 13 14 15
16	References in instruments and documents	16
(1)	This clause applies on the withdrawal date.	17
(2)	A reference in an Act, instrument made under an Act or document to the following must be read as a reference to the new State organisation to the extent to which the reference relates to the assets, rights or liabilities of the new State organisation—	18 19 20 21
(a)	the CFMEU NSW, or predecessor of the CFMEU NSW, relating to the withdrawn division,	22 23
(b)	the withdrawn division.	24
17	Proceedings	25
(1)	This clause applies on the withdrawal date.	26
(2)	All proceedings relating to the assets, rights or liabilities of the withdrawn division commenced before the withdrawal date by or against the CFMEU NSW or a predecessor of the CFMEU NSW and pending immediately before the withdrawal date are taken to be proceedings pending by or against the new State organisation.	27 28 29 30 31
(3)	Without limiting subclause (2)—	32
(a)	for proceedings wholly concerning the interests of members in connection with the withdrawn division for which the withdrawn division or the CFMEU NSW was party to immediately before the withdrawal date—the new State organisation is substituted for the withdrawn division or the CFMEU NSW, or	33 34 35 36 37
(b)	for proceedings concerning part of the interests of the members in connection with the withdrawn division for which the withdrawn division or the CFMEU NSW was party to immediately before the withdrawal date—the new State organisation becomes a party to the proceedings and has the same rights and obligations in the proceedings as the withdrawn division or the CFMEU NSW.	38 39 40 41 42 43
18	Variation of contracts and instruments	44
	A withdrawal order may vary the terms and conditions of an instrument or contract that relates to assets, rights or liabilities to the extent necessary or convenient for the transfer to the new State organisation.	45 46 47

19	Transfer of interests in land	1
(1)	A withdrawal order may specify an interest in relation to land to be vested in the new State organisation without transferring the whole of the interests of the CFMEU NSW in the land.	2 3 4
(2)	If the interest transferred is not a separate interest, the withdrawal order operates to create the interest transferred on the terms specified in the order.	5 6
20	Confirmation of vesting	7
	A withdrawal order is conclusive evidence of the transfer of the assets, rights and liabilities of a withdrawn division to a new State organisation.	8 9
21	No compensation payable	10
	No compensation is payable to a person in connection with a withdrawal order.	11
22	Certification to registration authorities	12
(1)	An authorised person of the CFMEU NSW or a new State organisation may lodge, with a registration authority, a certificate certifying information required by the authority to exercise the functions of the authority in connection with the vesting of an asset, right or liability in relation to a withdrawal order.	13 14 15 16 17
(2)	The registration authority must accept and act on the certificate.	18
(3)	The registration authority is not entitled to require the information in the certificate to be given in a particular form or way.	19 20
(4)	In this clause—	21
	<i>authorised person</i> means—	22
	(a) the secretary, or	23
	(b) a person authorised in writing by the committee of management.	24
	<i>registration authority</i> means a person that has functions under a law in connection with the keeping of a register in relation to assets, rights or liabilities.	25 26 27
23	State tax not payable	28
(1)	State tax is not payable in relation to—	29
	(a) the transfer of assets, rights or liabilities by operation of this schedule, including, without limitation, an instrument executed only for a purpose ancillary to or consequential on the operation of this schedule, or	30 31 32
	(b) anything certified by the Minister in writing as having been done in consequence of the transfer, or	33 34
	(c) anything in connection with a matter referred to in paragraph (a) or (b).	35
	Example— the transfer or registration of land	36
(2)	In this clause—	37
	<i>State tax</i> means the following—	38
	(a) application fees,	39
	(b) registration fees,	40
	(c) duties or other taxes, fees or charges imposed by or under a law of the State.	41 42

