Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

Prior Penalties & Declarations Under Industrial Laws Involving the CFMEU or Its Representatives

Prepared by ABCC

Annexure B

PRIOR PENALTIES & DECLARATIONS UNDER INDUSTRIAL LAWS INVOLVING THE CFMMEU OR ITS REPRESENTATIVES

Legislation key:

- FW Act - *Fair Work Act 2009* (Cth)
- BCIIP Act - *Building and Construction Industry (Improving Productivity) Act 2016* (Cth)
- BCII Act - *Building and Construction Industry Improvement Act 2005* (Cth)
- WR Act - *Workplace Relations Act 1996* (Cth)

Penalty agreed -

Independent assessment -

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
1.	*Fair Work Ombudsman v Albert (No 3)* [2023] FCA 220 (CR2SM Case) QUD 656 of 2019 Federal Court of Australia – Queensland Collier J	23-24 July 2018	Three CFMMEU officials (Te Aranui Albert, Blake Hynes and Michael Ravbar) each admitted to 2 contraventions of s.500 of the FW Act for hindering and obstructing persons on a construction site on 23 July 2018 (by conduct including blocking trucks performing lifting works and disrupting representatives of two construction companies). One of the officials (Blake Hynes) admitted to an additional contravention of s.500 for improper conduct, which involved verbal aggression towards the site safety advisor on 24 July 2018. The CFMMEU admitted to being involved in each of those contraventions (by operation of ss.550 and 793 of the FW Act).	Penalty decision on 16 March 2023	**Te Aranui Albert -** One penalty of $7,000.00 for 2 x s.500 FW Act. **Michael Ravbar -** One penalty of $7,000.00 for 2 x s.500 FW Act. Personal payment order made. **Blake Hynes -** Total penalties of $12,000 made up of the amounts set out below. Personal payment order made. • one penalty of $7,000.00 for 2 x s.500 FW Act on 23 July 2018; and • one penalty of $5,000.00 for 1 x s.500 FW Act on 24 July 2018 **CFMMEU -** Total penalties of $88,000.00, comprising four penalties of $22,000.
2.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (Bruce Highway)*[2023] FCA 219 QUD238/2018		From about 8 March 2018 to about 17 April 2018 (**relevant period**), the CFMMEU and seven union officials (the respondents) appeared at the site of the Bruce Highway Caloundra to Sunshine Highway Upgrade (Project Site) seeking entry to the Project Site. All but one of the individual respondents had been issued with valid entry permits pursuant to Pt 3-4 of the FW Act.	• Penalty decision on 16 March 2023	Collier J imposed the following penalties on the eight respondents: • CFMMEU - $85,000 (24 contraventions); • Mr Kurt Pauls - $30,000.00 (8 contraventions);

002

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	Federal Court of Australia – Queensland Collier J		On entry to the Project Site, the respondents were walking around, entering work areas and causing work stoppages, refusing requests by the occupier to leave the Project Site and failing to comply with requests from the Queensland Police and/or WHS requirements on site. On each occasion entry was made by the respondents during the relevant period, the individual respondents said they were entering the site pursuant to s 81(3) of the *WHS Act* (QLD) (rather than as union officers), and accordingly that entry permits issued under the FW Act were not required. The individual respondents therefore refused to produce their entry permits. On 10 April 2018, two of the respondents arrived at the Project Site and refused to leave when requested, and were subsequently arrested (with similar events occurring between 11-17 April 2018). The entries onto the Project Site resulted in work stoppages, shift cancellations, safety issues, project delays and increased costs.		• Mr Beau Seiffert - $25,000.00 (7 contraventions); • Mr Te Aranui Albert - $3,500.00 (1 contravention); • Mr Blake Hynes - $15,000.00 (3 contraventions); • Mr Luke Gibson - $7,000.00 (2 contraventions); • Mr Matthew Parfitt - $10,000.00 (2 contraventions); and Mr Royce Kupsch - $3,5000.00 (1 contravention).
3.	*Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (Botany Cranes Appeal)* [2023] FCAFC 40 Federal Court of Australia- Sydney NSD 574 of 2019 of 2022- Rares J *Australian Building and Construction*	25 January to 1 February 2019	The impunged conduct concerned the action of four officials of the NSW Division of the CFMMEU (Mr Kera, Mr Greenfield, Ms Ma and one NSW delegate (**Mr Byrnes**) on 25 January 2019, 30 January 2019, and 31 January 2019 to 1 February 2019, and was directed against Griffiths Cranes Pty Ltd, trading as Botany Cranes at their commercial site in Botany, NSW (**Site**). On 25 January 2019, in protest of the termination of employment of Mr Byrnes, each of the four individual respondents engaged (or in respect of one official, organised) an unlawful picket in contravention of s47 of the BCIIP Act which	First instance penalty decisions of Rares J handed down on 19 April [2021] FCA 363 and 19 May 2022 [2021] FCA 525 Federal Court Appeal Penalty decision on 15 March 2023	• CFMMEU • $190,000 for 1 x s47(1) BCIIP Act contravention • $175,000 for 1 x s52 BCIIP Act contravention • $150,000 for 1 x 54 BCIIP Act contravention • Mr Kera: $35,000 for 1 x s47(1) BCIIP Act contravention • Mr Greenfield: - $25,000 for 1 x s47(1) BCIIP Act contravention

003

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	Commissioner v Construction, Forestry, Maritime, Mining and Energy Union		involved a group of about 50 CFMMEU members assembling and blocking access to the Site.		• $30,000 for 1 x s52 BCIIP Act contravention • $18,000 for 1 x 54 BCIIP Act contravention • Ms Millia: $18,000 for 1 x s47(1) BCIIP Act contravention • Mr Byrnes: $3,500 for 1 x s47(1) BCIIP Act contravention
4.	*Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (South Bank Performing Arts Case Appeal)* [2023] FCA 72 Federal Court of Australia- Queensland QUD 47 of 2022- Rangiah J *Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union* [2022] FedCFamC2G 40 Federal Circuit Court and Family Court – QLD	5 November 2020	On 5 November 2020, Mr Blakely (CFMMEU official and Second Respondent) arrived at an offsite meeting location (**Site**) pre-authorised by Lendlease (the contractor) with 10-12 other people. Mr Blakely was informed he was not allowed on Site. Mr Blakely subsequently stepped towards the Lendlease foreman to gain access to the Site, and subsequently formed a barrier with his body to allow the group of people with him to enter the Site. Mr Blakely subsequently left, and returned with Mr Ravbar (CFMMEU official and Third Respondent). Both officials were again advised they were not allowed to enter the Site, but both proceeded to enter. The contravention of s500 of the FW Act by Mr Blakely and Mr Ravbar arose by reason of entry onto the Site without giving 24 hours' notice and in contravention of requests from the site contractor, failing to comply with WHS requirements prohibiting authorised access, remaining on Site after being asked to leave, and (in respect of Mr Blakely) letting 10-12 people on Site who were not workers and had not undertaken a site induction.	• First instance penalty decision 3 February 2022 (Egan J) [2022] FedCFamC2G 40 • Federal Court Appeal Penalty decision on 10 February 2023	• Mr Ravbar: $4,660 for 1 x s.500- FW Act • Mr Blakeley: $6,000 for 1 x s.500- FW Act • CFMMEU: $73,260 (2 x $36,630) for 2 x s.500- FW Act *Note: The above penalties reflect a redetermination of penalty by Rangiah J of the Federal Court on appeal.*

004

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	BRG161/2021 – Judge Egan				
5.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (Logan Enhancement Project)* [2023] FCA 36 Federal Court of Australia- Queensland QUD 194 of 2020- Collier J	15 and 18 May 2018, 13 and 14 June 2018	At various days on 15 May, 18 May, 13 June and 14 June 2018, CFMMEU officials Mr Beau Seiffert, Mr Te Aranui Albert, Mr Blake Hynes Mr Shaun Desmond, Mr Craig Davidson and Mr Anthony Harding entered the construction site area of the Logan Enhancement Project (**Site**). Once located on Site the CFMMEU officials failed or refused to leave the Site when requested and failed to produce their respective entry permits on request, and in so doing contravened s.500 of the FW Act.	• Admission of liability • Penalty decision on 30 January 2023	• CFMMEU: $275,000 for 11 x s.500 – FW Act • Beau Seiffert: $24,000 for 4 x s.500 – FW Act • Te Aranui Albert: $10,000 for 2 x s.500 – FW Act • Blake Hynes: $12,000 for 2 x s.500 – FW Act • Shawn Desmond: $3,000 for 1 x s.500 – FW Act • Craig Davidson: $2000 for 1 x s.500 – FW Act • Anthony Harding: $2000 for 1 x s.500 – FW Act
6.	*Fair Work Ombudsman (formerly Australian Building and Construction Commissioner) v Construction, Forestry, Maritime, Mining and Energy Union (The Constitution Place Case) (No 2)* [2023] FCA 13 Federal Court of Australia- ACT		On 14 May 2018 three CFMMEU officials, Jason O'Mara, Zachary Smith and Joshua Bolitho engaged in conduct during and leading up to an obstructive picket at the Constitution Place building site in London Circuit, Canberra, that gave rise to the admitted contraventions including parking cars in front of the main entrance of the project site, securing chains and locks on various gates, and blocking pedestrian and vehicle access to the main entrance. The conduct occurred whilst there was an industrial dispute before the Fair Work Commission.	• Admission of liability • First instance penalty decision on 28 July 2020 [2020] FCA 1070 • (Redetermination) Penalty decision on 17 January 2023	• Jason O'Mara: $12,600 for 1x 47(1)- the BCIIP Act. • Zachary Smith: $12,600 for 1x 47(1)- the BCIIP Act. • Joshua Bolitho: $8,400 for 1x 47(1)- the BCIIP Act. • CFMMEU: $180,000 for 1x s47(1)- the BCIIP Act. *Note: These proceedings were subject to an appeal and subsequent redetermination of penalty by Katzmann J on remittal.*

005

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	ACD 29 of 2019- Katzmann J *Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Constitution Place Case)* [2020] FCA 1070 Federal Court of Australia – ACT ACD29 of 2019 – Katzmann J				
7.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The U-Vet School Case)* [2022] FCA 1068 Federal Court of Australia – Victoria VID300/2019 – O'Callaghan J	13 & 26 July 2018	On 13 July 2018, CFMMEU delegate Dario Maloni and official Kane Pearson attended the Melb Uni Vet School site and led about 35 workers into the site sheds during working hours and held the door shut so that site management could not enter. After about 30 minutes, when the doors were unblocked, the senior project manager told the workers that the meeting was unlawful and directed them to return to work. After most of the workers returned to work, Mr Maloni physically prevented the remaining workers from leaving the sheds by blocking the doorway. On 26 July 2018, Mr Pearson, Mr Tzimas and Mr Maloni entered the lunch shed whilst workers were on a break and held a meeting, after which the	• Admission of liability • Penalty decision on 12 September 2022	• CFMMEU: $360,000 (2 x $180,000) for 2 x s.46 – BCIIP Act • Kane Pearson: $70,000 for 2 x s.46 – BCIIP Act • Dario Meloni: $50,000 for 2 x s.46 – BCIIP Act • Paul Tzimas: $15,000 for 1 x s.46 – BCIIP Act

006

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			workers did not return to work when their break ended at 9:50am. WorkSafe attended site after the representatives raised alleged safety issues and concluded that there was no reasonable cause for employees to be concerned for their safety and no reason for a cessation of work.		
8.	*Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (Pacific Highway Upgrade Case appeal* [2023] FCA 202 Federal Court of Australia- New South Wales *Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (Pacific Highway Upgrade Case) (No 4)* [2022] FedCFamC2G 608 Federal Circuit and Family Court - NSW	22 August 2019	On 22 August 2019, CFMMEU officials Dean Rielly and Paul Fitzpatrick contravened section 500 of the FW Act when they lawfully entered the Woolgoolga to Ballina Pacific Highway upgrade construction project in relation to workplace safety. While on the site, Mr Rielly and Mr Fitzpatrick intentionally positioned themselves between the rear of a concrete truck and the site of a concrete pour. By doing so, Mr Rielly and Mr Fitzpatrick prevented the concrete truck from reversing towards the concrete pour area to complete the pour. This caused the concrete pour to be abandoned and the contents of the concrete truck, amounting to $6m^3$, was dumped and rendered unusable.	• Penalty decision on 4 August 2022 • Liability decision on 23 May 2022 - [2022] FedCFamC2G 388 • Federal Court Appeal Penalty decision on 13 March 2023 – [2023] FCA 202	• CFMMEU: $100,800 (2 x $50,400) for 2 x s.500 – FW Act • Dean Rielly: $8,820 for 1 x s.500 – FW Act • Paul Fitzpatrick: $5,040 for 1 x s.500 – FW Act *Note: this matter was subject to an appeal filed on 31 August 2022 by the respondents. On 13 March 2023, Justice Katzmann dismissed the appeal with no orders as to costs.*

007

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	SYG2015/2020 – Judge Humphreys				
9.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (Boggo Road Cross River Rail Case)* [2022] FedCFamC2G 574 Federal Circuit Court and Family Court – QLD BRG365/2020 – Judge Vasta	15 April 2020	On 15 April 2020, at the Cross River Rail Project, CFMMEU official Andrew Blakeley acted improperly while exercising entry rights under Part 3-4 of the FW Act by: (a) refusing to provide his entry permit despite multiple requests; (b) making patronising counter-requests for excessive description of the entry permits; (c) breaching OHS site requirements, and acting contrary to instructions of the occupier, by entering the construction area of the site unaccompanied, and refusing to return; (d) standing in the path of a truck so as to delay it from proceeding down a road, whilst refusing requests to leave the area and claiming '*I am just stretching my legs*'; (e) walking towards a representative of the occupier with his chest puffed out in an aggressive stance; (f) making a homophobic slur to the site safety adviser that suggested the adviser was trying to look at his penis while in the toilet block; and (g) accessing and inspecting crib and meeting rooms against the occupier's requests. On 15 April 2020, CFMMEU official Luke Gibson acted improperly while exercising entry rights under Part 3-4 of the FW Act by: (a) refusing to provide his entry permit despite multiple requests; (b) making patronising counter-requests for excessive description of the entry permits; (c) insulting the safety adviser with a homophobic slur that he was a 'pumpkin eater'; (d) unreasonably refusing to deal with the occupier's IR representative; (e) breaching OHS site requirements, and acting contrary to the occupier's instructions, by entering the construction area of the site unaccompanied and refusing to return; and (f) in response to a request that he return to the pre-start area, turning out his	• Admission of liability • Penalty decision on 28 July 2022	• CFMMEU: $126,000 (2 x $63,000) for 2 x s.500 – FW Act • Andrew Blakeley: $12,600 for 1 x s.500 – FW Act • Luke Gibson: $12,600 for 1 x s.500 – FW Act *Note: this matter is subject to an appeal by the respondents.*

