

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



Dated: 15/02/2016 3:59:04 PM AEDT

Registrar

A handwritten signature in blue ink, appearing to read 'Warwick Soden'.

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 ADAM HALL

ADAM HALL 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 right of entry procedures on site.

Interlocutors

4. His knowledge of and relationships with Mark Travers, 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

5. That there had been no significant safety issues on the project as far as the CFMEU was concerned and none relevant at the time.
6. 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

7. That he was travelling with Mark Travers that day.
8. That he had a meeting at Fulton Hogan, right next door to McConnell Dowell.
9. That he parked the car in the Fulton Hogan carpark and attended an arranged meeting at Fulton Hogan with the Project Manager and Shop Steward.
10. That sometime not long after 12.00pm, after contacting Rod Duggan, Mr Travers informed him that Mr Travers was going to call over to Mr Duggan at the McConnell Dowell site for a social visit.
11. That they agreed he would meet Mr Travers and Mr Duggan at the McConnell Dowell site after he concluded his meeting at Fulton Hogan.
12. That his meeting at Fulton Hogan took some 10 – 15 minutes.
13. That Fulton Hogan is next door and it took a matter of minutes for him to reach Mr Duggan and Mr Travers at the lunch shed.
14. That he joined Mr Duggan and Mr Travers and had a cup of tea with them, and had a casual and social chat.
15. That Mr Naughton and Mr Carter appeared at the lunch room hut and spoke to him and Mr Travers and:
 - a. That Mr Naughton asked Messrs Hall and Travers to leave;
 - b. As to Mr Naughton calling David White;
 - c. As to Mr Naughton's demeanour;
 - d. That neither he nor Mr Travers said they were discussing safety matters;
 - e. That Mr Naughton said he would call the Police;
 - f. That Mr Travers said told Mr Naughton if he called the Police they would have to stay, as it was the CFMEU policy to do so;
 - g. That Mr Travers spoke briefly with David White
 - h. That at no time did Mr Travers threaten Mr White or Mr Naughton or refer to a "war" or mention "Kane".

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