24	Operation of part	1
(1)	The operation of this part must not be regarded as—	2
(a)	a breach of contract or confidence or otherwise as a civil wrong, or	3
(b)	a breach of a contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	4
(c)	giving rise to a remedy by a party to an instrument, or causing or permitting the termination of an instrument, because of a change in the beneficial or legal ownership of an asset, right or liability, or	5
(d)	an event of default under a contract or other instrument.	6
(2)	No attornment to a new State organisation by a lessee from the CFMEU NSW is required.	7
(3)	The operation of this part includes the making of a withdrawal order.	8
Part 5	Miscellaneous	9
25	Validation of certain acts done in good faith	10
(1)	An act done in good faith for a proposed or completed withdrawal from the CFMEU NSW by the following is valid despite an invalidity that may later be discovered in, or in connection with, the act—	11
(a)	the CFMEU NSW or a branch or division of the CFMEU NSW,	12
(b)	the committee of management, or an officer, of the CFMEU NSW or a branch or division of the CFMEU NSW,	13
(c)	a new State organisation or a separately identifiable part of a new State organisation,	14
(d)	the committee of management, or an officer, of the new State organisation or a separately identifiable part of the new State organisation.	15
(2)	For this clause—	16
(a)	an act is treated as done in good faith until the contrary is proved, and	17
(b)	a person who has purported to be a member of the committee of management, or an officer, is treated as having done so in good faith until the contrary is proved, and	18
(c)	an invalidity in the making or altering of the proposed withdrawal from the CFMEU NSW must not be treated as discovered before the earliest time proved to be a time when the invalidity was known to a majority of members of the committee of management or to a majority of the persons purporting to act as the committee of management, and	19
(d)	knowledge of facts from which an invalidity arises is not itself treated as knowledge that the invalidity exists.	20
(3)	This clause applies to an act whenever done, including an act done before the commencement of this clause.	21
(4)	This clause is subject to clause 27.	22
26	Validation of certain acts after 4 years	23
(1)	After the end of 4 years from the day an act is done for a proposed or completed withdrawal from the CFMEU NSW by the following, the act is taken to have complied with this schedule and the rules of the organisation—	24

(a)	the CFMEU NSW,	1
(b)	the committee of management, or an officer, of the CFMEU NSW,	2
(c)	a branch or division of the CFMEU NSW,	3
(d)	the committee of management, or an officer, of a branch or division of the CFMEU NSW,	4
(e)	a new State organisation,	6
(f)	the committee of management, or an officer, of a new State organisation.	7
(2)	The operation of this clause does not affect the validity or operation of an order, judgment, decree, declaration, direction, verdict, sentence, decision or similar judicial act of the Industrial Court or another court made before the end of the 4 years.	9
(3)	This clause applies to an act whenever done, including an act done before the commencement of this clause.	13
(4)	This clause is subject to clause 27.	15
27	Orders affecting validation provisions if validated act unjust	16
(1)	The Industrial Court must, on application, make an order declaring the application of a validation provision in relation to an act that would do substantial injustice if the Court is satisfied the application would do substantial injustice having regard to the interests of the following—	17
(a)	a CFMEU NSW body,	21
(b)	members or creditors of a CFMEU NSW body,	22
(c)	persons having dealings with a CFMEU NSW body,	23
(d)	a new State organisation,	24
(e)	members or creditors of a new State organisation,	25
(f)	persons having dealings with a new State organisation.	26
(2)	An application may be made by the following—	27
(a)	a CFMEU NSW body,	28
(b)	a new State organisation,	29
(c)	a member of, or another person having a sufficient interest in relation to, a body referred to in paragraph (a) or (b).	30
(3)	If a declaration is made, the validation provision as specified in the declaration does not apply and is taken never to have applied in relation to the act specified in the declaration.	32
(4)	In this clause—	35
	<i>validation provision</i> means clause 25 or 26.	36
28	Orders relating to consequences of invalidity	37
(1)	One or more of the following may apply to the Industrial Court for a determination of the question of whether an invalidity has occurred in a proposed withdrawal from the CFMEU NSW or completed withdrawal from the CFMEU NSW—	38
(a)	a CFMEU NSW body,	42
(b)	a new State organisation,	43

(c)	a member of, or another person having a sufficient interest in relation to, a body referred to in paragraph (a) or (b).	1 2
(2)	On an application, the Industrial Court may make a determination as it considers appropriate.	3 4
(3)	If the Court finds that an invalidity has occurred, the Court may make orders, as it considers appropriate—	5 6
(a)	to rectify the invalidity or cause the invalidity to be rectified, or	7
(b)	to negative, modify or cause to be modified the consequences in law of the invalidity, or	8 9
(c)	to validate an act, matter or thing made invalid by or because of the invalidity.	10 11
(4)	If the Court has made an order, the Court may also give ancillary or consequential directions as it considers appropriate.	12 13
(5)	The Court must not make an order if, in the Court's opinion, the order would do substantial injustice to one or more of the following—	14 15
(a)	a CFMEU NSW body,	16
(b)	a member or creditor of a CFMEU NSW body,	17
(c)	a new State organisation,	18
(d)	a member or creditor of a new State organisation,	19
(e)	another person having dealings with a CFMEU NSW body or new State organisation.	20 21
(6)	This clause applies to an invalidity whenever occurring, including an invalidity occurring before the commencement of this clause.	22 23
29	Regulations	24
	The regulations may make further provision about matters concerning—	25
(a)	the withdrawal of a division from the CFMEU NSW, and	26
(b)	the reconstitution of a withdrawn division as a new State organisation.	27
30	Repeal of schedule	28
	This schedule is repealed on the day that is 2 years from the commencement of this schedule.	29 30