008

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			pockets and saying '*what do you think I am a dog? You want me to pull my pocket out and lead me around like a dog?'.*		
10.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union and Ors (250 East Terrace Case)* [2022] FCA 760 Federal Court of Australia – SA SAD136/2020 – O'Sullivan J	16 October 2019	On 16 October 2019, approximately 30 people, including CFMMEU state secretary Andrew Sutherland and Andrew Sneath, a director of Adelaide based subcontractor Core-Form Pty Ltd, congregated outside the entrance gate of the 250 East Terrace Apartments construction site in Adelaide to protest about matters relating to a commercial dispute between Core-Form and the head contractor of the project. The protest lasted about 90 minutes. The protesters repeatedly heckled and harassed persons entering and leaving the site including a female labourer and the head contractor's lawyer. The protesters also restricted a painter contractor from accessing the site in his vehicle.	• Penalty decision 1 July 2022 • Admission of liability	• CFMMEU: $189,000 for 1 x s.47 - BCIIP Act • Andrew Sutherland (CFMMEU official): $38,000 for 1 x s.47 - BCIIP Act • Core-Form Pty Ltd: $132,000 for 1 x s.47 - BCIIP Act • Andrew Sneath (Core-Form director): $25,000 for 1 x s.47 - BCIIP Act *Note: this matter is subject to an appeal by the respondents.*
11.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (the Titan Cranes Case)* [2022] FCA 774 Declarations and orders Federal Court of Australia – QLD QUD433/2021 – Logan J	12 and 13 January 2021	On 12 January 2021, CFMMEU official Beau Seiffert contravened s.52(c) of the BCIIP Act by threatening to organise action against Titan Cranes & Rigging Pty Ltd and Redwood Construction Services 7 Pty Ltd at the 80 Ann Street, Brisbane project with intent to coerce Titan Cranes to transfer Mr Schatz, a Redwood employee who was working on the Brisbane Racecourse Project to the Cross River Rail Project (CRR Project) in the role of Health and Safety Representative (HSR). On each of 12 and 13 January 2021, CFMMEU delegates Warren Rapata and Darcy Murdoch each contravened s.52(c) of the BCIIP Act by organising action against Titan Cranes and Redwood, being a stoppage of work at the 443 Queen Street, Brisbane project (in respect of Mr Rapata), and a stoppage of work at the 80 Ann	• Declarations and orders – 22 June 2022 • Penalty decision - 16 June 2022 • Admission of liability	• CFMMEU: $750,000 for 5 x s.52(c) – BCIIP Act • Beau Seiffert: $30,000 for 1 x s.52(c) – BCIIP Act • Warren Rapata: $30,000 for 2 x s.52(c) – BCIIP Act • Darcy Murdoch: $30,000 for 2 x s.52(c) – BCIIP Act

600

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			Street, Brisbane project (in respect of Mr Murdoch), with intent to coerce Titan Cranes or Redwood to transfer Mr Schatz who was working on the Brisbane Racecourse Project to the CRR Project in the role of HSR.		
12.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union* [2022] FedCFamC2G 156 Federal Circuit Court and Family Court – QLD BRG625/2020 – Judge Vasta	30 April 2020	On 30 April 2020, while exercising entry rights under Part 3-4 of the FW Act at the Marine Parade Apartments Project, CFMMEU official Andrew Blakeley entered exclusion zones without authorisation and stood behind concrete trucks, blocking the delivery of concrete to concrete pumps and thereby: (a) intentionally hindered and obstructed persons at the Site; and (b) acted in an improper manner, in contravention of s.500. On 30 April 2020, while exercising entry rights at the Site, CFMMEU official Luke Gibson entered exclusion zones without authorisation, stood behind concrete trucks, blocking the delivery of concrete to concrete pumps, and engaged in abusive and intimidatory behaviour, and thereby: (a) intentionally hindered and obstructed persons at the Site; and (b) acted in an improper manner in contravention of s.500.	• Penalty decision 11 March 2022 • Admission of liability	• CFMMEU: $85,000 for 2 x s.500 ($35,000 & $50,000) – FW Act • Andrew Blakeley: $7,000 for 1 x s.500 – FW Act • Luke Gibson: $10,000 for 1 x s.500 – FW Act
13.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Next DC P2 Project Case)* [2022] FCA 37 Federal Court of Australia – WA	5 December 2019	On 5 December 2019, the CFMMEU contravened s.500 of the FW Act by reason of its permit holder, Mr Stephen Barry Parker, whilst exercising his entry rights in accordance with Part 3-4 of the FW Act at the NEXT DC P2 Project in Perth, WA, acting in an improper manner by: a) remaining on Site without an escort by a Multiplex representative; and b) not complying with requests by Multiplex employees to move from where he was standing when the Multiplex employees were unloading doorframes from a truck.	• Penalty decision 31 January 2022 • Admission of liability	• CFMMEU: $18,000 for 1 x s.500 – FW Act

010

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	WAD197/2020 – Banks-Smith J				
14.	*Australian Building and Construction Commissioner v Rielly (No 3)* [2022] FedCFamC2G 1 Federal Circuit Court and Family Court – NSW SYG1031/2020 – Judge Driver	25 January, 4, 5 & 14 March 2019	CFMMEU official Dean Rielly contravened the FW Act by his conduct on 25 January, 4, 5 and 14 March 2019 in Coffs Harbour, NSW: a) s.348 by threatening to organise or take action against CPB Contractors (CPB) with intent to coerce it to engage in industrial activity by complying with a requirement of the CFMMEU that CPB's employees working at its precast yard in North Boambee Valley become CFMMEU members and all labour hire workers at the Yard be covered by a CFMMEU EBA, b) s.355 by threatening to organise or take action against CPB with intent to coerce CPB to employ CFMMEU members and engage a labour hire independent contractor whose workers were covered by a CFMMEU EBA, c) s.346(b) by advising, encouraging or inciting CPB to take action against Telum Precast (Qld) Pty Ltd because Telum had not advanced the claims and interests of the CFMMEU by making a CFMMEU EBA or employing members of the CFMMEU, and d) s.340(1)(a)(ii) by advising, encouraging and inciting CPB to take adverse action against Telum because Telum had not exercised a workplace right by making a CFMMEU EBA.	• Penalty decision 28 January 2022 • Liability judgment on 12 February 2021: [2021] FCCA 43	• CFMMEU: $80,000 for contraventions of ss.348, 355, 340 & 346 – FW Act • Dean Rielly: $10,000 for contraventions of ss.348, 355, 340 & 346 – FW Act
15.	*Australian Building and Construction Commissioner v Gutierrez*	21 February 2019	On 21 February 2019, at a site that formed part of the Westconnex Stage 2: New M5 – Beverly Hills to St Peters Project, CFMMEU official Simon Gutierrez contravened s.500 of the FW Act by: (a) saying to two employees of CPB Contractors Pty Ltd (CPB) words to the effect of *'shut up'* and *'f**k*	• Penalty decision on 25 January 2022 • Admission of liability	• CFMMEU: $79,300 for 2 x s.500 (2 x $39,650) – FW Act • Simon Gutierrez: $13,860 for 2 x s.500 (2 x $6,930) – FW Act

011

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	[2022] FedCFamC2G 8 Federal Circuit Court and Family Court – NSW SYG1018/2020 – Judge Manousaridis		*off'* in an aggressive manner; (b) speaking in an aggressive and demeaning manner to one of those employees of CPB, including saying words to the effect of '*[i]t's not a f**king IR walk*'; and (c) walking up to the same employee of CPB, standing approximately 20 centimetres away from him, and blowing cigarette smoke in his face. Mr Gutierrez contravened s.500 a second time on 21 February by: (a) entering into an isolation zone established on the Site in accordance with CPB's WHS Management Plan, without authorisation; and (b) failing to comply with requests made by a CPB representative not to do so.		
16.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (Kiama Aged Care Centre Case) (No 2)* [2022] FCA 19 Federal Court of Australia – NSW NSD2057/2019 – Katzmann J	27 and 28 November 2018	On 27 November 2018 at a site on Bonaira St Kiama, NSW, CFMMEU official Gerasimos Danalis contravened s.500 of the FW Act by intentionally obstructing a concrete truck driver from completing delivery of his concrete load; obstructing the project workers from operating the pump to pump the concrete load; and hindering the site manager and a project manager from discharging their duties. Mr Danalis also intentionally obstructed two other concrete truck drivers from delivering concrete, thereby obstructing workers from continuing and completing the pour of a concrete slab and hindering the site manager, project manager, and a traffic controller from discharging their duties. On 27 November, Mr Danalis contravened s.503 of the FW Act by taking action to: (a) stop the pour of a concrete slab on the project; (b) stop concrete agitator trucks from entering the site; (c) shut down the site; and (d) determine whether or not the site, or part of it, was safe being reckless as to whether the impression was given that he and two other union officials were authorised by Part 3-4 of	• Penalty decision on 21 January 2022 • Liability judgment on 10 August 2021 - [2021] FCA 920	• CFMMEU: total - $170,000, comprising of: $80,000 for 2 x s.500; $50,000 for 1 x s.503; $20,000 for 1 x s.500; & $20,000 for 1 x s.500 – FW Act • Gerasimos Danalis: total $11,000, comprising of: $6,000 for 2 x s.500; $3,000 for 1 x s.503; & $2,000 for 1 x s.500 – FW Act. • Anthony Dimitriou: $3,000 for 1 x s.500 – FW Act. *Note: this matter is subject to an appeal by the FWO.*

012

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			the FW Act to do so when they were not authorised. On 28 November: • Mr Danalis contravened s.500 by acting in an improper manner at the site by refusing to comply with a reasonable request that he undertake a visitor's induction and then entering the site unaccompanied. • CFMMEU official Anthony Dimitriou contravened s.500 by acting in an improper manner by refusing to comply with a reasonable request to undertake a visitor's induction and entering the site unaccompanied.		
17.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Morphettville Park Case)* [2021] FCA 1640 Federal Court of Australia – SA SAD152/2020 – White J	14 February 2020	On 20 February 2020, while inspecting a building site at the Morphettville Park Sports Club in SA, and while exercising rights in accordance with Pt 3-4 of the FW Act, CFMMEU official Michael Jackson contravened s.500 by acting in an aggressive and abusive manner during a discussion with a worker performing work as a cladder and during a discussion with the Project Manager. While inspecting some scaffolding Mr Jackson had a conversation with the worker. When asked by the worker what was the matter with the scaffold, Mr Jackson said '*You should know that. It's your job. If you don't, you're an idiot.*' When the worker replied '*That's not how you should speak to people*', Mr Jackson said in an aggressive manner *'I'll speak to you however the f..k I want.'* Mr Jackson then moved towards the worker and said: '*You keep going, you'll never work in South Australia again*'.	• Penalty decision on 23 December 2021 • Admission of liability	• CFMMEU: $27,500 for 1 x s.500 – FW Act • Michael Jackson: $2,500 for 1 x s.500 – FW Act

013

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			During a discussion with the Project Manager, Mr Jackson said *'What's your f**king role here? Who runs the show on this Site? The safety is bad'*.		
18.	*Australian Building and Construction Commissioner v Hall (The Wheeler Cranes Case)* [2021] FCA 1480 Federal Court of Australia – NSW NSD2137/2019 – Abraham J	18, 19 and 22 October 2018	On 18, 19 and 22 October 2018, in response to stalled EBA negotiations, groups of protestors dressed in CFMMEU branded clothing, waving CFMMEU flags and banners, and some operating loudspeakers gathered at the Kooragang Coal Terminal, Newcastle TAFE site and San Clemente High School site in Newcastle. Wheeler Cranes had been engaged to undertake crane lifting services and there was at least one Wheeler Cranes crane on each site. CFMMEU officials Brendan Holl and Justin Hobson were present at each site and engaged in conduct including: • leading groups of protestors, who were at various times blocking access and egress from the sites, • refusing to leave and continuing to blockade the sites unless Wheeler's crane was removed from the site, and • exercising a right of entry, identifying alleged safety issues with Wheeler's crane & refusing to allow the crane to undertake its duties. On 19 October at the San Clemente site, Mr Holl said to management, *"No you need to pack up the crane and remove it from the site. We are not leaving until the crane is gone."* On 22 October at the Kooragang Coal Terminal, Mr Holl told site managers *"It will get ugly today if Wheeler Cranes come on site"*.	• Penalty decision on 30 November 2021 • Admission of liability	• CFMMEU: total - $460,000, comprising of: $260,000 for 1 x s.52(b) - BCIIP Act; $100,000 for 2 x s.355(b) - FW Act ($50,000 each); and $100,000 for 2 x s.500 - FW Act ($50,000 each) • Brendan Holl: total - $61,600, comprising of: $29,000 for 1 x s.52(b) - BCIIP Act; $17,600 for 2 x s.355(b) - FW Act - ($8,800 each); and $15,000 for 2 x s.500 - FW Act ($7,500 each) • Justin Hobson: total - $33,000, comprising of: $21,000 for 1 x s.52(b) - BCIIP Act; and $12,000 for 2 x s.500 - FW Act ($6,000 each)
19.	*Australian Building and Construction*	15 February 2019	On 19 February 2019 CFMMEU officials John Windus and Stephen Parker attended the construction site for the Doubletree Hilton Hotel	• Penalty decision on 24	• CFMMEU: $23,000 for 1 x s.500 – FW Act

014

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The DoubleTree Hilton Case) [2021] FCA 1468 Federal Court of Australia – WA WAD185/2019 – McKerracher J		over issues related to scaffolding. When asked by the safety supervisor to accompany him to inspect the scaffolding, both officials ignored his request and headed in the opposite direction. The CFMMEU admitted that, in ignoring this direction, Mr Windus' and Mr Parker's conduct was improper and contravened s.500 of the FW Act. During an exchange with the safety supervisor over materials left on the floor, Mr Windus said in a raised voice: '*You pick this up or I'll stand here all day.*' When complaining about materials on the floor, Mr Windus made reference to '*third world*', which the supervisor interpreted to imply a racist slur (although Mr Windus did not intend that implication). The CFMMEU admitted that Mr Windus acted in an improper manner by acting unreasonably and disrespectfully in raising his voice at the supervisor, by being insensitive and inconsiderate to the supervisor in making a reference to the '*third world*', and by using foul language in the supervisor's presence during the site visit.	November 2021 • Admission of liability	
20.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Beams Lift Case)* [2021] FCA 1414 Federal Court of Australia – VIC VID625/2020 – Kerr J	3 and 4 December 2019	Works had been scheduled to lift and install five bridge beams weighing 16 tonnes each to construct a bridge at the West Gate Tunnel Project in Melbourne. The road had been closed from 9.30pm to 4.00am to allow the works to occur on 3 and 4 December 2019. The bridge works were unable to proceed after CFMMEU officials Paul Tzimas and Ronnie Buckley entered the project and positioned themselves in an exclusion zone, making it unsafe for the head contractor to lift the bridge beams into place. Despite repeated requests from management, the officials refused to leave. The head contractor called WorkSafe and Victoria Police to attend the	• Penalty decision on 16 November 2021 • Admission of liability • Full Court appeal – orders – 15 August 2022 - [2022] FCAFC 138	<u>The following penalty orders made on 16 November 2021 were set aside by the Full Court – see note below:</u> • <u>CFMMEU</u>: penalties totalling $63,000 for 4 x s.500 – FW Act • <u>Paul Tzimas</u>: penalties totalling $8,820 for 3 x s.500 – FW Act • <u>Ronnie Buckley</u>: $3,780 for 1 x s.500 FW Act (wholly suspended) *Note: on 15 August 2022, the Full Court set aside the orders made by the primary judge on 16 November 2021 (following an appeal*

