

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 11/12/2015 4:19:36 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Submissions
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



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 11/12/2015 4:19:43 PM AEDT

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 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.



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

OUTLINE OF EVIDENCE OF GAVIN CARTER

GAVIN CARTER, Site Supervisor for McConnell Dowell Constructors (Aust) Pty Ltd, will
give evidence at the trial of this proceeding on the following topics:

Mr Carter's employment

1. Mr Carter's qualifications, employment history with McConnell Dowell Constructors (Aust) Pty Ltd (**McConnell Dowell**) and his current role and responsibilities as a Site Supervisor.

McConnell Dowell

2. Mr Carter's knowledge of McConnell Dowell's of the nature of McConnell Dowell's business and operations.

The Project

3. An explanation of the Papa Uniform Golf (PUGS) Taxi Lane Replacement Project at Melbourne Airport (**Project**) and the type of work involved.

Filed on behalf of The Applicant

Prepared by _____

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4. Mr Carter's knowledge and experience of the usual commencing, finishing and break times of employees of McConnell Dowell working on the Project.

Rodd Duggan, Luke Naughton and David White

5. Mr Carter's knowledge of the roles performed by Rod Duggan (**Duggan**), Luke Naughton (**Naughton**) and David White (**White**) in their employment with McConnell Dowell.

Events of 17 June 2014

6. Mr Carter's attendance at work and the events which occurred on 17 June 2014
7. That he saw Mr Duggan in the lunch room at 12.30pm with another person, which was outside the usual lunch break time.
8. Mr Carter's discussions with Naughton about the Second and Third Respondent being on site.
9. Mr Carter's observations of Naughton's communications with the Second and Third Respondent in which Naughton asked the Second and Third Respondent to leave and they refused to do so, including a statement from Mr Travers to the effect that if the police were called he would not be leaving.
10. Mr Carter's knowledge that the Second and Third Respondent as representatives of the First Respondent.
11. Mr Carter's communications with the Second and Third Respondent, including a further request to leave the premises.
12. Mr Carter's observations of the Second Respondent's telephone discussion with White.
13. Mr Carter's observations of communications between the Second and Third Respondent.
14. Mr Carter's observations of and communications with the Australian Federal Police (**AFP**) once they arrived on site.
15. Mr Carter's observation of the Second and Third Respondent being escorted from the Project site by the AFP and the comments made by the Second Respondent.

16. Mr Carter's communications with Duggan after the Second and Third Respondent left the site.
17. Mr Carter's knowledge of the Second and Third Respondent's attendance at the Site since 17 June 2014.