



Federal Court of Australia

District Registry: Victoria

Division: Fair Work

No: VID147/2016

DIRECTOR OF THE FAIR WORK BUILDING INDUSTRY INSPECTORATE

Applicant

ROBERT ELLEN and another/others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE TRACEY

DATE OF ORDER: 25 November 2016

WHERE MADE: Melbourne

THE COURT DECLARES THAT:

1. Whilst covered by an enterprise agreement that had not passed its nominal expiry date, the First to Fifteenth, the Seventeenth to Twenty-Seventh, the Twenty-Ninth to the Thirty-Second, and the Thirty-Fourth to the Forty-Fourth Respondents failed and refused to attend for work on 12 February 2015 from 2:00 pm to 5:30 pm, and on 13 February 2015, without authority from their employer, in contravention of s 417(1) of the *Fair Work Act 2009* (Cth) (“the Act”).
2. Whilst covered by an enterprise agreement that had not passed its nominal expiry date, the Forty-Sixth to the Fifty-Second Respondents failed and refused to attend for work on 13 February 2015, without authority from their employer, in contravention of s 417(1) of the Act.
3. Whilst covered by an enterprise agreement that had not passed its nominal expiry date, the Twenty-Eighth and Forty-Fifth Respondents failed and refused to attend for work on 12 February 2015 from 2:00 pm to 5:30 pm, without authority from their employer, in contravention of s 417(1) of the Act.



THE COURT ORDERS THAT:

4. The First to the Fifteenth, the Seventeenth to the Twenty-Seventh, the Twenty-Ninth to the Thirty-Second, and the Thirty-Fourth to the Forty-Fourth Respondents each pay a pecuniary penalty of \$1,500 in respect of his contravention referred to in paragraph 1 above.
5. The Forty-Sixth to the Fifty-Second Respondents each pay a pecuniary penalty of \$1,000 in respect of his contravention referred to in paragraph 2 above.
6. The Twenty-Eighth and Forty-Fifth Respondents each pay a pecuniary penalty of \$500 in respect of his contravention referred to in paragraph 3 above.

Date that entry is stamped: 25 November 2016

Warrick Soder
Registrar



Schedule

No: VID147/2016

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Second Respondent	GIUSEPPE ALBANESE
Third Respondent	TONY BARNFIELD
Fourth Respondent	LUKE BONACCI
Fifth Respondent	ROBERT BONACCI
Sixth Respondent	KEVIN CALDOW
Seventh Respondent	TIMOTHY CLANCY
Eighth Respondent	DAVID COCHRANE
Ninth Respondent	TAYLOR COLLINS
Tenth Respondent	LACHLAN CRUICKSHANK
Eleventh Respondent	SCOTT DALY
Twelfth Respondent	ANDREW DIXON
Thirteenth Respondent	RONNIE DOUCH
Fourteenth Respondent	BRETT GALLATLY
Fifteenth Respondent	DARREN GOODALL
Sixteenth Respondent	IAN HARDING
Seventeenth Respondent	CRAIGE HARRIS
Eighteenth Respondent	JASON HEENAN
Nineteenth Respondent	JARROD HEINEMANN
Twentieth Respondent	PAUL HORAN
Twenty First Respondent	AARON HORN



Twenty Second Respondent	DAVID JOINER
Twenty Third Respondent	GARY LAMONT
Twenty Fourth Respondent	JASON LEONARD
Twenty Fifth Respondent	ROSS LONGMORE
Twenty Sixth Respondent	JUSTIN LUXFORD
Twenty Seventh Respondent	JOSHUA MADEX
Twenty Eighth Respondent	CHRISTOPHER MARTIN
Twenty Ninth Respondent	MICHAEL MAYZE
Thirtieth Respondent	STEWART MCLURE
Thirty First Respondent	LEO MARTINO
Thirty Second Respondent	DONNY MUDITA
Thirty Fourth Respondent	DAVID PITKETHLY
Thirty Fifth Respondent	LIVIO PIZZOL
Thirty Sixth Respondent	CHRISTOPHER SAWYER
Thirty Seventh Respondent	LLOYD SCHAECHER
Thirty Eighth Respondent	ROBERT SHERRY
Thirty Ninth Respondent	ROBERT SLOAN



Fortieth Respondent	BRADLEY STEWART
Forty First Respondent	SCOTT SYME
Forty Second Respondent	JOSHUA STUBBE
Forty Third Respondent	MITCHELL TATTERSON
Forty Fourth Respondent	STUART TAYLOR
Forty Fifth Respondent	STEVEN WALSH
Forty Sixth Respondent	DALE BARTLETT
Forty Seventh Respondent	ZEBULON JONES
Forty Eighth Respondent	CAMM MCKINNON
Forty Ninth Respondent	MICHAEL MCKINNON
Fiftieth Respondent	JEFFREY ROSSITER
Fifty First Respondent	LEIGH TAPPENDEN
Fifty Second Respondent	JOHN WEBB

ASSISTED DISPUTE RESOLUTION

Applicant	DIRECTOR OF THE FAIR WORK BUILDING INDUSTRY INSPECTORATE
Respondent	ROBERT ELLEN