015

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	ABCC v CFMMEU [2022] FCAFC 138 VID746/2021 Full Court of the Federal Court of Australia Logan, Rangiah & Anderson JJ		site to resolve the dispute. The WorkSafe Inspector found there was no imminent risk to the health or safety of workers that would justify works stopping. When the WorkSafe Inspector asked the officials to leave the exclusion zone and allow work to continue they accused him of being a "*lap dog*", "*corrupt*", "*incompetent*" and a "*disgrace*". The CFMMEU officials also accused Victoria Police officers of being on the head contractor's "*payroll*", acting as "*lap dogs*" and demonstrating "*corruption at its finest*".		*by the ABCC). The proceeding has been remitted for rehearing - see [2022] FCAFC 138.*
21.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (the Toowoomba Bypass Case)* [2021] FCA 1128 Federal Court of Australia – QLD QUD785/2018 – Rangiah J	30 April 2018 1 May & 2 May 2018	On 30 April, 1 May and 2 May 2018, CFMMEU official Kurt Pauls contravened s.494(1) of the FW Act by exercising a State or Territory OHS right by entering the construction site area of the Toowoomba Second Range Crossing Project when he was not a permit holder under the FW Act. CFMMEU official Michael Davis contravened s.494 on 2 May 2018 by exercising a State or Territory OHS right when he was not a permit holder. On 30 April and 1 May 2018, CFMMEU official Beau Seiffert contravened s.500 of the FW Act when exercising a State or Territory OHS right, by acting in an improper manner by: (a) refusing a request by the occupier to produce his Federal entry permit for inspection; and (b) failing to comply with requests from the occupier to leave the Site. On 1 May 2018, CFMMEU official Te Aranui Albert contravened s.500 of the FW Act when exercising a State or Territory OHS right, by acting in an improper manner by: (a) refusing a request by the site occupier to produce his Federal entry permit for inspection; and failing to comply with requests from the occupier to leave Site.	• Penalty decision on 17 September 2021 • Admission of liability	• CFMMEU: total - $75,000 (3 x $25,000) for 6 x 494 & 12 x s.500 – FW Act • Kurt Pauls: total - $15,000 (3 x $5,000) for 4 x s.494 – FW Act • Beau Seiffert: total - $8,000 (2 x $4,000) for 2 x s.500 – FW Act • Te Aranui Albert: $4,000 for 1 x s.500 - FW Act • Blake Hynes: total - $8,000 (2 x $4,000) for 3 x s.500 – FW Act • Shaun Desmond: $3,000 for 2 x s.500 – FW Act • Craig Davidson: $2,000 for 2 x s.500 – FW Act • Justin Steele: $3,000 for 2 x s.500 – FW Act • Michael Davis: $3,000 for 2 x s.494 – FW Act

016

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			On 1 May and 2 May 2018, CFMMEU official Blake Hynes contravened s.500 when exercising a State or Territory OHS right, by acting in an improper manner by: (a) refusing a request by the occupier to produce his Federal entry permit for inspection; & (b) failing to comply with requests to leave Site. On 2 May 2018, CFMMEU officials Shaun Desmond, Craig Davidson and Justin Steele contravened s.500 of the FW Act when exercising a State or Territory OHS right, by acting in an improper manner by: (a) refusing a request by the occupier to produce their Federal entry permits for inspection; and (b) failing to comply with requests to leave the Site.		
22.	*CFMMEU v ABCC (The Monash Freeway Widening Case)* [2022] FCAFC 59 Full Court of the Federal Court of Australia Bromberg, Charlesworth & McElwaine JJ *ABCC v CFMMEU (The Monash Freeway Widening Case) (No 2)* [2021] FCA 1101 Federal Court of Australia – VIC VID496/2018 – Snaden J	29 & 30 April 2017	In the evening and morning of 29 and 30 April 2017, CFMMEU official James Simpson attended the Eumemmering Creek Site. He exercised a State or Territory OHS right under the FW Act and: • contravened s.499 of the FW Act by failing to comply with reasonable requests that he abide by occupational health and safety requirements (by remaining on site despite not wearing safety glasses or full-length, white reflective overalls, and moving about unescorted); and • acted in an improper manner in contravention of s.500 of the FW Act in that he: (i) contravened s.499; (ii) refused multiple Fulton Hogan demands that he vacate the site; and (iii) by his presence and conduct, diverted the attention of multiple managers from tasks they would otherwise have been focused on.	• Full Court appeal decision – 11 April 2022 • Penalty decision – 14 September 2021 • Liability decision - *ABCC v CFMMEU (The Monash Freeway Widening Case)* [2020] FCA 1727	• CFMMEU: $21,600 for 1 x s.500 (also contravened s.499) – FW Act • James Simpson: $3,240 for 1 x s.500 (also contravened s.499) – FW Act Note: *an appeal by the respondents was allowed. The Full Court set aside penalties in respect of one contravention of s.500.*

017

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
23.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Adelaide Airport Case)* [2021] FCA 951 Federal Court of Australia – SA SAD60/2020 – White J	3 April 2019, 23 May 2019, 24 May 2019, 20 June 2019	On 3 April 2019, the CFMMEU, Alex Tadic, Anthony Sloane and Adrian McManus (CFMMEU officers), contravened ss.345, 497 and 500 of the FW Act by: • recklessly making a false or misleading statement to Watpac that they were not required to produce their permits for inspection when exercising a State OHS right; and • failing to produce their permits when requested. On 23 May 2019, the CFMMEU and Clarence Fellowes (CFMMEU officer) contravened ss.503 and 500 of the FW Act by: • being reckless as to whether he gave the impression to a Watpac representative that he was authorised under Part 3-4 of the FW Act to enter the site to exercise a State OHS right without producing his permit; and • failing to comply with a request from Watpac to attend the site office. On 24 May 2019, the CFMMEU, Mr McManus and Mr Fellowes contravened s.500 of the FW Act by failing to comply with a request from Watpac to attend the site office. On 20 June 2019, Desmond Savage and Te Aranui Albert (CFMMEU officers), contravened s.500 by swearing at, and speaking in aggressive manner, towards a Watpac representative.	• Penalty decision – 13 August 2021 • Admission of liability	• CFMMEU: $390,500 for 3 x s.345, 2 x s.497, 1 x s.503, 7 x s.500 – FW Act • Anthony Sloane: $5,950 for 1 x s.345 and 1 x s.497 – FW Act • Clarence Fellowes: $9,300 for 1 x s.503 and 3 x s.500 – FW Act • Desmond Savage: $4,500 for 1 x s.500 – FW Act • Te Aranui Albert: $5,000 for 1 x s.500 – FW Act • Alex Tadic: $3,500 for 1 x s.345 – FW Act • Adrian McManus: $9,500 for 1 x s.345,1 x s.497 and 2 x s.500 – FW Act
24.	*Australian Building and Construction Commissioner v Parker* [2021] FCA 704	11 July 2019	On 11 July 2019, the CFMMEU and Steven Parker (CFMMEU shop steward and HSR), contravened s.46 of the BCIIP Act by organising unlawful industrial action at the Metro Tunnel Project in Melbourne. At 6.30am and 7.00am, Mr Parker directed two groups of workers to stop	• Penalty decision – 28 June 2021 • Admission of liability	• CFMMEU: $85,000 for 1 x s.46 – BCIIP Act • Steven Parker: $5,000 for 1 x s.46 – BCIIP Act (wholly suspended)

018

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia – VIC VID494/2020 – Kerr J		working due to inadequate first aid facilities and inadequate lighting in a particular location of their worksite. Workers consequently did not commence work that morning for several hours. When WorkSafe attended site, they confirmed that the issues raised did not warrant a cease work direction.		
25.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The WGC Cranes Case)* [2021] FCA 622 Federal Court of Australia – NSW NSD1792/2019 – Katzmann J	15 and 16 October 2018	On 14 October 2018, in response to imminent protected industrial action, WGC arranged for their cranes and trucks to be relocated to various locations in Sydney. At about 5:00am on 15 October, WGC management attended their Wollongong depot. There were approximately 40 people who had formed a picket line outside the depot, brandishing CFMMEU banners and flags. On 15 October 2018, CFMMEU officials Simon Gutierrez and Maki Danalis arrived at the Ross Transport Yard. Mr Danalis parked his car so as to block WGC's cranes, making it impossible for them to exit the depot until 7:30am the next day. Mr Gutierrez approached a WGC employee and verbally abused and photographed him, saying: "*What are you doing? The boys are on strike. You don't need to work here. Don't be a dog. Don't be a scab. Go home.*" Later that day, a photograph of the WGC employee taken at the site was posted to the CFMMEU Facebook page with a caption defining the word 'scab'. The post attracted many comments calling the WGC employee a "*grub*", "*leech*", "*maggot*" and "*dog*", amongst other things. The photograph, caption and comments remained published on Facebook until 18 October 2018.	• Penalty decision, declarations and orders – 9 June 2021 [2021] FCA 622	• CFMMEU: total - $364,000, comprising of $320,000 for 3 x s.54 – BCIIP Act; and $44,000 for 1 x s.346 - FW Act • Simon Gutierrez: $6,000 for 1 x s.54 - BCIIP Act • Gerasimos 'Maki' Danalis: $12,800 for 2 x s.54 - BCIIP Act

019

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			On 15 October 2018, Mr Gutierrez and Mr Danalis arrived at the Port Kembla Coal Terminal where Mr Danalis shouted verbal abuse at employees, calling them "*scabs*" and telling them to "*f—off*". He caused such delay that none of the scheduled work was completed that day and Police were called as Mr Danalis refused to leave the site.		
26.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Botany Cranes Case)* *(No 3)* [2021] FCA 363 *(No 4)* [2021] FCA 525 Federal Court of Australia – NSW NSD574/2019 – Rares J	25 January, 30 - 31 January, 1 February 2019	Botany Cranes supplied mobile crane services to building contractors in NSW. From February 2018, the CFMMEU and Botany began negotiating for an enterprise agreement. On 24 January 2019, Botany formed the view that Howard Byrnes (employee and union delegate) was providing information to the CFMMEU about the locations of Botany's jobs, thereby assisting the CFMMEU to conduct interference with Botany's business. Botany terminated Mr Byrnes' employment. On 25 January 2019, CFMMEU officials Robert Kera, Michael Greenfield, Rita Mallia, and Mr Byrnes engaged in an unlawful picket at the Botany Cranes Yard and took action with intent to coerce Botany to employ Mr Byrnes. On 30 January 2019, Mr Greenfield threatened to organise or take action at the Botany Yard with intent to coerce Botany to employ Mr Byrnes. In the period between 31 January and 1 February 2019, Mr Greenfield threatened to organise or take action at the Botany Yard with intent to apply undue pressure to Botany to make an enterprise agreement on terms proposed by the CFMMEU. When told that Botany couldn't afford the EBA proposed by the union, Mr Greenfield said words to the following effect on 31 January: *'If I were you, I'd f**kin' sign it. You haven't seen anywhere*	• Penalty decision (principal reasons) - 22 April 2021 *(No 3)* [2021] FCA 363 • Declarations, orders & further reasons – 19 May 2021 *(No 4)* [2021] FCA 525	• CFMMEU: total - $850,000, comprising of $500,000 - ss.47 & 52; $175,000 – 1 x s.52; $175,000 – 1 x s.54 – BCIIP Act • Robert Kera: total - $47,500, comprising of $35,000 – 1 x s.52 & $12,500 – 1 x s.47 – BCIIP Act • Michael Greenfield: total - $100,000, comprising of $25,000 – 1 x s.52; $10,000 – 1 x s.47; $30,000 – 1 x s.52; $35,000 – 1 x s.54 – BCIIP Act • Rita Mallia: $15,000 – 1 x s.52 & $5,000 – 1 x s.47 – BCIIP Act • Howard Byrnes: $3,500 – 1 x s.52 & $1,500 – 1 x s.47 – BCIIP Act • Personal payment orders made in respect of Mr Kera, Ms Mallia, Mr Greenfield (for $65,000) & Mr Byrnes (for $3,500). • Part of the CFMMEU's penalty ordered to be paid to Botany Cranes ($30,000), NSW Police ($15,000) & a Botany employee ($2,500). *Note: this matter is subject to an appeal by the respondents.*

020

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			near bad yet'; and on 1 February said *'If you sign the EBA we will leave your sites alone'.*		
27.	*Australian Building and Construction Commissioner v Hanlon (No 2)* [2021] FCCA 787 Federal Circuit Court of Australia – Sydney SYG2231/2015 – Judge Cameron *Hanlon v ABCC* [2021] FCAFC 221 Full Court of the Federal Court of Australia - Rares, Bromwich & Banks-Smith JJ	11 August 2014	On 11 August 2014, Rebel Hanlon (then Assistant State Secretary of the CFMMEU), acted in an improper manner by entering The Ponds School at Riverbank Drive, NSW, and remained on site although he had failed to give notice of entry and refused to produce his entry permit. Brian Parker (then CFMMEU State Secretary) acted in an improper manner by entering the site and: (a) remained on site although he had failed to give notice of entry and refused to produce his entry permit; (b) responded in an inappropriate, aggressive or intimidatory manner to lawful requests to see his entry notice and permit; and (c) spoke to workers without authority to do so. Mr Parker said he didn't '*care about the paperwork*' and spoke to the project manager in an aggressive way, saying that he would round up the workers himself if the manager would not, saying '*you will do what I f**king say*' and '*don't f**k me around*'.	• Penalty decision 23 April 2021 • Liability decision 16 December 2020: [2020] FCCA 3409 • Appeal by Mr Hanlon dismissed by the Full Court on 23 November 2021: [2021] FCAFC 221 (NSD463/2021)	• Brian Parker: $6,120 for 1 x s.500 – FW Act. • Rebel Hanlon: $3,060 for 1 x s.500 – FW Act.
28.	*Australian Building and Construction Commissioner v Ingham (The 180 Brisbane Construction Case) (No 2)* [2021] FCA 263 Federal Court of Australia – Queensland QUD388/2016 – Collier J	27 June 2014 1, 4, 7 & 17 July 2014	The head contractor for the 180 Brisbane Construction Project (Site) was Watpac Construction. In June 2014, Watpac made changes to its requirements regarding entry by visitors, including requiring visitors to report to the site office and sign a register. Watpac informed the CFMMEU of the changes. On 27 June 2014, CFMMEU official Michael Myles acted in an improper manner by failing to give notice to prior to entering the Site notwithstanding statements that he was not to enter and using offensive language. On 1, 4 and 7 July 2014, CFMMEU officials Andrew Sutherland and Kevin Griffin acted in an	• Penalty decision 23 March 2021 • Liability decision 9 July 2019: [2019] FCA 1052	• CFMMEU: $130,050 total for 5 x s.500 and 1 x s.417 - FW Act. • Michael Myles: $5,100 for 1 x s.500 - FW Act. • Andrew Sutherland: $3,570 for 1 x s.500 - FW Act. • Chad Bragdon: $7,650 for 1 x s.417 and 1 x s.500 - FW Act. • Kevin Griffin: $3,570 for 1 x s. 500 on 1 July 2014 & $3,570 for 1 x s. 500 - FW Act on 4 July 2014.

