



No: WAD360/2015

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

DIRECTOR OF THE FAIR WORK BUILDING INDUSTRY INSPECTORATE
Applicant

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION and others named in
the schedule
Respondents

ORDER

JUDGE: JUSTICE BARKER

DATE OF ORDER: 11 January 2016

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. Subject to any order made under Order 3 and proper claims for privilege against self-incrimination and self-exposure to penalty, the evidence-in-chief of all witnesses in the trial is to be by way of affidavit, provided that evidence of oral statements and conversations involving the deponent or witness and any other person shall be adduced orally in chief and redacted from any affidavit that is filed and served in accordance with Orders 4, 5 and 6.
2. Where evidence-in-chief in the form of oral statements and conversations involving the deponent or witness and any other person is anticipated, the parties shall give each other written notice of the substance of that evidence by serving an affidavit in non-redacted form in accordance with Orders 4, 5 and 6.
3. In the event that a witness who a party wishes to call to give evidence does not provide an affidavit, that party shall apply for leave for that witness to give evidence otherwise than by affidavit.



4. The Applicant shall, by 25 February 2016, file and serve the affidavits of the witnesses from whom he proposes to adduce evidence at the trial, or seek leave in accordance with Order 3.
5. Subject to proper claims for privilege against self-incrimination and self-exposure to penalty, the Respondents are, by 24 March 2016, to file and serve affidavits from the witnesses, including themselves, from whom they propose adducing evidence at trial, or seek leave in accordance with Order 3.
6. The Applicant shall, by 7 April 2016, file and serve any affidavits in reply.
7. The proceeding shall be listed for mediation not before 12 May 2016 on a suitable date.
8. The proceeding be listed for a 5 day trial commencing 27 June 2016 at 10.15am.
9. Each party shall, by no later than 21 days prior to trial, notify the other parties of any witness to attend at trial for cross-examination.
10. Each party shall, by no later than 14 days prior to trial, serve on the other a list of any objections to the foreshadowed evidence of another party together with a brief statement of the grounds for such objection.
11. A party receiving a notice of objection shall, by no later than 7 days prior to trial, serve on the other party a response to the notified objections.
12. Counsel shall confer with respect to any remaining objections to the evidence by no later than 4 days prior to the trial.
13. The Applicant shall, by 14 days prior to trial, file and serve an outline of submissions.
14. The Respondents shall, by 7 days prior to trial, file and serve an outline of submissions.
15. There be liberty to apply.
16. The proceeding be listed for a pre-trial case management hearing on 3 June 2016 at 10.15am.

Date that entry is stamped: 11 January 2016



Warrick Soden
Registrar



Schedule

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FAIR WORK ACTION

Second Respondent	JOSEPH MCDONALD
Third Respondent	TATE BRISLEY
Fourth Respondent	SHAUN BYRNE
Fifth Respondent	DONAL CRONIN
Sixth Respondent	MARK DRURY
Seventh Respondent	PAUL FOX
Eighth Respondent	DENIS LUCEY
Ninth Respondent	THOMAS HERANGI
Tenth Respondent	LEE SALISBURY
Eleventh Respondent	PAUL STROTHER
Twelfth Respondent	KEN TAHA
Thirteenth Respondent	FILIP TEKATA
Fourteenth Respondent	ANDREW BOURNE
Fifteenth Respondent	RICHARD BECK
Sixteenth Respondent	PETER CUNNINGHAM
Seventeenth Respondent	MICHAEL DAMIR
Eighteenth Respondent	SIMEON GUILLORME
Nineteenth Respondent	MICHAEL HOGAN
Twentieth Respondent	NICHOLAS JEAINGS
Twenty First Respondent	RODNEY LANE
Twenty Second Respondent	GRAHAM LAWRENCE
Twenty Third Respondent	CHRISTOPHER LAWLESS
Twenty Fourth Respondent	THOMAS MILLS
Twenty Fifth Respondent	SOREN SKODT
Twenty Sixth Respondent	GLENN ADAMS
Twenty Seventh Respondent	PAUL BROWN
Twenty Eighth Respondent	MURRAY RAMSDEN
Twenty Ninth Respondent	SCOTT WOLFENDEN
Thirtieth Respondent	DEAN ELLIOT
Thirty Second Respondent	RORY HOLMES
Thirty Third Respondent	AYDEN MULQUEEN
Thirty Fourth Respondent	DERMOT O'CONNEL
Thirty Fifth Respondent	DAVID TARPLETT
Thirty Sixth Respondent	ADAM WHITE
Thirty Seventh Respondent	GEOFFREY ANDERSON
Thirty Eighth Respondent	SHANE BURNS
Thirty Ninth Respondent	TRAVIS CHESTER
Fortieth Respondent	LUKE LADHAMS
Forty First Respondent	WAYNE MAHONY



Forty Second Respondent	ANDREW MCROBERT
Forty Third Respondent	MARC GIBSON
Forty Fourth Respondent	PHILIP PORTEOUS
Forty Fifth Respondent	SHANNON STAPLETON
Forty Sixth Respondent	JOHN SAUNDERS
Forty Seventh Respondent	MARK O'CONNELL
Forty Eighth Respondent	BARNY DONAHY
Forty Ninth Respondent	ZAC PORTEOUS
Fiftieth Respondent	ADAM CURTAYNE
Fifty First Respondent	JAMIE ERNST
Respondent	DAVID HARTLEY