

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Agency - Australian Building and Construction Commission

Department of Employment Question No. EMSQ17-004179

Senator Williams asked on 30 May 2017 on proof Hansard page 90

Question

ABCC - CFMEU court case before Justice North

Senator WILLIAMS: Obviously, there was a dispute—more than just having a cup of tea, as Justice North has implied. These union officials who were there, do they have a history of this behaviour? Do you know? Without naming anyone, we realise that these are in front of the courts. If you wish you to pass on a question I can understand.

Mr Hadgkiss: From recollection, I do not have the names of those officials before me.

Mr Saeedi: I do not have the exact details, but I am aware that the two officials—well, I think it is fair to say that they have come to the attention to the ABCC and its predecessors before. We can see whether they have been respondents in previous cases and try to get you an answer on that.

...

...

Senator WILLIAMS: Are we allowed to get copies of the filed court documents? Can they be provided on notice?

Mr Hadgkiss: Absolutely, yes.

Answer

1. The two union officials in question are Mark Travers and Adam Hall. They have previously been involved in the following cases –

Mark Travers

- Gregor v CFMEU & Anor [2011] FMCA 562 – Mr. Travers was ordered to pay a \$1,000 penalty for contravening s 767(1) of the *Workplace Relations Act 1996*. Whilst exercising a right of entry at the Melbourne Airport Tullamarine construction project, Mr. Travers acted in an improper manner by entering onto site, without authorisation, for a stop work meeting with workers. He then refused to leave, despite repeated requests to do so, and swore at management.
- In John Holland Pty Ltd v CFMEU & Ors [2009] FMCA 1248 – the CFMEU was ordered to pay two penalties for conduct engaged in by Mr. Travers, as well as two other CFMEU officials, at two building sites managed by John Holland at Melbourne Airport. Mr. Travers' and the other officials' conduct involved encouraging and directing a work stoppage at the sites. The CFMEU was found to have contravened s 38 of the *Building and Construction Industry Improvement Act 2005* by engaging in unlawful industrial action on two occasions resulting in two penalties of \$11,500 against the CFMEU.

Adam Hall

- ABCC v CFMEU (the Webb Dock Case) [2017] FCA 62 – on 8 February 2017, Justice Jessup made declarations that Mr. Hall contravened ss 340, 343, 346 and 348 of the Fair Work Act 2009. He was ordered to pay a \$4,500 penalty for his contravention of s 348. The Court found Mr. Hall had intended to coerce a building contractor to make an enterprise agreement by organising, coordinating, inciting and participating in action which blocked entrances to a building site and prevented access to that site by employees.

2. We **enclose** the following filed court documents:

1. Amended Originating Application – 15 October 2015
2. Second Amended Statement of Claim – 2 December 2016
3. Second Amended Defences – 30 November 2016
4. Outline of Evidence of Luke Naughton – 11 December 2015
5. Outline of Evidence of Gavin Carter – 11 December 2015
6. Outline of Evidence of David White – 11 December 2015
7. Applicant's List of Documents – 11 December 2015
8. Outline of Evidence of Rod Duggan – 15 February 2016
9. Outline of Evidence of Mark Travers – 15 February 2016
10. Outline of Evidence of Adam Hall – 15 February 2016
11. Applicant's Outline of Submissions – 29 March 2016
12. Respondents' List of Documents – 15 April 2016
13. Respondents' List of Authorities – 15 April 2016
14. Respondents' Outline of Submissions – 15 April 2016
15. Applicant's Closing Submissions – 3 February 2017
16. Respondents' Closing Submissions – 17 February 2017
17. Applicant's Closing Submissions in Reply – 27 February 2017
18. Corrigenda to Applicant's Submissions – 8 March 2017
19. Applicant's List of Authorities – 9 March 2017