021

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			improper manner by failing to give notice prior to entering, not providing an entry notice and not signing the visitor's register as required by Watpac's Site Safety Protocols. On 17 July 2014, CFMMEU official Chad Bragdon organised or was involved in unlawful industrial action at the Site. Mr Bragdon also hindered or obstructed or otherwise acted in an improper manner by organising or being involved in the stoppage, failing to give notice prior to entry, not providing an entry notice & not signing the register.		
29.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The North Queensland Stadium Case) (No 2)* [2021] FCA 105 Federal Court of Australia – Queensland QUD228/2019 – Rangiah J	11 and 12 March 2019	On 11 and 12 March 2019, the CFMMEU organised unlawful industrial action by employees of PJ Walsh Constructions Pty Ltd at the construction site of the new North Queensland sports stadium in Townsville (NQS Project). This action was organised by the CFMMEU in order to coerce PJ Walsh to make an enterprise agreement with the CFMMEU. The head contractor for the NQS Project was Watpac Constructions Pty Ltd and PJ Walsh was the sole concreting contractor on site. On the morning of 11 March 2019, CFMMEU official Mr Harradine attended the Project and addressed a number of PJ Walsh employees. Following the meeting, eleven PJ Walsh employees imposed a ban on the performance of work and refused to perform any work between 11 am and 2 pm on 11 March 2019. On 12 March 2019, an additional group of five PJ Walsh employees joined the work ban imposed on 11 March 2019. The work ban continued over to 13 and 14 March 2019.	• Penalty decision 18 February 2021 • Liability decision 10 July 2020: [2020] FCA 947	• CFMMEU: $190,000 for 2 x s.54 - BCIIP Act (also contravened s.46 BCIIP Act). • Grant Harradine: $20,000 for 2 x s.54 - BCIIP Act (also contravened s.46 BCIIP Act). • PJ Walsh workers (16): $4,500 to $5,000 each for their respective s.46 - BCIIP Act contraventions – 11 workers $5,000 each and 5 workers $4,500 each (total penalties of $77,500).
30.	*Australian Building and Construction Commissioner v*	23 May & 28 May 2019	On each of 23 May and 28 May 2019, CFMMEU official Richard Hassett contravened s.494 of the FW Act when he entered the construction project	• Penalty decision 3	• CFMMEU: total - $185,000, comprising of $50,000 for 1 x s.494; $45,000 for 1 x s.494; $45,000 for 1 x s.494 and 1 x

022

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Construction, Forestry, Maritime, Mining and Energy Union (The Elizabeth Street Hobart Case) [2020] FCA 1742 Federal Court of Australia – Victoria TAD15/2020 – O'Callaghan J		at 80 Elizabeth St. Hobart, and exercised rights under the *Work Health and Safety Act 2012* (Tas) while not being a permit holder under the FW Act. CFMMEU official Kevin Harkins also contravened s.494 on 28 May by being knowingly involved in Mr Hassett's s.494 contravention, and contravened s.500 on the same basis. On 28 May, Mr Harkins also contravened s.500 when he acted in an improper manner by: (a) acting in a loud and intimidating manner toward the Site foreman when asked what safety equipment was unsafe and saying words to the effect of *'don't get smart with me, arsehole. I'm nearly at the end of my career. I don't give a f*** about what happens to me, but that bloke over there will be onto you* [pointing to Mr Hassett]'; (b) responding to a request to identify safety breaches with *'you don't f**king pay me, so I'm not going to tell you'*; and (c) responding to the Site project manager asking Mr Harkins to leave by telling him to '*get f**ked*'.	December 2020 • Admission of liability	s.500; and $45,000 for 1 x.s.500 – FW Act • Richard Hassett: $20,000 for 2 x s.494 (2 x $10,000) – FW Act • Kevin Harkins: $16,000, comprising of $8,000 for 1 x s.494 and 1 x s.500; and $8,000 for 1 x s.500 – FW Act *Note: personal payment order made in respect of Mr Hassett.*
31.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union* [2020] FCA 1662 Federal Court of Australia – Perth WAD200/2019 – Colvin J	10 December 2018	CFMMEU WA State Secretary Michael Buchan, former assistant State Secretary Graham Pallot, and organiser Walter Molina organised unlawful industrial action across three Perth Airport rail link sites in Forrestfield, Redcliffe and Bayswater. The officials' actions led to 39 employees walking off the job, with a number of employees at the Forrestfield site reporting sick. Workers involved in the strike attended a meeting in the carpark of the Project's head office that was organised by the CFMMEU officials who encouraged the workers to continue their action. Work stopped for half a day at the three sites. The action occurred in the context of a dispute regarding redundancy pay.	• Penalty decision 18 November 2020 • Admission of liability	• CFMMEU: $125,000 for 1 x s.46 – BCIIP Act • Michael Buchan: $20,000 for 1 x s.46 – BCIIP Act • Walter Molina: $20,000 for 1 x s.46 – BCIIP Act • Graham Pallot: $15,000 for 1 x s.46 – BCIIP Act • 39 employees: $4,000 each for 1 x s.46 – BCIIP Act (total $156,000)

023

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
32.	*Australian Building and Construction Commission v Menon* [2020] FCA 1418 Federal Court of Australia – Adelaide NTD1/2019 – White J *CFMMEU v ABCC (The Palmerston Police Station Case)* [2021] FCAFC 7 Full Court of the Federal Court of Australia Katzmann, Griffiths & Bromwich JJ	14 & 15 May 2018	On 14 May 2018, CFMMEU officials Arturo Menon and Paul Taylor attended the Palmerston Police Station construction site and repeatedly demanded that the site be shut down when there was no requirement or obligation on the builder to do so. Both Mr Menon and Mr Taylor made threats that the builder would "pay the price" if the site was not shut down. After ABCC inspectors arrived, four more CFMMEU officials attended site, including Roland Cummins. Mr Cummins swore at the builder's representatives. Mr Cummins and Mr Menon then spoke to Worksafe Inspectors in loud and aggressive voices whilst standing close to them and speaking over the top of them. Both Mr Cummins and Mr Menon asserted that Worksafe needed to close the site, when there was no obligation to do so. Mr Menon then addressed a toolbox meeting of workers in which he made a false and misleading statement that because of the site conditions the workers were entitled to go home on full pay. On 15 May 2018, Mr Cummins attended the site. When asked for notice of entry, Mr Cummins refused to do so, swore at the builder's representative and threatened to *"go through this whole site top to bottom again"* if they insisted on seeing the notice of entry.	• Penalty decision 2 October 2020 • Admission of liability • CFMMEU appeal dismissed by the Full Court on 4 February 2021 - [2021] FCAFC 7	• CFMMEU: total - $270,000 for 8 x s.500 (comprising of 2 x $40,000, 3 x $35,000, 2 x $30,000 and 1 x $25,000) – FW Act • Arturo Menon: total - $10,700 for 4 x s.500 (comprising of 1 x $3,000, 1 x $2,800, 1 x $2,500 and 1 x $2,400) – FW Act • Paul Taylor: total - $5,200 for 2 x s.500 (comprising of 1 x $3,000 and 1 x $2,200) – FW Act • Roland Cummins: total - $6,300 for 2 x s.500 (comprising of 1 x $3,500 and 1 x $2,800) – FW Act
33.	*Australian Building and Construction Commissioner v Hall & Ors (The 3 Site Canberra Case – Penalties (No.3))* [2020] FCCA 2352	21 August 2013 21 & 30 October 2013	During the period August 2013 to March 2014, CFMMEU officials Dean Hall, Halafihi Kivalu, Johnny Lomax, Jason O'Mara, Zachary Smith and Kenneth Miller entered one or more ACT apartment project sites in Franklin (Nexus site), Harrison (Harrison site) and Wright (Stromlo site). Mr Hall, who was then secretary of the CFMMEU ACT, failed to comply with requests to produce his	• Penalty decision 17 September 2020 • Liability decision 7 Dec	• CFMMEU: total - $138,000, comprising: $25,000 for 1 x s.503; $25,000 for 1 x s.503; $20,000 for 1 x s.503; $20,000 for 1 x s.499; $28,000 for 1 x s.503; $20,000 for 1 x s.494 – FW Act • Dean Hall: total - $27,000, comprising: $4,500 for 1 x s.497; $6,500 for 1 x s.500; $6,500 for 1 x s.503; $4,500 for 1

024

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Circuit Court of Australia – Canberra CAG78/2014 – Judge Neville J	20 & 28 January 2014 11 March 2014	federal entry permit at the Nexus and Stromlo sites; intentionally hindered or obstructed workers, and otherwise acted in an improper manner, by making statements to workers at the Nexus site which resulted in a concrete pour stopping; and failed to comply with an OHS requirement not to walk around the Stromlo site unaccompanied. ACT secretary, Jason O'Mara, refused to produce his federal entry permit at the Nexus site and failed to comply with an OHS requirement not to walk around the Harrison site unaccompanied. Mr Kivalu's conduct included acting in an improper manner at the Nexus site by asking a worker to stop work and threatening to fine him when he had no authority to do so; yelling, swearing and gesturing at workers at the Harrison site; and failing to comply with an OHS requirement not to walk around the Harrison Site unaccompanied. Mr Smith's conduct involved yelling and swearing at workers at the Nexus site, and failing to comply with an OHS requirement not to walk around the Nexus site unaccompanied.	2018: [2018] FCCA 3532 • Supplementary liability decision 20 Sept 2019: [2019] FCCA 2055	x s.497; $5,000 for ss.499, 500 & 503 – FW Act (conduct on 21 Aug, 21 & 30 Oct 2013 & 20 Jan 2014). • Halafihi Kivalu: total - $13,000, comprising: $2,500 for 1 x s.500; $2,500 for 1 x s.500; $4,000 for 1 x s.503; $4,000 for 1 x s.499 – FW Act (conduct on 21 Oct 2013, 28 Jan & 11 March 2014). • Johnny Lomax: $2,000 for 1 x s.500 (21 Oct 2013) – FW Act. • Jason O'Mara: $4,500 for 1 x s.497 & $7,500 for ss.499 & 503 - FW Act (conduct on 21 Aug 2013 & 11 March 2014). • Zachary Smith: $6,000 for ss.499 & 500 (30 Oct 2013) – FW Act. • Kenneth Miller: $3,500 for 1 x s.494 (11 March 2014) – FW Act.
34.	*Australian Building and Construction Commissioner v Fissenden* [2020] FCA 945 Federal Court of Australia – Queensland QUD614/2019 – Rangiah J	8 March 2019	Sunshine Plaza site, Queensland - Mr Fissenden (CFMMEU official) threatened to deny an independent contractor who had been engaged by shop fitting company Norman Holdings (QLD) Pty Ltd) the right to work at the site on 10 March 2019, which the contractor had been engaged to do, because he was not a member of the CFMMEU and had not paid a fee to the CFMMEU. Mr Fissenden also threatened to deny Norman Holdings and its workers the right to work with the intention of negating their choice to pay a fee to the CFMMEU. Norman Holdings paid the $625.20 to the CFMMEU to cover the contractor's	• Penalty decision 10 July 2020 • Admission of liability	• CFMMEU: $40,000 for 1 x s.348 – FW Act (also contravened s.346) • James Fissenden: $4,000 for 1 x s.348 – FW Act (also contravened s.346) *Note: $625.50 of the CFMMEU's penalty to be paid to Norman Holdings.*

025

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			membership fee, in response to Mr Fissenden's threat.		
35.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The College Crescent Case)* [2020] FCA 757 Federal Court of Australia – Melbourne VID881/2017 – Snaden J	1 March 2016 26 May 2016	On 1 March 2016, three employees of ACA Rigging & Crane Hire arrived at the University College site in Parkville and met with Mario Raspudic (delegate) for induction. Mr Raspudic asked whether they were union members. One employee was a member and was allowed to work. A second employee (who was ACA's director) was not a member, and a third was 'non-financial'. Mr Raspudic did not allow the two employees to work, indicating that he would not permit ACA employees to work unless they were union members. At some point that morning, Mr Raspudic and the ACA director spoke again. In response to being told he should leave the site by Mr Raspudic, the director said words to the effect of '*I don't have to become a member of the union*'. Mr Raspudic replied '*No, you have to be*,' or words to that effect. There then followed a brief scuffle between them. Mr Raspudic grabbed at a laptop the director was carrying and attempted to pull it from his grasp. On 26 May 2016, Mark Travers (CFMMEU official) told the ACA director that it was '*a union site*' and ACA was required to pay its employees '*union rates*' (the terms of the ACA enterprise agreement differed from those favoured by the CFMMEU). Mr Travers intended to indicate that, unless ACA agreed to pay its employees more than it had been, Mr Travers and the Union would take action to prevent ACA from performing its work at the site.	• Penalty decision 5 June 2020 • Admission of liability	• CFMMEU: penalties totalling $110,000 comprising of: $43,000 & $37,000 for 2 x s.348 on 1 March; & $30,000 for 1 x s.348 on 26 May (also contravened 2 x s.346 on 1 March) – FW Act. • Mario Raspudic: penalties totalling $7,500 comprising of: $4,000 & $3,500 for 2 x s.348 on 1 March (also contravened 2 x s.346) – FW Act. • Mark Travers: $6,000 for 1 x s.348 – FW Act. *Note: personal payment orders made in respect of Mr Raspudic and Mr Travers.*

026

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
36.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union* [2020] FCA 549 Federal Court of Australia – Sydney NSD474/2019 – Flick J	20 February 2018	CFMMEU official Anthony Sloane contravened s.46 of the BCIIP Act by organising Westform workers to engage in unlawful industrial action (the Stoppage) at the Mezzo Stage 2 Project in Glebe, NSW. Sloane also contravened s.500 of the FW Act by: (a) hindering or obstructing each of 3 managers and 1 supervisor from discharging their duties; and (b) by one or more of each of the following, acted in an improper manner: (i) organising the Stoppage; (ii) interrupting the pre-start meeting between Westform and Westform workers; (iii) pursuing a pay claim in circumstances where it had no merit; (iv) making a threat to organise the Stoppage unless the pay claim was resolved in favour of the Westform workers; (v) pursuing the pay claim other than in accordance with the disputes procedure in relevant enterprise agreement; (vi) failing to give notice of entry in accordance with s.487 (FW Act) to the occupier and each affected employer; and (vii) contrary to s.484, holding discussions with Westform workers outside mealtimes and other breaks.	• Penalty decision 28 April 2020 • Admission of liability & agreed penalty ranges	• CFMMEU: penalties totalling $168,000 for 1 x s.46 BCIIP Act for Mr Sloane's conduct ($75,000); 1 x s.46 BCIIP Act for Westform workers conduct ($75,000); and 1 x s.500 FW Act ($18,000). • Anthony Sloane: $20,000 for 1 x s.46 BCIIP Act and $5,000 for 1 x s.500 FW Act.
37.	*Australian Building and Construction Commissioner v Hassett* [2020] FCA 498 Federal Court of Australia – Tasmania TAD17/2019 – O'Callaghan J	16 January 2019	On 16 January 2019, Richard Hassett (together with another CFMMEU official and an official from another union) arrived at the Cattle Hill Wind Farm construction site, located at Macclesfield Road, Lake Echo, Tasmania. Upon his arrival and after some exchanges, Mr Hassett co-signed an entry notice under the WHS Act (Tas). Mr Hassett then entered the Site and walked along a haul road, before returning to the Site office. His entry was an exercise of a State or Territory OHS right for the purposes of s.494(1). Mr Hassett did not hold an entry permit under the FW Act, and he was therefore not a 'permit holder' for the purposes of s.494(1). Mr Hassett was aware that he was not a	• Penalty decision 21 April 2020 • Admission of liability	• CFMMEU: $50,000 for 1 x s.494 – FW Act • Richard Hassett: $10,000 for 1 x s.494 *Note: personal payment order made in respect of Mr Hassett.*

027

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			permit holder under the FW Act and that he was exercising a State/Territory OHS right on his entry.		
38.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (No 7)* [2020] FCCA 351 Federal Circuit Court of Australia – Sydney Judge Manousaridis	14, 16 & 17 February 2015	On 14, 16 and 17 February 2015, CFMMEU officials (including then NSW State Secretary Brian Parker and Divisional Branch assistant secretary Robert Kera) arranged a blockade of the Barangaroo project in Sydney and engaged in other conduct to coerce De Martin & Gasperini Pty Ltd (DMG) to agree to a new CFMMEU agreement. Subcontractors engaged by DMG were prevented from carrying out their work. The CFMMEU officials engaged in various conduct, including: (a) on each of the days, congregated with other persons at the site entrance and blocked vehicle access; (b) 16 February – Mr Manna, Mr Collier, Mr Kera and other persons linked arms and moved to block a truck entering whilst come of the members of the group shouted '*f****ing scabs*', '*filthy dogs*', '*f*** off*' and '*CFMEU here to stay*'; (c) 14 February – Mr Kera accused employees of a subcontractor of doing the work of striking DMG employees and told them they did not want to be labelled as scab labour; (d) 17 February – Mr Greenfield & Mr Manna approached workers of a subcontractor and called them *'scabs'*; (e) 16 February – Mr Collier called out to a group that was blocking a vehicle entrance '*stand on the road guys. There's not enough police to take us all away'*; and (f) Mr Parker told DMG's General Manager that the prevention of work would cause more than economic harm; that he was only prepared to meet when subcontractors were not	• Penalty decision 28 February 2020 • Admission of liability	• CFMMEU: $404,500 for 12 contraventions of s.343 – FW Act • Brian Parker: $17,000 for 3 contraventions of s.343 • Michael Greenfield: $13,500 for 2 contraventions of s.343 • Luke Collier: $7,500 for 1 contravention of s.343 • Robert Kera: $21,500 for 3 contraventions of s.343 • Salvatore Manna: $22,500 for 3 contraventions of s.343

