

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/10/2015 3:48:14 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	VID333/2015
File Title:	Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union & 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



Dated: 15/10/2015 4:14:50 PM AEDT

A handwritten signature in blue ink, reading 'Warwick Soden'.

Registrar

Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

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



Amended Originating application

(filed pursuant to an Order of North J made on 9 October 2015)

No. VID333/2015

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

DIRECTOR OF THE FAIR WORK BUILDING INDUSTRY INSPECTORATE

Applicant

CONSTRUCTION, FORESTRY, MINING AND ENERGY 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: Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne VIC
3000

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)	<u>The Applicant</u>
Prepared by (name of person/lawyer)	<u>Myles Fisher, Lawyer</u>
Law firm (if applicable)	<u>N/A</u>
Tel _____	Fax _____
Email	<u>myles.fisher@fwbc.gov.au</u>
Address for service (include state and postcode)	<u>Fair Work Building & Construction, Level 3, 553 St Kilda Road, Melbourne VIC 3004</u>



Details of claim

On the grounds stated in the amended statement of claim, the Applicant claims:

Declarations

1. Declarations pursuant to s 21 of the *Federal Court of Australia Act 1976* (Cth) that:
 - a. the Second Respondent contravened s 500 of the *Fair Work Act 2009* (FW Act) on 17 June 2014 by acting in an improper manner when exercising, or seeking to exercise, a right as a permit holder in accordance with ss 484 of the FW Act.
 - b. the Third Respondent contravened s 500 of the FW Act on 17 June 2014 by acting in an improper manner while exercising, or seeking to exercise, a right as a permit holder in accordance with s 484 of the FW Act.
 - c. the Second Respondent contravened s 348 of the FW Act on 17 June 2014 by threatening to take action against McConnell Dowell Constructors (Aust) Pty Ltd (McConnell Dowell) with intent to coerce McConnell Dowell to comply with his request not to call the police to attend the Papa Uniform Golf (PUGS) Taxi Lane Replacement Project being undertaken at Melbourne Airport (the Project) in relation to the attendance of the Second and Third Respondents that day.
 - d. by reason of s 793 of the FW Act the First Respondent contravened s 500 of the FW Act on 17 June 2014 by the conduct of the Second Respondent constituting his contravention set out in paragraph 1(a) hereof.
 - e. by reason of s 793 of the FW Act the First Respondent contravened s 500 of the FW Act on 17 June 2014 by the conduct of the Third Respondent constituting his contravention set out in paragraph 1(b) hereof.
 - f. by reason of s 363 of the FW Act the First Respondent contravened s 348 of the FW Act on 17 June 2014 by the conduct of the Second Respondent constituting his contravention set out in paragraph 1(c) hereof.

Orders

2. Orders pursuant to subsection 546(1) of the FW Act that the First Respondent pay a pecuniary penalty that the Court considers is appropriate in respect of each of the Second and Third Respondents' contraventions of s 500 of the FW Act as set out at paragraphs 1(a) and 1(b) hereof.
3. Orders pursuant to subsection 546(1) of the FW Act that the First Respondent pay a pecuniary penalty that the Court considers is appropriate in respect of the Second Respondent's contravention of s 348 of the FW Act as set out at paragraph 1(c) hereof.



4. Orders pursuant to subsection 546(1) of the FW Act that the Second Respondent pay a pecuniary penalty that the Court considers is appropriate in respect of his contravention of s 500 of the FW Act set out at paragraph 1(a) above.
5. Orders pursuant to subsection 546(1) of the FW Act that the Second Respondent pay a pecuniary penalty that the Court considers is appropriate in respect of his contravention of s 348 of the FW Act set out at paragraph 1(c) above.
6. Orders pursuant to subsection 546(1) of the FW Act that the Third Respondent pay a pecuniary penalty that the Court considers is appropriate in respect of his contravention of s 500 of the FW Act set out at paragraph 1(b) above.
7. An order pursuant to subsection 546(3)(a) of the FW Act that the pecuniary penalties sought in paragraphs 2 to 6 above be paid to the Commonwealth within 28 days of the Court's order.
8. Such further or other orders as the Court considers appropriate.

Applicant's address

The Applicant's address for service is:

Place: Lander & Rogers Lawyers

Level 12, 600 Bourke Street

Melbourne VIC 3000

Email: wspargo@landers.com.au

The Applicant's address is Fair Work Building & Construction, Level 3, 553 St Kilda Road, Melbourne VIC 3004.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 15 October 2015.

A handwritten signature in blue ink that reads 'Lander & Rogers'.

Signed by Lander & Rogers
Lawyers for the Applicant

**Schedule**

No. VID333/2015

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

Respondents

Second Respondent: Mark Travers
Third Respondent: Adam Hall

Date: 15 October 2015