



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

Respondent

ORDERS

JUDGE: JUSTICE MORTIMER

DATE OF ORDER: 24 December 2018

WHERE MADE: Melbourne

THE COURT NOTES THAT:

1. The Court, by order dated 11 December 2018, declared that the second respondent contravened s 500 of the *Fair Work Act 2009* (Cth) on 3 December 2014 at a construction site at Geelong Grammar School in Corio.

THE COURT DECLARES THAT:

1. By reason of ss 550 and 793 of the *Fair Work Act 2009* (Cth), the first respondent contravened s 500 of the *Fair Work Act 2009* (Cth) by the conduct of the second respondent constituting the contravention the subject of the declaration made by order dated 11 December 2018.

THE COURT ORDERS THAT:

1. The matter be listed for a hearing on the question of penalties at 10.15 am on 8 April 2019 with an expected duration of a half day to one day.
2. On or before 4 pm on 18 February 2019, the applicant file and serve his submissions as to penalties, and any evidence.



3. On or before 4 pm on 11 March 2019 the respondents file and serve their submissions as to penalties, and any evidence.
4. On or before 4 pm on 25 March 2019, the applicant file and serve any submissions in reply.
5. Any party that wishes to cross-examine a witness in relation to evidence filed as to penalty is to give notice to the other parties, and the Court, by no later than 14 days after service of that witness's affidavit.

Date that entry is stamped: 24 December 2018

Wamid Soden
Registrar



Schedule

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Second Respondent BRENDAN MURPHY