028

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			working at the site; and he would only be agreeing to an EA on terms demanded by the CFMMEU.		
39.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (Castlemaine Police Station Case No 2)* [2020] FCA 202 Federal Court of Australia – Melbourne VID955/2015 - Anastassiou J *ABCC v CFMMEU* [2018] FCAFC 15 Full Court of the Federal Court of Australia Dowsett, Tracey & Charlesworth JJ	13 June 2014	The proceeding related to events at the Castlemaine Police Station building site in Victoria. CFMMEU official Alex Tadic acted in an improper manner towards a WorkSafe Victoria inspector. After entering the site on 13 June 2014, Mr Tadic contacted WorkSafe and a WorkSafe inspector attended the site. Before and during his inspection, the inspector twice told Mr Tadic that he should limit any questions and comments until the end of the visit. Mr Tadic did not comply with these requests. During the inspection, Mr Tadic *'expressed his dissatisfaction* [with the inspector] *directly and forcefully….In doing so he used swear words liberally.'* Mr Tadic called the inspector the worst inspector he had ever seen, causing the inspector to be to be disconcerted and concerned about his reputation. Mr Tadic also told the inspector in a raised voice that he was '*pathetic*', and said '*Are you applying for a job with the builder?'* As Mr Tadic left, in the presence of workers, he said to the inspector *'This is not over'.*	• Penalty decision – 27 February 2020 • Full Court decision – 12 February 2018 – upholding the ABCC's appeal against [2017] FCA 197	• CFMMEU: $51,000 for 1 contravention of s.500 – FW Act • Alex Tadic: $8,500 for 1 contravention of s.500
40.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union & Ors (No 2)* [2019] FCCA 3623	24 March 2014	The proceeding related to events that occurred at three construction sites at which Reds Global Pty Ltd was contracted to provide crane services. Tony Sloane and Luke Collier, CFMMEU officials at the time, attended in response to Reds Global's proposed termination of one of its employees, who was also a CFMMEU delegate. While at the Ultimo site Mr Sloane told Reds Global employees	• Penalty decision – 12 December 2019 • Liability decision – 7 August 2019	• CFMMEU: penalties totalling $135,000 for 1 contravention of s.50 ($45,000) and 2 contraventions of s.340 (2 x $45,000) – FW Act • Tony Sloane: penalties totalling $15,200 for 1 contravention of s.340 ($7,600) and 1 contravention of s.500 ($7,600) –

029

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Circuit Court of Australia – Sydney SYG1132/2015 Judge Cameron		they wouldn't be working, and at the Hornsby site he told management that it was unsafe for the cranes to operate. While at the Erskineville site Mr Collier told management that Reds Global cranes couldn't operate because of a purported safety issue. The court found that the CFMMEU, through its officials, engaged in a 'targeted campaign' against Reds Global, 'making bogus safety complaints' because it was contemplating terminating the employment of its employee / delegate.	[2019] FCCA 2160	FW Act. Also contravened ss.343 and 417. • Luke Collier: $6,700 for 1 contravention of s.340 – FW Act. Also contravened s.343.
41.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The NewCold Picket Case)* [2019] FCA 2038 Federal Court of Australia – Melbourne VID515/2018 O'Callaghan J	8 May 2017	On 8 May 2017, CFMMEU officials engaged in an unlawful picket at two Melbourne construction sites. CFMMEU official John Perkovic and a group of other men blocked access to a NewCold storage warehouse. They stood next to a CFMMEU SUV that was parked across the entry gate. At one point, Mr Perkovic and others surrounded two Hansen Yuncken managers. When told they were trespassing, one of the group said *"P*ss off, we're here, we're staying."* A short time later, when told that Hansen Yuncken staff and non-EBA subbies needed access to the site, Mr Perkovic said that he had lost the keys to the car. Around the same time, at a second NewCold site, CFMMEU official Kane Pearson, CFMMEU member Mario Raspudic and a group of other men stood next to another CFMMEU SUV parked across the driveway and restricted access to a number of concrete trucks, subcontractors, office staff and employees of a potential customer. At	• Penalty decision – 6 December 2019 • Admission of liability	• CFMMEU: penalties totalling $215,000 for 2 contraventions of s.47 (2 x $100,000) and 1 contravention of s.77 ($15,000) – BCIIP Act • Kane Pearson: $20,000 for 1 contravention of s.47 – BCIIP Act • John Perkovic: $20,000 for 1 contravention of s.47 – BCIIP Act • Mario Raspudic: $15,000 for 1 contravention of s.47 – BCIIP Act

030

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			one point, Mr Pearson said that the car was broken down and he could not move it. The CFMMEU also contravened s.77 by failing to comply with a notice to produce documents.		
42.	*Australian Building and Construction Commissioner v Hassett* [2019] FCA 855 Federal Court of Australia – Tasmania TAD21/2018 O'Callaghan J *CFMMEU v ABCC* [2019] FCAFC 201 Full Court of the Federal Court of Australia Bromberg, Wheelahan & Snaden JJ	5 and 6 June 2017	Fairbrother Pty Limited was the site occupier at the Living City Civic Hub Project in Devonport. On 5 June 2017, Richard Hassett (CFMMEU organiser) contravened s.499 of the FW Act by failing to comply with a reasonable request to comply with an OHS requirement that applied to the Site. Mr Hassett also contravened s.500 by acting in an improper manner while exercising, or seeking to exercise, rights in accordance with Part 3-4, by: (a) climbing onto a crane while it was in operation; (b) ignoring Fairbrother's reasonable requests to get off the crane; and (c) using insulting language and engaging in abusive behaviour. On 6 June 2017, Mr Hassett again contravened s.500 by acting in an improper manner by climbing onto a crane while it was in operation, causing crane work to stop.	• Penalty decision – 6 June 2019 • Admission of liability • Full Court appeal decision – 15 November 2019	Penalties totalling $89,000, comprising of: • CFMMEU: $75,000 for 2 contraventions of s.500 – FW Act (also contravened s.499) • Richard Hassett: $14,000 for 2 contraventions of s.500 – FW Act (also contravened s.499) *Note: an appeal by the respondents was allowed. The Full Court set aside penalties in respect of contraventions of s.499 ($8,000 & $40,000). Total penalties reduced from $137,000 to $89,000.*
43.	*Australian Building and Construction Commissioner v Hynes & Anor* [2019] FCCA 3145 Federal Circuit Court of Australia – Brisbane Judge Jarrett BRG34/2019	23 August 2018	On 23 August 2018, Blake Hynes (CFMMEU organiser), contravened s.500 when he acted in an improper manner towards the General Manager of Enco Precast P/L, whilst exercising right of entry at the Logan Enhancement Project in Queensland. Mr Hynes spoke in an aggressive manner, yelling words to the effect of '*you f**** dog c***'* (amongst other things) to the General Manager. Mr Hynes' conduct was unprovoked, offensive and deliberate. The Court found his conduct was	• Penalty decision – 1 November 2019 • Admission of liability	• CFMMEU: $34,650 for 1 contravention of s.500 – FW Act. • Blake Hynes: $4,400 for 1 contravention of s.500 – FW Act.

031

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			'antithetical to the rights of entry regime…and was a gross abuse of the entitlements given…by his entry permit'.		
44.	*ABCC v Pattinson* [2022] HCA 13 High Court of Australia - M34/2021 *ABCC v Pattinson* [2019] FCA 1654 Federal Court of Australia – Melbourne Snaden J - VID229/2019 *Pattinson v ABCC* [2020] FCAFC 177 Full Court of the Federal Court – Allsop CJ, Besanko, White, Wigney & Bromwich JJ	13 September 2018	On 13 September 2018, at a project for the construction of student accommodation at Monash University's Peninsula campus, Kevin Pattinson (CFMMEU delegate) told two workers of a subcontractor during an induction that they had to be members of the union to work on the site. This prevented the workers from performing work on the site that day.	• Admission of liability • Penalty decision – 14 October 2019 • Full Court appeal decision – 16 October 2020 • High Court appeal decision – 13 April 2022 (special leave granted on 20 May 2021)	• CFMMEU: $63,000 for 2 contraventions of s.349(1) – FW Act • Kevin Pattinson: $6,000 for 2 contraventions of s.349(1) – FW Act *Note: An appeal by the ABCC against the decision of the Full Court was allowed by the High Court on 13 April 2022. Orders of the Full Court made on 16 October 2020 set aside. Original penalties imposed on 14 October 2019 reinstated.*
45.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Aldi/Altona North Case) (No 2)* [2019] FCA 1667	5 and 8 December 2014	On 5 December and 8 December 2014, Drew MacDonald (CFMMEU officer) contravened section 348 of the FW Act when he parked a vehicle across the only vehicle access entrance to 302-330 Millers Road, Altona North, Victoria, and otherwise prevented any vehicles from entering the Altona North Site, with intent to coerce Magellan Projects Pty Ltd (the head contractor on the site) to comply with a lawful request to make an enterprise agreement with the CFMMEU.	• Penalty decision – 11 October 2019 • Admission of liability	• CFMMEU: penalties totalling $80,000 for 2 contraventions of s.348 (also contravened s.346 x 2) – FW Act. • Drew MacDonald: penalties totalling $12,000 for 2 contraventions of s.348 (also contravened s.346 x 2) – FW Act. *Note: personal payment order made in respect of Mr MacDonald.*

032

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia – Melbourne Bromberg J - VID458/2016		As a consequence of vehicular access to the site being impeded, building work scheduled on the site for both days could not be undertaken. By this conduct, Mr MacDonald also contravened s.346 of the FW Act on 5 and 8 December 2014.		
46.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Syme Library Case No 2)* [2019] FCA 1555 Federal Court of Australia – Melbourne Wheelahan J VID523/2014	23 October 2013 15 & 19 November 2013	The proceeding related to events at the redevelopment of the Kathleen Syme Library and Community Centre in Melbourne. Harris Interiors engaged a subcontractor, Hughes Demolition, to perform works at the Project, commencing in October 2013. Hughes Demolition did not have an enterprise agreement. In late October and November 2013, the CFMMEU, Mr Theodorou (CFMMEU organiser), Harris Interiors and its employees (Mr Silvestro, Mr Darker and Mr Dwyer), took various actions against Hughes Demolition with intent to coerce Hughes Demolition to enter into an EA with the CFMMEU, and took adverse action against Hughes Demolition because it did not have an EA. The court found that Mr Theodorou and the CFMMEU contravened the FW Act on 23 October and 15 November 2013. The conduct included Mr Theodorou making a false or misleading representation about Hughes' obligation to comply with a CFMMEU request to make an EA; and threatening to organise or take industrial action against Hughes with intent to coerce them to exercise their workplace right of making an EA.	• Penalty decision – 20 September 2019 • Liability decision – 1 August 2018: [2018] FCA 1142	• CFMMEU: penalties totalling $72,000 for 2 contraventions of s.345 and 1 contravention of s.343 (also contravened ss.340, 348 and 349) – FW Act. • Theo Theodorou: penalties totalling $9,000 for 1 contravention of s.345 and 1 contravention of s.343 (also contravened ss.340, 348 and 349) – FW Act. Note: personal payment order made in respect of Mr Theodorou. • Harris Interiors: penalties totalling $23,400 for 2 contraventions of s.343 and 1 contravention of s.340 (also contravened ss.345, 348 and 349) – FW Act. • Carmelo Silvestro: $1,450 for 1 contravention of s.340 (also contravened s.354) – FW Act. • Shanne Darker: $1,450 for 1 contravention of s.343 (also contravened ss.340 and 348) – FW Act. • Jason Dwyer: $1,575 for 1 contravention of s.343 (also contravened ss.340 and 348) – FW Act.
47.	*Australian Building and Construction Commissioner v*	3 December 2014	On 3 December 2014, Brendan Murphy (CFMEU organiser at the time) contravened s.500 at a construction site at Geelong Grammar School in	• Penalty decision – 13	• CFMMEU: $30,000 for 1 contravention of s.500 – FW Act.

033

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Construction, Forestry, Maritime, Mining and Energy Union (Geelong Grammar School Case) (No 2) [2019] FCA 1498 Federal Court of Australia – Melbourne Mortimer J - VID494/2016		Corio by: a) intentionally hindering and obstructing Harris HMC, its subcontractors and their workers by calling and conducting a meeting, 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, failing to produce his entry permit on request in contravention of s.489, refusing to leave the Site when requested, making threats about not re-opening the Site and acting rudely and aggressively.	September 2019 • Liability decision – 9 November 2018: [2018] FCA 1698 (declarations of contravention on 11 December 2018)	• Brendan Murphy: $4,500 for 1 contravention of s.500 – FW Act.
48.	*Australian Building and Construction Commissioner v Collier* [2019] FCCA 650 (Liability decision) Federal Circuit Court of Australia – Sydney Judge Nicholls SYG3426/2014	5 March 2014	CFMMEU organiser Luke Collier attended the Barangaroo Headland Park construction project on the morning of 5 March 2014, in exercise of a right of entry pursuant to the FW Act and the NSW Work Health and Safety Act. Collier signed the visitor book, which had an acknowledgement that he had read and would comply with the visitor induction. That visitor induction included a requirement that visitor must always be accompanied on site by a fully inducted Project Representative. Collier knew of this requirement. Collier proceeded to walk on and around the site and spoke to workers, unaccompanied by the necessary project representative, until police attended the site.	• Penalty orders made on 3 July 2019 • Liability decision – 18 March 2019	• CFMMEU: penalty of $10,800 for 1 contravention of s.499 – FW Act. • Luke Collier: penalty of $2,700 for 1 contravention of s.499 – FW Act.
49.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Laverton North and Cheltenham Premises Case) (No 2)*	20, 21, 27 February and 5 March 2014	CFMMEU organisers Drew MacDonald and Stephen Long exercised rights of entry on five occasions in February and March 2014 across two building sites occupied by Qanstruct (Aust) Pty Ltd. On 20 and 21 February 2014, MacDonald entered Laverton North premises and acted in an improper manner on each occasion, including by	• Penalty decision – 21 June 2019 • Full Court judgment (14 June 2018) [2018] FCAFC 88 allowed an appeal from	• CFMMEU: penalties totalling $100,000 for 6 contraventions of s.500 and 1 contravention of s.340 (also 1 further contravention of s.500) – FW Act • Drew MacDonald: penalties totalling $7,800 for 4 contraventions of s.500 – FW Act

