

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/02/2016 3:58:58 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

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| Document Lodged: | Witness Statement |
| 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: 15/02/2016 3:59:05 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.



**IN THE FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: FAIR WORK**

VID 333/2015

B E T W E E N:

DIRECTOR OF FAIR WORK BUILDING INDUSTRY INSPECTORATE

Applicant

and

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION & others

Respondents

OUTLINE OF EVIDENCE OF ROD DUGGAN

ROD DUGGAN will give evidence at the trial of this proceeding as to the following matters:

Background

1. His employment and role with McConnell Dowell at the relevant time.
2. His role as shop steward.
3. His knowledge of right of entry procedures on site.

Interlocutors

4. His knowledge of Mark Travers, Adam Hall, David White, Luke Naughton and Gavin Carter, their roles in relation to the Project and his past dealings with them.

Matters leading up to 17 June 2014

5. That there were no health or safety issues arising or outstanding at the time.

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|---|--|-----|------------------|
| Filed on behalf of (name & role of party) | The Respondents | | |
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17 June 2014

6. That if he was in the area Mr Travers would often call to see if Mr Duggan was on site or on break to have a social catch up.
7. That around lunch time he received a call from Mr Travers who told him that he was with Mr Hall who had a meeting next door and was he available to catch up.
8. That he told Mr Travers he was available and invited them to come over to the site sheds for a cup of tea and a social catch up.
9. That lunch is normally at 1pm but that he often takes it earlier or later and that it is flexible.
10. That he cannot recall if he was already on lunch when Mr Travers called but that he took his break then.
11. That Mr Travers arrived shortly after.
12. That they sat in the lunch room shed and had a cup of tea.
13. That at some point soon after Mr Hall joined them.
14. That as they were in the lunch room talking, Mr Carter and Mr Naughton walked in and spoke to Mr Travers and Mr Hall and:
 - a. That Mr Naughton asked them to leave;
 - b. That Mr Travers was visibly surprised by the request;
 - c. As to Mr Naughton's and Mr Carter's demeanour;
 - d. That he had never seen an interaction like this on the project before with Mr Travers or Mr Hall;
 - e. As to his conversation with Mr Naughton and Mr Carter at the time;
 - f. That at some point Mr Travers called and spoke to Mr White;
 - g. That he never heard Mr Travers say that he was chatting with him about a safety issue, that they were not speaking about safety issues and that the visit was a social one;
 - h. That Mr Travers did not refer to a "war" and that in his experience it is not the type of thing Mr Travers would say;
 - i. That there was no reference made by Mr Travers to "Kane";
 - j. That he did not hear any threats made by Mr Travers or Mr Hall;
 - k. That he had never seen Mr Travers or Mr Hall get into any difficulty like that before and there had never been an event like that before during the life of the project;
15. About the arrival of the Police.

Afterwards

16. As to a subsequent conversation with Mr White about the events of 17 February 2014.