

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

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 3:59:04 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 MARK TRAVERS

MARK TRAVERS will give evidence at the trial of this proceeding as to the following matters:

Background

1. His employment with the Construction, Forestry, Mining and Energy Union (**CFMEU**), his roles and responsibilities.
2. His knowledge of the Papa Uniform Golf Taxi Lane Replacement Project at Melbourne Airport (**Project**).
3. His knowledge of the enterprise agreement with McConnell Dowell.
4. His knowledge of right of entry procedures on site.

Interlocutors

5. His knowledge of and relationships with Adam Hall, Rod Duggan, David White, Luke Naughton and Gavin Carter, their roles in relation to the Project and his past dealings with them.

Filed on behalf of (name & role of party)	The Respondents		
Prepared by (name of person/lawyer)	Abbey Kendall		
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Matters leading up to 17 June 2014

6. That there had been no significant safety issues on the project as far as the CFMEU was concerned and none relevant at the time.
7. That he had never up to 17 June 2014 visited the work site on a right of entry basis and had never been asked to do so.

17 June 2014

8. That he was travelling with Adam Hall that day.
9. That Mr Hall had a meeting at Fulton Hogan, right next to the McConnell Dowell site.
10. That sometime not long after 12.00pm, he called Rod Duggan and asked if he was available to receive a social visit.
11. That Mr Duggan responded that he was and invited Mr Travers to come over to the site.
12. That he accepted that invitation and walked next door and met Mr Duggan.
13. That Fulton Hogan is next door and it took less than 5 minutes to where Mr Duggan was at the sheds.
14. That he and Mr Duggan sat in the lunch room shed for some 10-15 minutes, had a cup of tea and spoke socially.
15. That at some stage Mr Hall, having concluded his meeting at Fulton Hogan, arrived in the lunch room.
16. That Mr Naughton and Mr Carter attended the lunch room hut and spoke to Mr Travers and Mr Hall and:
 - a. That Mr Naughton asked Messrs Travers and Hall to leave;
 - b. That he told Mr Naughton he was there on a social visit and was leaving shortly;
 - c. That he did not tell Mr Naughton or anyone else that he was discussing safety matters;
 - d. That Mr Naughton said he would call the Police;
 - e. That he told Mr Naughton if he called the Police he and Mr Hall would have to stay, as it was the CFMEU policy to do so;
 - f. That he spoke briefly to Ralph Edwards on the phone;
 - g. That he spoke briefly with David White on the phone;
 - h. That at no time did he threaten Mr White or Mr Naughton, or refer to a “war” or mention “Kane”.

17. That Mr Naughton called the Police and, in line with Union policy, Mr Travers and Mr Hall waited for some time for them to arrive.
18. That other than taking basic details from those present, the Police did not interview, question or charge him in relation to the incident.