034

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	[2019] FCA 973 Federal Court of Australia – Melbourne Bromberg J VID281/2015		responding dismissively to requests to show his entry permit. On 21 February 2014, MacDonald entered the Laverton North premises and acted in an improper manner by responding to a request to produce his entry permit, saying *"Why you know we don't do that … if I want to … talk to the guys I will".* On 27 February 2014, Long entered the Cheltenham premises and acted in an improper manner including by responding dismissively to request to show his entry permit, entering the site in defiance of a warning that the police would be called, and threatening the site manager that *"We will have 500 blokes on site here tomorrow"*. On 5 March 2014, Long and MacDonald entered the Cheltenham and the Laverton North premises and acted in an improper manner including by entering both sites in defiance of warnings from the occupier that they were not permitted to do so or would be trespassing. At the Cheltenham site, Long also acted in an improper manner by telling the occupier *"You're on the top of our hit list."*	the primary judgment (17 July 2017) [2017] FCA 802	• Stephen Long: penalties totalling $11,500 for 2 contraventions of s.500 and 1 contravention of s.340 (also 1 further contravention of s.500) – FW Act *Note: personal payment orders made in respect of Mr Long and Mr MacDonald.*
50.	*Australian Building and Construction Commissioner v Ravbar (No 2)* [2019] FCA 522 Federal Court of Australia – Brisbane Reeves J QUD881/2016	In or about October 2012	In late 2012, the CFMMEU were negotiating with Universal Cranes in relation to an enterprise agreement. Universal Cranes continued to refuse to enter into a CFMMEU model agreement. At a meeting of CFMMEU organisers, Ravbar directed organisers to go to the Universal Cranes yard the next morning, follow the cranes and stop them from working once they arrived at their destinations. The next day, Sutherland followed a franna crane from the Universal Cranes yard to the Port Connect Project on the Gateway Motorway. Sutherland parked his car in a way that blocked the franna crane. At least five CFMMEU officials were at the project in four vehicles. The	• Penalty decision – 15 April 2019 • Liability decision – 10 August 2018 (*ABCC v Ravbar* [2018] FCA 1196)	• CFMMEU: penalty of $50,000 for 2 contraventions of s.343 (also contravened s.340 x 2 and 354 x 2) – FW Act • Michael Ravbar: penalty of $5,000 for 1 contravention of s.343 (also contravened ss.340 and 354) – FW Act • Andrew Sutherland: penalty of $3,500 for 1 contravention of s.343 (also contravened ss.340 and 354) – FW Act

035

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			construction manager was advised that officials were there to stop the crane from working. As a result, the crane returned to the yard, and Universal Cranes did not perform any more crane work on the site during the day.		
51.	*Australian Building and Construction Commissioner v Construction, Forestry, Maritime, Mining and Energy Union (The Nine Brisbane Sites Appeal)* [2019] FCAFC 59 Full Court of the Federal Court of Australia – Brisbane Allsop CJ, Griffiths and Rangiah JJ QUD324/2018 Appeal from *ABCC v CFMMEU (The Nine Brisbane Sites Case) (No 3)* [2018] FCA 564 Federal Court of Australia – Brisbane Collier J	25 August, 7 September, 13 – 15 September, 21, 23, 26 & 27 September 2016	Hutchinson Builders was the principal contractor at nine projects in Brisbane. Over the period August to September 2016, the CFMMEU instigated a campaign against Hutchinson, the object of which was the engagement by Hutchinson of subcontractors who had entered into enterprise agreements with the CFMMEU or other CFMMEU approved unions, and consultation by Hutchinson with the CFMMEU as to the engagement of subcontractors in accordance with the provisions of Hutchinson's enterprise agreement. At various sites on several dates during the period 25 August to 27 September 2016, a number of the individual respondents (who were CFMMEU organisers): ▪ organised strikes with intent to coerce Hutchinson to engage contractors covered by an enterprise agreement that also covered the CFMMEU (s.355); ▪ organised strikes because Hutchinson was engaging, had engaged and was proposing to engage in industrial activity, namely, was not complying, had not complied, and was proposing not to comply, with a lawful request of the CFMMEU for Hutchinson to consult regarding the engagement of sub-contractors pursuant to the Hutchinson enterprise agreement (s.346); and ▪ organised industrial action at a time when the Hutchinson Agreement and other agreements	• Appeal decision – 12 April 2019 (penalties against the CFMMEU increased) • Penalty decision - 24 April 2018 (also in relation to liability for certain alleged contraventions of s.417 not admitted) • Admitted liability in relation to some of the alleged contraventions – declarations made on 22 May 2017.	• CFMMEU: penalties totalling $578,000 (6 x $48,000, 4 x $35,000, 6 x $25,000) for 16 contraventions of s.355, 16 contraventions of s.346, and 10 contraventions of s.417 - FW Act. • Matthew Parfitt: penalties totalling $10,000 for 2 contraventions of s.355, 2 contraventions of s.346, and 2 contraventions of s.417 - FW Act • Justin Steele: penalties totalling $30,000 for 5 contraventions of s.355, 5 contraventions of s.346, and 3 contraventions of s.417 - FW Act • Kurt Pauls: penalties totalling $12,000 for 2 contraventions of s.355, 2 contraventions of s.346, and 2 contraventions of s.417 - FW Act • Edward Bland: penalties totalling $12,000 for 2 contraventions of s.355, 2 contraventions of s.346, and 1 contravention of s.417 - FW Act • Antonio Floro: penalties totalling $15,000 for 3 contraventions of s.355, 3 contraventions of s.346, and 2 contraventions of s.417 - FW Act • Anthony Stott: penalties totalling $5,000 for 1 contravention of s.355 and 1 contravention of s.346 - FW Act

036

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			had not yet passed their nominal expiry dates (s.417).		• Michael Davis: penalties totalling $6,000 for 1 contravention of s.355 and 1 contravention of s.346 - FW Act
52.	*ABCC v McDermott (No 2)* [2018] FCA 1611 Federal Court of Australia – Adelaide Charlesworth J SAD39/2016	9 December 2015	On 9 December 2015, CFMMEU official Mark Gava and another official entered a construction site located on South Terrace, Adelaide, and provided a notice of entry for the purposes of the WHS Act to the project manager. After a meeting involving workers, the officials demanded that the project manager give back the notices. After the project manager refused, Mr Gava lunged at the project manager in an attempt to get the forms, causing the project manager to move back against a fence, and pressed up against the project manager in an attempt to wrest the forms from the project manager's pocket. Mr Gava had to be pulled away from the project manager by a subcontractor on the site.	• Liability decision – 26 October 2018 • Penalty judgment delivered ex tempore on 8 April 2019.	• CFMMEU: penalty of $28,500 for 1 contravention of s.500 - FW Act • Mark Gava: penalty of $4,850 for 1 contravention of s.500 - FW Act
53.	*Parker v ABCC* [2019] FCAFC 56 Full Court of the Federal Court of Australia – Sydney Besanko, Reeves and Bromwich JJ NSD 2227 of 2017 Appeal from *ABCC v Parker* [2017] FCA 564 (Liability decision) and *ABCC v Parker (No 2)*	24 and 25 July 2014	A dispute arose between Lend Lease and the CFMEU over disciplinary action taken against Lend Lease employee and CFMEU delegate Peter Genovese, following a number of workplace incidents. On 24 and 25 July 2014, CFMEU officials, including the State Secretary and Assistant State Secretary of the NSW Branch of the C&G Division, organised and were involved in action at the Barangaroo site. This action was taken in support of Mr Genovese who had been suspended. The action included the organisation of two meetings with workers – on each of 24 and 25 July - which resulted in a significant number of workers failing to attend work over the course of those two days. As a result of this industrial action, construction activity was seriously disrupted.	• Full Court judgment handed down on 5 April 2019 (final orders made on 17 June 2019)	**The Full Court re-imposed penalties as follows:** • CFMEU: $1,007,250 for 26 contraventions - FW Act (ss.348, 355, 417, 50) • CFMEU - NSW: $510,000 for 25 contraventions - FW Act (ss.348, 355, 417) The Full Court also declared that each of Brian Parker, Robert Kera, Luke Collier, Michael Greenfield, Darren Greenfield, Tony Sloane, Darren Taylor, and Richard Auimatagi contravened s.50 of the FW Act by reason of their involvement in the contraventions of s.50 by CFMMEU.

037

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	[2017] FCA 1082; (Penalty decision)		Other action taken by some of the officials included obstructing the entrance to the site on 24 July, and verbally intimidating certain State and Federal Government officials.		**Penalties against individual respondents unchanged (orders - 24 November 2017)**: • Brian Parker (NSW State Secretary): $45,400 for contraventions of ss.348, 355, and 417 - FW Act • Robert Kera (NSW Assistant State Secretary): $41,250 for contraventions of ss.348, 355, and 417 - FW Act • Danny Reeves: $41,000 for contraventions of ss.348, 355, 417 and 50 - FW Act • Luke Collier: $40,400 for contraventions of ss. 348, 355, and 417 - FW Act • Michael Greenfield: $3,000 for a contravention of s.417 - FW Act • Darren Greenfield: $5,000 for a contravention of s.417 - FW Act • Anthony Sloane: $5,500 for a contravention of s.417 - FW Act • Darren Taylor: $4,500 for a contravention of s.417 - FW Act • Richard Auimatagi: $3,000 for a contravention of s.417 - FW Act
54.	*ABCC v CFMMEU* [2019] FCA 468 Federal Court of Australia – Melbourne O'Callaghan J VID347/2018	25 November 2016 and 15 February 2017	On 25 November 2016, during a meeting at the Trillium Project, Maurice Campanaro (CFMMEU delegate) told Prolac worker John Patsalas that he had to pay fees to the CFMMEU in order to commence working at the site. Campanaro permitted Patsalas to work once Patsalas had paid a fee to the CFMMEU. On 15 February 2017, at the EQ Tower Project, Joe Caratozzolo (CFMMEU delegate) told Patsalas that he needed to pay outstanding fees	• Admission of liability • Penalty decision – 4 April 2019	• CFMMEU: penalty of $70,000 for 2 contraventions of s.348 - FW Act. • Maurice Campanaro: penalty of $4,000 for 1 contravention of s.348 - FW Act. • Joe Caratozzolo: penalty of $4,000 for 1 contravention of s.348 - FW Act. *Note: the fourth respondent (Tim Petrusic) & fifth respondent (Prolac Pty Ltd) each admitted to a contravention of s.346 of the*

038

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			to the CFMMEU and that he would not be permitted to work until he did so. After Mr Patsalas paid the fees to the CFMMEU, he was allowed to start work.		*FW Act and were penalised $2,700 and $13,500 respectively ([2019] FCA 938).*
55.	*ABCC v D'Arcy & CFMEU* [2019] FCCA 563 BRG 305 of 2018 Federal Circuit Court of Australia – Brisbane Judge Egan	27 March 2017	On 27 March 2017, during an induction session held at the Grand Central Shopping Centre project construction site at Toowoomba, Peter D'Arcy (CFMEU delegate), contravened s.349(1)(a) of the FW Act by recklessly making a false or misleading representation about the obligation of Mr Phillip Potter to engage in industrial activity within the meaning of s.347, namely, his obligation to become a member of the CFMEU and pay a membership fee to the CFMEU in order to work on the Project.	• Admission of liability • Penalty decision – 7 March 2019	• CFMMEU: penalty of $48,600 for 1 contravention of s.349(1)(a) - FW Act. • Peter D'Arcy: penalty of $6,480 for 1 contravention of s.349(1)(a) - FW Act.
56.	*Director, Fair Work Building Industry Inspectorate v J Hutchinson Pty Ltd t/a Hutchinson Builders & Ors* [2019] FCCA 401 Federal Circuit Court of Australia – Brisbane Judge Jarrett	9 December 2013	The conduct occurred at the Arena Apartments construction project in South Brisbane. On 9 December 2013, CFMMEU officials Michael Myles and Mark O'Brien attended the site and organised industrial action by employees of various subcontractors. Mr Myles and Mr O'Brien both made statements to the effect that the employees would remain in the sheds until inspectors for the Building Construction Compliance Branch of the Queensland Government had left the site.	• Admission of liability • Penalty decision – 22 February 2019	• CFMMEU: penalty of $25,500 for 1 contravention of s.417 - FW Act. • Michael Myles: penalty of $5,100 for 1 contravention of s.417 - FW Act. • Mark O'Brien: penalty of $5,100 for 1 contravention of s.417 - FW Act.
57.	*ABCC v CFMMEU (No 2)* [2018] FCA 1968 Federal Court of Australia – Victoria O'Callaghan J	19 June 2013 6 and 13 February 2014 19 March 2014 1 April 2014	The conduct occurred at the Springvale Rail Crossing Removal project. On 19 June 2013, CFMMEU official Joe Myles threatened to take action against McConnell Dowell with intent to coerce McConnell Dowell and/or BBA to not engage a particular subcontractor. Myles stated that there would be '*blue*' if Clifton Formwork were engaged and that '*there will be pickets outside the gates if they're on this job*'.	• Admission of liability • Penalty decision – 7 December 2018	• CFMMEU: penalties totalling $250,000 for 9 contraventions of ss.348, 355, 417, 500 and 494 - FW Act. • Joseph Myles: penalties totalling $44,000 for 9 contraventions of ss.348, 355, 417, 500 and 494 - FW Act. *Note: personal payment order made in respect of Myles.*

039

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	VID195/2016		On 6 February 2014, Myles caused employees of OPT and Oz Fixing to sit in the sheds and fail to perform work. Myles stated that '*the boys*' would be '*shedded up*' until he got a commitment from McConnell Dowell to sign up for a CFMEU training course. By his conduct, Myles contravened ss.348, 417 and 500 of the FW Act. On 13 February 2014, Myles convened a union meeting with four Rigweld employees who subsequently left work. Myles refused numerous directions to leave and refused to show his entry permit. By his conduct, Myles contravened ss.417 and 500 of the FW Act. On 19 March and 1 April 2014, Myles contravened s.494 by exercising State or Territory OHS rights without being a permit holder.		
58.	*ABCC v CFMEU (The BKH Contractors Case) (No 2)* [2018] FCA 1563 Federal Court of Australia – New South Wales Flick J NSD361/2016 Full Court of the Federal Court of Australia – Sydney Reeves, Rangiah and Bromwich JJ NSD2247/2018	5 June 2014 11, 12, 16 & 17 March 2015	The conduct was taken against the BKH Group of companies at the CFMEU's office in Sydney in June 2014, and later at the Wolli Creek and Rhodes construction sites in and March 2015. The CFMEU, through its officials, engaged in a campaign of blockading and obstructing entry to the sites in order to force BKH to agree to the terms of an enterprise agreement proposed by the CFMEU. The conduct included blocking the main pedestrian entrance to a site, thereby impeding or obstructing access to site; threatening to 'smash' subcontractors' jobs if they did not enter into a new enterprise agreement; frustrating / interrupting a concrete pour; and deliberately parking a car across the access way to a site, preventing access to or departure by concrete trucks. The Court found that several CFMEU officials entered the Rhodes site without genuine concerns as to safety; the true object was to disrupt work at	• Penalty decision - 18 October 2018 • Liability decision - 7 February 2018 (*ABCC v CFMEU* [2018] FCA 42) • Full Court decision – 14 February 2020 (*CFMMEU v ABCC (The BKH Contractors Appeal)* [2020] FCAFC 9) & amended	• CFMMEU: penalties totalling $237,000 for 8 contraventions of ss.343, 494 & 500 - FW Act (also contravened 2 x s.340). • Darren Taylor: $8,000 penalty for 1 contravention of s.343 (also contravened 1 x s.340). • Robert Kera: penalties totalling $20,000 for 3 contraventions of s.343 (also contravened 1 x s.340). • Mansour Razaghi: $8,000 for one contravention of s.500. • Brian Parker: $8,000 for one contravention of s.343. • Luke Collier: penalties totalling $20,500 for 1 contravention of s.343 and 2 contraventions of s.494.

