



Federal Court of Australia

District Registry: Western Australia

Division: Fair Work

No: WAD360/2015

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: 08 July 2016

WHERE MADE: Perth

THE COURT DECLARES THAT:

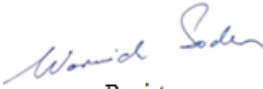
1. Under s 21 of the *Federal Court of Australia Act 1976* (Cth), that the 5th, 9th, 13th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 32nd, 33rd, 35th, 36th, 37th, 39th, 43rd, 46th, 48th and 51st respondents contravened s 417(1)(a) of the *Fair Work Act 2009* (Cth), as alleged in [34] of the amended statement of claim filed 13 June 2016.
2. Under s 21 of the *Federal Court of Australia Act 1976*, that the second respondent contravened s 417(1)(a) of the *Fair Work Act 2009*, as alleged in [35] of the amended statement of claim filed 13 June 2016.
3. Under s 21 of the *Federal Court of Australia Act 1976*, that the conduct of the second respondent is taken to be the conduct of the first respondent, pursuant to s 793 of the *Fair Work Act 2009* and, accordingly, the first respondent has contravened s 417(1)(a) of the *Fair Work Act 2009*, as alleged in [40] and [41] of the amended statement of claim filed 13 June 2016.



THE COURT ORDERS THAT:

4. Pursuant to s 546(1) of the *Fair Work Act 2009*, there be a pecuniary penalty imposed on the first respondent for contravening s 417(1)(a) of the *Fair Work Act 2009* in the sum of \$27,500.
5. Pursuant to s 546(1) of the *Fair Work Act 2009*, there be a pecuniary penalty imposed on the second respondent for contravening s 417(1)(a) of the *Fair Work Act 2009* in the sum of \$5,500.
6. Pursuant to s 546(1) of the *Fair Work Act 2009*, there be a pecuniary penalty imposed on each of the 5th, 9th, 13th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 32nd, 33rd, 35th, 36th, 37th, 39th, 43rd, 46th, 48th and 51st respondents for contravening s 417(1)(a) of the *Fair Work Act 2009* in the sum of \$1,000.
7. Pursuant to s 546(3)(a) of the *Fair Work Act 2009*, that the pecuniary penalties be paid to the Commonwealth.

Date that entry is stamped: 8 July 2016


Registrar



Schedule

No: WAD360/2015

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

- | | |
|-------------------------|-------------------|
| 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 JEAKINGS |
| 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