



Federal Court of Australia

District Registry: Victoria

Division: Fair Work

No: VID494/2016

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER

Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION and
another named in the schedule

First Respondent

ORDER

JUDGE: JUSTICE MORTIMER

DATE OF ORDER: 11 December 2018

WHERE MADE: Melbourne

THE COURT DECLARES THAT:

1. The Second Respondent contravened s 500 of the *Fair Work Act 2009* (Cth) (**the FW Act**) on 3 December 2014 at a construction site at Geelong Grammar School in Corio (**the Site**) by:
 - a) intentionally hindering and obstructing Harris HMC, its subcontractors and their workers by calling and conducting a meeting on the Site, causing the subcontractors and their employees to leave the Site and causing work to cease; and
 - b) acting in an improper manner by failing to provide notice of his entry in contravention of s 487 of the FW Act, failing to produce his entry permit on request in contravention of s 489 of the FW Act, refusing to leave the Site when requested, making threats about not re-opening the Site and acting rudely and aggressively on the Site.

Date that entry is stamped: 12 December 2018



Warrick Soden
Registrar



Schedule

No: VID494/2016

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Second Respondent BRENDAN MURPHY