040

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			the site. The Court found that officials' entry under ROE provisions could not be divorced from the campaign to force BKH to enter into an EA. In one instance, former CFMMEU official Ben Garvey deliberately kicked a handrail near an intended concrete pour until it fell. There was no reasonable basis upon which any opinion could be formed that the handrail was unsafe, and any safety issue that did arise was caused by Garvey's conduct.	orders on 1 April 2020	• Ben Garvey: $2,500 for 1 contravention of s.500. • Benito Manna: $6,000 for 1 contravention of s.500. *Note: Full Court decision - appeal upheld in part. Penalty imposed on Darren Taylor reduced from $11,000 to $8,000, and 1 contravention each of ss.343 & 340 (pursuant to s.550) set aside. Other penalties imposed by Flick J unchanged.*
59.	*ABCC v Gava* [2018] FCA 1480 Federal Court of Australia – South Australia White J SAD316/2017	1 and 2 December 2016	The conduct occurred at the site for the upgrade of the Flinders Medical Centre (FMC), operated by contractor Hansen Yuncken. On 1 December 2016, Mark Gava (CFMMEU officer at the time) contravened s.503 by signing and causing an entry notice to be sent to Hansen Yuncken with the intention of giving the impression that he was authorised to enter the FMC site. On 2 December 2016, Gava contravened s.503(1) by entering the FMC site pursuant to the said entry notice with the intention of giving the impression that he was authorised to enter pursuant to s.484. Gava did not hold an entry permit on 1 and 2 December as his previous permit had expired and a new permit had not been issued to him. When Gava entered the FMC site on 2 December, he falsely claimed that he was unaware that his entry permit had expired.	• Admission of liability • Penalty decision - 2 October 2018	• CFMMEU: penalties totalling $68,000 for 2 contraventions of s.503(1) - FW Act ($40,000 and $28,000) • Mark Gava: penalties totalling $6,000 for 2 contraventions of s.503(1) - FW Act ($3,500 and $2,500)
60.	*ABCC v O'Connor (No 4)* [2018] FCA 1293	13 May 2014	The conduct occurred at the site for the construction of the new Royal Adelaide Hospital. CFMEU officers Jim O'Connor and Jack Merkx threatened to take industrial action against Bleasdale National Contractors (BNC) with intent to coerce BNC to comply with a lawful request of	• Penalty decision - 27 August 2018 • Liability decision - 6 February 2018	• CFMEU: penalties totalling $71,400 for 2 contraventions of s.355 - FW Act ($35,700 for each contravention) (also contravened 1 x s.348 and 1 x s.500) • Jack Merkx: penalties totalling $10,200 for 2 contraventions of s.355 - FW Act

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia – South Australia Besanko J SAD253/2014		the CFMEU for BNC to employ Jason Clark (who was on the CFMEU executive). O'Connor and Jack Merkx also threatened to take industrial action against BNC with intent to coerce BNC to terminate the employment of Mr Dan Hylands (who would not join the CFMEU) and to employ Mr Clark. By this conduct, O'Connor also acted in an improper manner while exercising entry rights at the project. O'Connor said words to the effect of *'If you don't want to find him a job, we'll go to war with you.'* Merkx said words to the effect of *'If your guys don't want to join the union, you should sack them and the union will find workers for BNC to hire'.*	(*ABCC v O'Connor (No 3)* [2018] FCA 43)	($5,100 for each contravention) (also contravened 1 x s.348) • Jim O'Connor: declarations: 2 contraventions s.355, 1 contravention of s.348, and 1 contravention of s.500 - FW Act *Note: On 14 August 2015, a penalty was imposed on O'Connor following a finding that, on 13 May 2014 at the project, he acted in contempt of an interim court order (DFWBII v Cartledge [2015] FCA 453 & [2015] FCA 851). Because of this contempt proceeding, the ABCC did not seek penalties against O'Connor in respect of these contraventions.*
61.	*ABCC v CFMMEU (The Parliament Square Case) (No 2)* [2018] FCA 1201 Federal Court of Australia – Tasmania Tracey J	28 July, 21 October & 5 November 2015	The conduct occurred at the Parliament Square construction project in Hobart. On 28 July 2015, CFMMEU official Richard Hassett acted in an improper manner by failing to provide notice of his entry, failing to enter on a day specified in such a notice, holding discussions with workers outside of mealtimes or other break times, and using foul language. On 21 October 2015, Hassett acted in an improper manner by failing to provide notice of his entry, failing to enter on a day specified in such a notice, holding discussions with workers outside of mealtimes or other break times, and dismissively ignoring advice from management that he should not be on site. Hassett also acted improperly on 5 November 2015 by failing to provide notice of his entry, failing to produce an entry notice when asked, refusing to leave the site when requested, using offensive language, and by directing unnecessary and gratuitous abuse to site management.	• Penalty decision - 16 August 2018 • Liability decision - 20 July 2018 (*ABCC v CFMMEU (The Parliament Square Case)* [2018] FCA 1080)	• CFMMEU: penalties totalling $170,000 for 4 contraventions of s.500 - FW Act • Richard Hassett: penalties totalling $18,000 for 4 contraventions of s.500 - FW Act

042

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
62.	*ABCC v CFMMEU (The Brooker Highway Case) (No 2)* [2018] FCA 1214 Federal Court of Australia – Tasmania Tracey J	12 October 2016	On 12 October 2016 at a road building project on the Brooker Highway near Hobart, CFMMEU official Richard Hassett acted in an improper manner while exercising rights as a permit holder under s.484. Hassett failed to give notice of his attendance (as required by s.487), remaining on site after being directed to leave, and by aggressively and repeatedly using foul and abusive language towards site managers.	• Penalty decision - 16 August 2018 • Liability decision - 20 July 2018 ([2018] FCA 1081)	• CFMMEU: $50,000 for 1 contravention of s.500 - FW Act • Richard Hassett: $7,500 for 1 contravention of s.500 - FW Act
63.	*ABCC v CFMMEU (Bendigo Theatre Case) (No 2)* [2018] FCA 1211 Federal Court of Australia – Melbourne Tracey J	22 July & 29 July 2014 1 August 2014	The conduct occurred at the Bendigo Theatre construction project. CFMEU official Nigel Davies contravened s.500 on 22 July 2014 by failing to provide entry notice, refusing to produce his permit, directing foul and abusive language towards a representative of the occupier and refusing to comply with a lawful direction to leave the site. The court found that it was also improper for Davies to tell a representative of the occupier to '*go away*' and to place his mobile phone close to his face. Davies also contravened ss.497 and 500 on 29 July 2014 by refusing to produce his permit, continuing to exercise rights after refusing to produce his permit, and refusing to leave the site. CFMEU official Alex Tadic contravened s.500 on 1 August 2014 by acting in a loud, rude and aggressive and abusive manner, and by using profane and indecent language towards the representative of the occupier.	• Penalty decision - 14 August 2018 • Liability decision - 23 February 2018 (*ABCC v CFMEU (Bendigo Theatre Case)* [2018] FCA 122)	• CFMMEU: penalties totalling $245,000 for 6 contraventions of s.500 - FW Act • Nigel Davies: penalties totalling $19,000 for 5 contraventions of s.500 and 1 contravention of s.497 - FW Act • Alex Tadic: $7,500 for 1 contravention of s.500 - FW Act
64.	*CFMMEU v ABCC (The Broadway on Ann Case)* [2018] FCAFC 126	10 February 2015	On 10 February 2015, CFMEU official David Hanna entered the 'Broadway on Ann' Project to hold discussions with workers without giving notice and refusing requests to leave. When asked for a permit, Hanna raised his hand with his	• Full Court decision in relation to CFMMEU	• CFMMEU: $306,000 for 6 contraventions of s.500 - FW Act ($51,000 for each contravention) *Notes:*

043

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Full Court of the Federal Court of Australia - Brisbane Tracey, Logan, and Bromwich JJ Appeal from *ABCC v Hanna & Anor (No 3)* [2017] FCCA 2519 (Vasta J, 19 October 2017)		middle finger extended and said he did not need an entry permit. Hanna squirted water at a contract managers face which hit his shirt and mobile phone, saying *"Take that phone away or I'll f**** bury it down your throat, you ask me if you want to a picture of me."* Hanna also used an employee's swipe card to swipe out a number of employees. This meant that Hindmarsh did not have a record of which employees had left the premises.	appeal on 14 August 2018 • Appeal from penalty decision on 19 October 2017 (CFMMEU) • Penalty decision in relation to Hanna on 25 May 2017 (*ABCC v Hanna & Anor* [2017] FCCA 1257)	• *The Full Court re-exercised the sentencing discretion and imposed the same penalties on the CFMMEU as had been determined by Vasta J. The Full Court held that there were errors in the form of Vasta J's orders and in the consideration of the single course of conduct principle. The CFMMEU's appeal was otherwise dismissed.* • *Penalty decision in relation to Hanna handed down on 25 May 2017 ($10,200 for 6 x s.500 contraventions). Hanna's penalty was not part of this appeal.*
65.	*ABCC v McDermott (No 3)* [2018] FCA 1105 Federal Court of Australia – South Australia Charlesworth J	28 April, 23 May, 6 June & 14 July 2014	Hindmarsh Construction was the head contractor at a site in Adelaide. An apartment complex known as Ergo Apartments Stage 2 was being constructed at the relevant time. The conduct occurred whilst the respondents were exercising or seeking to exercise statutory rights under Part 3-4. On each of 28 April, 23 May, 6 June and 14 July 2014, Michael McDermott acted in an improper manner by engaging in various conduct, including failing to provide an entry notice (as required by s.497), remaining on site when asked to leave by the site manager, and (on two of the days) holding discussions with employees for approximately 30 and 25 minutes respectively. On 28 April 2014, Anthony Sloane acted in an improper manner by failing to provide an entry notice, remaining on site when asked to leave, and holding discussions with employees in rooms	• Penalty decision - 27 July 2018 • Liability decision in relation to McDermott, Sloane and Cartledge on 21 September 2016 ([2016] FCA 1147) • Liability decision in relation to the CFMMEU on 17 July 2017 (*ABCC v McDermott (No*	• CFMMEU: penalties totalling $116,790 for 5 contraventions of s.500 - FW Act (in relation to contraventions by McDermott and Cartledge) • Michael McDermott: penalties totalling $14,300 for 4 contraventions of s.500 - FW Act • Anthony Sloane: $3,000 for 1 contravention of s.500 - FW Act • Aaron Cartledge: $3,500 for 1 contravention of s.500 - FW Act *Note: application for costs against the ABCC by the former fifth respondent (CFMEU – NSW Branch) dismissed*

044

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			or areas not agreed with Hindmarsh and not during mealtimes or other breaks. Aaron Cartledge acted in an improper manner on 14 July 2014 by failing to provide an entry notice, remaining on site when asked to leave, and holding discussions with employees.	*2)* [2017] FCA 797)	
66.	*CFMMEU v ABCC (The Non-Indemnification Personal Payment Case)* [2018] FCAFC 97 Full Court of the Federal Court of Australia – Melbourne Allsop CJ, White, and O'Callaghan JJ *CFMMEU v ABCC (The Non-Indemnification Personal Payment Case) (No 2)* [2018] FCAFC 117 Appeal from *DFWBII v CFMEU (No 2)* [2016] FCA 436 (Mortimer J)	16 & 17 May 2013	The proceeding concerned events at Josephs Road, Footscray, in Melbourne, where part of the Victorian Government's Regional Rail Link Project was under construction. John Holland and Abigroup Contractors were undertaking construction. The CFMEU wanted a delegate on the site. The companies refused on the basis that there was already a delegate on site (though from another union). On 16 May 2013, CFMEU official Joseph Myles organised approximately 20 persons with approximately 9 vehicles to blockade vehicular access to the site, interrupting a concrete pour. The site was blocked until the concrete in the trucks waiting to enter the site was no longer fit to be used. The concrete that had been poured before the blockade had to subsequently be removed. Prior to leaving, Myles issued a threat to those managing the site that they would be back the next day to repeat the exercise. On 17 May 2013, Myles returned to the site, though not in company. He spoke to a senior manager and issued another threat to the effect that there would be a CFMEU delegate on the site or there would be "war".	• Admission of liability • Penalty decision on 13 May 2016 (Mortimer J) • Full Court decision ([2016] FCAFC 184) on 21 December 2016 setting aside non-indemnification orders, but otherwise dismissing appeal against penalties. • On 14 February 2018, the High Court set aside penalty orders of Mortimer J and remitted the re-imposition of penalties to the Full Court	Penalties increased by the Full Court as follows: • CFMMEU: penalties totalling $111,000 for 3 contraventions of s.348 - FW Act ($71,000 for conduct on 16 May (2 x s.348) and $40,000 for conduct on 17 May (1 x s.348)) • Joseph Myles: penalties totalling $19,500 for 3 contraventions of s.348 - FW Act ($12,500 for conduct on 16 May (2 x s.348) and $7,000 for conduct on 17 May (1 x s.348)) *Note: personal payment order made in respect of Myles.*

045

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
				• Penalty decision of the Full Court on 25 June 2018 • Penalty orders made by the Full Court on 2 August 2018	
67.	*ABCC v CFMMEU (Cardigan St Case)* [2018] FCA 957 Federal Court of Australia – Victoria Bromberg J	28 & 30 March 2015	On 28 March 2015, at the Cardigan Street Apartments project in Carlton, CFMMEU delegate and Maxstra Constructions employee Ismar Miftari prevented a crane lift from occurring. This action was taken by Miftari with intent to coerce Maxstra to not engage ATC and to engage a traffic management company who was covered by an enterprise agreement which also covered the CFMMEU. Theo Theodorou, CFMMEU organiser, organised for Miftari to engage in this conduct. Miftari's employment with Maxstra was terminated as a result. Rob Graauwmans, CFMMEU organiser, organised for three crane companies not to attend the site or perform a crane lift, with the intent of coercing Maxstra to re-employ Miftari. On 30 March 2015, Miftari threatened to prevent a painting company from performing any further work on the site or on any other project in Melbourne, with intent to coerce the company to comply with a request of the CFMMEU not to continue to perform work at the Cardigan St site.	• Admitted liability • Penalty decision - 22 June 2018	• CFMMEU: penalties totalling $120,000 for 3 contraventions of s.355 ($80,000 aggregate) and 1 contravention of s.348 - FW Act ($40,000) • Theo Theodorou: $8,500 for 1 contravention of s.355 - FW Act • Rob Graauwmans: $7,500 for 1 contravention of s.355 - FW Act • Ismar Miftari: penalties totalling $6,000 for 1 contravention of s.355 ($4,000) and 1 contravention of s.348 - FW Act ($2,000).
68.	*ABCC v Upton (The Gorgon Project Case) (No 2)* [2018] FCA 897	3 December 2015	On 3 December 2015, CFMEU official Bradley Upon entered the Gorgon Project in the exercise of entry rights. Upton addressed a meeting of approximately 50 to 60 employees of various contractors. Upton attended the meeting displeased with what he understood to be as	• Penalty decision - 14 June 2018 • Liability decision - 21 September	• CFMEU: $43,200 for 1 contravention of s.348 - FW Act (also found to have contravened 1 x s.346(a) and 1 x s.500). • Bradley Upton: $8,100 for 1 contravention of s.348 - FW Act (also

