



**IN THE FEDERAL CIRCUIT COURT  
OF AUSTRALIA  
AT PERTH**

**File No:** PEG502/2018

**AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION**  
Applicant

**BIG LI CEILING PTY LTD**  
First Respondent  
**YITING LI**  
Second Respondent

**ORDER**

**BEFORE:** JUDGE STREET

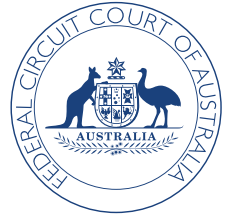
**DATE:** 18 February 2020

**MADE AT:** PERTH

**APPEARANCES:** Mr N Ellery appeared for the applicant.  
No appearance by or on behalf of the first respondent or the second respondent.

**THE COURT DECLARES THAT:**

1. The first respondent contravened s 77(3) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), a civil penalty provision, by failing to comply with:
  - a. a notice issued by Mr Morris Holder, an Australian Building and Construction Inspector, on 24 August 2017 under s 77(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth) (24 August Notice); and
  - b. a notice issued by Mr Holder on 2 October 2017 under s 77(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth) (2 October Notice).
2. The second respondent was knowingly concerned in, aided, abetted, counselled or procured on each of the first respondent's contraventions (as described in declaration 1 above) of s 77(3) of the *Building and Construction Industry*



(*Improving Productivity*) Act 2016 (Cth) and, by virtue of that conduct, it is declared that the second respondent also contravened s 92(1) and s 77(3) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), which are both civil penalty provisions.

**THE COURT ORDERS THAT:**

1. Order 1 made on 22 July 2019 is vacated.
2. The hearing proceed under r 13.03C(1)(e) of the *Federal Circuit Court Rules 2001*.
3. Having determined that contraventions of civil penalty provisions have occurred and given the notice of these proceedings that has been given to the first respondent and the second respondent, the Court is satisfied that it is appropriate to proceed with the penalty hearing.
4. Pursuant to s 81(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), the first respondent pay a civil penalty to the applicant in the sum of \$18,900.00.
5. Pursuant to s 81(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), the second respondent pay a civil penalty to the applicant in the sum of \$3,780.00.
6. The said amounts be paid within twenty-eight days of the date of the order.
7. Pursuant to s 81(5) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), upon receipt by the applicant of the penalties imposed the monies received be paid to the Commonwealth of Australia within twenty-eight days of receipt.
8. The first respondent and the second respondent jointly and severally pay the applicant's costs fixed in the amount of \$24,284.72.

**By the Court**

**JUDGE STREET**  
**DATE ENTERED: 18 February 2020**



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Registrar