

## 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 DAVID WHITE**

**DAVID WHITE**, Operations Manager of McConnell Dowell Constructors (Aust) Pty Ltd, will  
give evidence at the trial of this proceeding on the following topics:

**Mr White's employment**

1. Mr White's qualifications, employment history with McConnell Dowell Constructors (Aust) Pty Ltd (**McConnell Dowell**) and his current role and responsibilities as Operations Manager - Southern Region Australian Operations.

**McConnell Dowell**

2. Mr White's knowledge of the nature of McConnell Dowell's business and operations
3. McConnell Dowell's role as head contractor for the Papa Uniform Golf (PUGS) Taxi Lane Replacement Project at Melbourne Airport (**Project**).
4. McConnell Dowell's greenfields enterprise agreement with the Construction, Forestry, Mining and Energy Union (**First Respondent**) which covers employees working on the Project.

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Filed on behalf of The Applicant

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Prepared by \_\_\_\_\_

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Law firm Lander & Rogers

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Tel +61 3 9269 9639 Fax +61 3 9269 9001

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Email wspargo@landers.com.au Ref MVD: 2045563

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DX 370, Melbourne

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**Address for Service** **LANDER & ROGERS**, Lawyers  
 Level 12, 600 Bourke Street, Melbourne VIC 3000  
 Email: wspargo@landers.com.au

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5. An explanation of McConnell Dowell's right of entry procedure.

#### **The First, Second and Third Respondents**

6. Mr White's past dealings with representatives of the First Respondent, including Ralph Edwards - Victorian President (**Edwards**) and understanding of union right of entry.
7. Mr White's knowledge of and past dealings with Mark Travers (**Second Respondent**) and Adam Hall (**Third Respondent**).

#### **Rod Duggan, Luke Naughton and Gavin Carter**

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

#### **Events of 17 June 2014**

9. Mr White's attendance at work and the events which occurred on 17 June 2014.
10. Mr White's telephone discussions with Naughton regarding the presence of the Second and Third Respondent at the Project site.
11. Mr White's telephone discussion with the Second Respondent in which the Second Respondent said that calling the police to remove him would start a "war" and that it would be no different to what the First Respondent had done at "Kane".
12. Mr White's telephone discussion with Edwards in which he asked Edwards to direct the Second Respondent to abide by the rules and Edwards refused, instead requesting Mr White to "turn a blind eye".