046

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia – Western Australia Barker J		many as 90 members of the CFMEU resigning from the union after an EA had been achieved. Upton spoke in an aggressive manner, including by saying words to the effect: *The f**** 90 dog c**** that resigned from the union the day after we f**** signed the EBA after we got the conditions we got now, this is a f***** union site. If you don't f***** like it, f*** off somewhere else. We got you these conditions, we know who you are. We're going to put your names on the back of the toilet doors.* *If you're not in the union, you can f*** off somewhere else. This is a f***ing union site, we have other union sites starting up next year and if you're not in the union, you can f*** off too…*	2017 (*ABCC v Upton* [2017] FCA 847)	found to have contravened 1 x s.346(a) and 1 x s.500).
69.	*ABCC v Ingham (No 2) (The Enoggera Barracks Case)* [2018] FCA 263 Federal Court of Australia – Brisbane Rangiah J	8 March, 9 August, 28 & 30 October, 7, 11 – 12, 18, 21 & 25 November 2013	The contraventions arose out of an industrial dispute between the CFMEU and John Holland Pty Ltd (John Holland) and John Holland Queensland Pty Ltd (JHQ) in 2012 and 2013. The dispute concerned JHQ's refusal or failure to enter into an Enterprise Agreement (EA) with the CFMEU on terms sought by the CFMEU. In mid-2012, the CFMEU sought to negotiate an EA with JHQ in relation to its operations in Queensland. Negotiations between the CFMEU and John Holland and JHQ continued until March 2013. On 6 March 2013, Jade Ingham (Assistant State Secretary of the CFMEU), told John Holland's Operations Manager that he was upset JHQ had not yet signed an EA in respect of its Queensland and Northern Territory operations and there would be industrial action until it signed the agreement. Thereafter, the CFMEU and a number of its officials and organisers engaged in a campaign against JHQ to force it to enter into an EA on terms acceptable to the CFMEU. The industrial	• Admitted liability • Penalty decision on 9 March 2018	• CFMEU: penalties totalling $551,900 (3 x $15,300 & 11 x $46,000). Contraventions of ss.343, 417 and 421 - FW Act • Jade Ingham: penalties totalling $30,000. Contraventions of ss.343, 417 and 421 - FW Act • Kane Pearson: penalties totalling $37,500. Contraventions of ss.343, 417 and 421 - FW Act • Anthony Kong: penalties totalling $21,000. Contraventions of ss.343, 417 and 421 - FW Act • Kevin Griffin: penalties totalling $17,500. Contraventions of ss.343, 417 and 421 - FW Act • Michael Myles: penalties totalling $22,500. Contraventions of ss.343, 417 and 421 - FW Act

047

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			action taken as part of this campaign involved the CFMEU organizing stoppages of work at two JHQ projects, the ELF2B Project at Enoggera Barracks and the QUT Project at Kelvin Grove (QUT), over a period from March 2013 until late November 2013. The conduct engaged in by some of the respondents on the relevant dates involved organising employees to take industrial action by not performing work at the QUT and Enoggera Barracks projects (s.417) and taking this action with intent to coerce JHQ to enter into an EA with the CFMEU on terms acceptable to the CFMEU (s.343). On a number of the relevant dates, some of the respondents also contravened s.421 by organising the industrial action in breach of an order of the Fair Work Commission. In addition, some of the respondents also engaged in coercive conduct on dates in November 2013 by impeding entry of persons to the QUT and Enoggera Barracks projects with intent to coerce JHQ to enter into an EA with the CFMEU on terms acceptable to the CFMEU.		• Andrew Sutherland: penalties totalling $10,500. Contraventions of ss.343, 417 and 421 - FW Act • Mark O'Brien: penalties totalling $22,500. Contraventions of ss.343, 417 and 421 - FW Act • Dennis Mitchell: penalties totalling $10,500. Contraventions of ss.343, 417 and 421 - FW Act • Chad Bragdon: penalties totalling $22,500. Contraventions of ss.343, 417 and 421 - FW Act • Edward Bland: $7,500. Contraventions of ss.343 and 417 - FW Act • Duncan McAllister: penalties totalling $14,000. Contraventions of ss.343, 417 and 421 - FW Act • Benjamin Sheeran: $3,500. Contraventions of ss.343 and 417 - FW Act • Wayne Scobie: penalties totalling $7,000. Contraventions of ss.343, 417 and 421 - FW Act • Mace Griffin: penalties totalling $7,000. Contraventions of ss.343, 417 and 421 - FW Act • John Cummins: $7,500. Contravention of s.343 - FW Act • Ryan Whakaruru: $3,500. Contraventions of ss.343 and 417 - FW Act

048

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• Lindsay Stohr: penalties totalling $7,000. Contraventions of ss.343 and 417 - FW Act • Aaron Kelly: penalties totalling $10,500. Contraventions of ss.343, 417 and 421 - FW Act • Antonio Floro: penalties totalling $3,600. Contraventions of s.343 - FW Act
70.	*ABCC v CFMEU (The Quest Apartments Case) (No 2)* [2018] FCA 163 Federal Court of Australia – Melbourne Tracey J	17 March & 31 March 2014	During an induction session at the Quest Apartments site on 17 March 2014, CFMEU delegate Godwin Farrugia told two workers of a subcontractor that it was a 'union site' and that he would not permit them to work unless they paid their CFMEU membership fees (as they had fallen into arrears). One worker was given two days to make good his arrears and the other was given two weeks. Both worked on 17 March. The workers returned to site on 31 March. One had not made good his arrears and decided that he was under no legal obligation to do so in order to work. Farrugia told him that he would not be permitted to enter and directed him to leave.	• Liability decision on 30 November 2017 (*ABCC v CFMEU (The Quest Apartments Case)* [2017] FCA 1398) • Penalty decision on 26 February 2018	• CFMEU: $45,000 for 1 contravention of s.348 of the FW Act on 17 March 2014 and $50,000 for 1 contravention of s.348 on 31 March 2014 (also contravened s.349 & s.346(b) on 17 March and s.346(b) on 31 March 2014) • Godwin Farrugia: $4,000 for 1 contravention of s.348 on 17 March 2014 and $6,000 for 1 contravention of s.348 on 31 March 2014 (also contravened s.349 & s.346(b) on 17 March and s.346(b) on 31 March 2014)
71.	*ABCC v CFMEU (The Footscray Station Case)* [2017] FCA 1555 Federal Court of Australia – Melbourne Tracey J	27 February 2014	CFMEU organisers Joseph Myles and Drew MacDonald entered a delineated area of the Footscray Railway Station site. They ignored requests by the occupier not to enter the area which had been delineated as being out of bounds for safety reasons and ignored requests to exit the area. Once outside the delineated area, Mr Myles stopped all form work from continuing. Work resumed only after workers were told that the stoppage was unlawful. Mr MacDonald then stood in the access roadway and delayed the entry of a cement truck. Mr Myles	• Liability decision on 5 August 2016 (*FWBC v CFMEU (The Footscray Station Case)* [2016] FCA 872) • Penalty decision on 21 December 2017	• CFMEU: $200,000 for 4 contraventions of s.499 and 6 contraventions of s.500 - FW Act • Joseph Myles: $32,000 for 3 contraventions of s.499 and 4 contraventions of s.500 - FW Act • Drew MacDonald: $10,000 for 1 contravention of s.499 and 2 contraventions of s.500 - FW Act

049

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			hindered and obstructed the pouring of concrete by positioning himself between a concrete truck and a concrete pump and did not move until the truck had driven away. He resumed this position when the next truck arrived. Mr Myles ignored all requests by the occupier to remove himself from this position.		
72.	*ABCC v Moses & Ors (No 2)* [2017] FCCA 2738 Federal Circuit Court of Australia – Brisbane Judge Jarrett	11 September 2013	J Hutchinson Pty Ltd engaged Smithbridge Group Pty Ltd to perform work at the Gladstone Port Boardwalk. CFMEU organiser Jody Moses threatened to take action with intent to coerce seven Smithbridge workers to become CFMEU members. This action included Moses telling workers that it was a union site and if they wanted to work they had to join the CFMEU, and if they did not join the union no work would occur by the workers that day and they would be removed from site. Moses also told workers that they had five minutes to think about it. Moses allowed the workers a further 48 hours to decide and said that he would return on 13 September 2013. Gregg Churchman, a CFMEU delegate and Hutchinson employee was present when Mr Moses spoke to the workers. Churchman aided the commission of the contravention because he did nothing to correct Moses' false statements. Moses' was also found to have taken adverse action and knowingly made a false or misleading representation about the workers' obligation to become union members.	• Liability decision on 18 April 2017 (*ABCC v Moses & Ors* [2017] FCCA 738) • Penalty decision on 9 November 2017	• CFMEU: $45,000 for 1 contravention of s.348 - FW Act (also found to have contravened s.346(a) & 349(1)(a) by the conduct of Moses and operation of s.793) • Jody Moses: $5,500 for 1 contravention of s.348 - FW Act (also found to have contravened s.346(a) & 349(1)(a)) • Gregg Churchman: $4,000 for 1 contravention of s.348 - FW Act (also found to have contravened s.346(a) & 349(1)(a) by being knowingly concerned in Moses' contraventions)
73.	*ABCC v CFMEU* [2017] FCA 1269	9 May 2016 to 1 June 2016	During the period 9 May 2016 to 1 June 2016, CFMEU officials Andrew Watson and Shaun Desmond called and conducted a series of twice-	• Liability decision on 24 February 2017	• CFMEU: $54,000 for 1 contravention of s.343 and 1 contravention of s.348 - FW Act

050

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia – Brisbane Reeves J		daily, two-hour union meetings at the Carrara Sports and Recreation Project. This action was taken with the intent to coerce Hansen Yuncken to enter into an EA with the CFMEU or enter into an EA with the CFMEU on terms required by the CFMEU.	(*ABCC v CFMEU* [2017] FCA 157) • Penalty decision on 27 October 2017	• Andrew Watson: $5,000 for 1 contravention of s.343 and 1 contravention of s.348 - FW Act • Shaun Desmond: $5,000 for 1 contravention of s.343 and 1 contravention of s.348 - FW Act
74.	*ABCC v CFMEU (Werribee Shopping Centre Case)* [2017] FCA 1235 Federal Court of Australia – Melbourne Tracey J	4 August 2015	Action Commercial Catering Equipment Pty Ltd (ACCE) was contracted to perform works at the Werribee Shopping Centre. On 4 August 2015, CFMEU shop steward Andrew Harisiou prevented two ACCE workers from working on the project while he confirmed that they were CFMEU members and that their membership fees were up to date. Mr Harisiou prevented a third ACCE worker from working the entire day because he refused to join the CFMEU. Mr Harisiou took action with the intent to coerce the first worker to pay membership subscriptions and/or dues to the CFMEU; action with the intent to coerce the second worker to become a CFMEU member; and adverse action against the third worker for reasons including that he was not a member of the CFMEU.	• Admitted liability • Penalty decision on 23 October 2017	• CFMEU: $90,000 for 2 contraventions of s.348 - FW Act (also contravened s.346) • Andrew Harisiou: $8,000 for 2 contraventions of s.348 - FW Act (also contravened s.346)
75.	*ABCC v Huddy (No 2)* [2017] FCA 1088 Federal Court of Australia – Northern Territory White J	22 October 2013	A dispute arose between Laing O'Rourke (LOR) and its employees at the Ichthys LNG Project in the Northern Territory regarding the time at which the buses transporting employees to their accommodation should depart. On 22 October, CFMEU organiser Michael Huddy and delegate Craig Tait held a meeting with workers which led to a number of the employees stopping work for the remainder of the day. As a result, there was a stoppage of work from approx. 10:45am to 5pm. LOR obtained an order from the FWC directing the workers to return to work. On 23 October, the employees resumed work.	• Liability decision on 30 June 2017 • Penalty decision on 14 September 2017	• CFMEU: $25,000 for 1 contravention of s.500 - FW Act • Michael Huddy: $16,000 for 15 contraventions of s.348 and 1 contravention of s.500 - FW Act • Craig Tait: $12,250 for 16 contraventions of s.348 - FW Act • Against the employee respondents: a total of $90,000 for 60 contraventions of s.348 ($1,500 each) and $1,200 for one contravention of s.417 - FW Act

051

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
76.	*ABCC v Dig It Landscapes & Ors* [2017] FCCA 2128 Federal Circuit Court of Australia – Brisbane Judge Vasta	6 and 7 May 2014	Dig It Landscapes subcontracted Polyseal to do works at the Water Street Fortitude Valley site in May 2014. On 6 May 2014, Polyseal personnel started work at the Site. CFMEU delegate Kurt Pauls told Polyseal that they could not work at the premises as they did not have an enterprise agreement with the CFMEU. The next day, David Mercer, Dig It Landscapes project manager, terminated the contract with Polyseal.	• Admitted liability • Penalty decision on 5 September 2017	• CFMEU: $47,175 for 1 contravention of s.354 - FW Act (also contravened s.340) • Kurt Pauls: $7,650 for contraventions of s.340 and s.354 - FW Act • Dig It Landscapes: $40,800 for 1 contravention of s.354 - FW Act (also contravened s.340) • David Mercer: $6,120 for contraventions of s.340 and s.354 - FW Act
77.	*ABCC v CFMEU* [2017] FCAFC 113 Full Court of the Federal Court of Australia – Brisbane Dowsett, Greenwood & Wigney JJ	24, 25 & 26 May 2011	In May 2011, CFMEU officials Joseph Myles, Shane Treadway, Peter Close, Jamie McQueen, Edward Bland, Kevin Griffin, Gerard Neiland, Andrew Clark and Tony Kong variously attended three Queensland Government Infrastructure construction projects being the Queensland Children's Hospital (QCH), Brisbane Convention and Exhibition Centre (BCEC) and Queensland Institute of Medical Research (QIMR). CEPU officials Christopher Lynch, Gary O'Halloran and Mark Bateman attended the QCH and QIMR sites. On 24 May, the officials attended the sites and convened meetings with workers. Following each meeting, approximately 165 workers on the QCH site, 260 workers on the BCEC site and 180 workers on the QIMR site did not work for the remainder of that day, and 25 and 26 May 2011.	• Admitted liability • Penalty decision on 3 August 2017	$430,000 comprising: • CFMEU: $300,000 for 605 contraventions of s.38 - BCII Act • CEPU: $130,000 for 345 contraventions of s.38 - BCII Act
78.	*ABCC v Pauls* [2017] FCA 843 Federal Court of Australia – Brisbane Rangiah J	19 & 20 August 2016	On 19 August 2016, CFMEU organisers Kurt Pauls, Justin Steele and Eddie Bland attended six Watpac construction projects in Brisbane. The organisers attended the projects early in the morning and convened meetings with employees of various subcontractors and encouraged, organised, instructed or counselled the employees to cease or not perform work. On each of the	• Admitted liability • Penalty decision on 28 July 2017	$130,000 comprising: • CFMEU: $100,000 for 6 contraventions of s.355 and 5 contraventions of s.417 - FW Act • Kurt Pauls: $10,000 for 4 contraventions of s.355 and 3 contraventions of s.417 - FW Act

052

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			projects, the employees left the sites and did not work for the rest of the day and the next day. The conduct of the organisers was taken with the intent of coercing Watpac to not engage subcontractors that were not covered by an Enterprise Agreement.		• Justin Steele: $10,000 for 4 contraventions of s.355 and 3 contraventions of s.417 - FW Act • Eddie Bland: $10,000 for 2 contraventions of s.355 and 2 contraventions of s.417 - FW Act
79.	*ABCC v Harris* [2017] FCA 733 Federal Court of Australia – Perth Siopis J	25 May 2015	On 25 May 2015, CFMEU organiser Tawa Harris attended the Joondalup carpark construction site to hold discussions with employees on the site. Harris did not provide a Notice and despite being directed not to enter and to leave the site, refused to leave the site for 45 minutes when Police were called.	• Admitted liability • Penalty decision on 29 June 2017	• Tawa Harris: $2,000 for 1 contravention of s.500 - FW Act
80.	*ABCC v Barker & Anor* [2017] FCCA 1143 Federal Circuit Court of Australia – Brisbane Judge Jarrett	28 January 2016	On 28 January 2016 at the Zest Apartment Project in Brisbane, CFMEU site delegate Daniel Barker told two construction workers that they could not work on the project unless they paid union membership fees.	• Admitted liability • Penalty decision on 30 May 2017	$86,000 comprising: • Daniel Barker: $6,000 for 2 contraventions of s.349(1)(a) - FW Act • CFMEU: $80,000 for 2 contraventions of s.349(1)(a)
81.	*ABCC v Hanna & Anor* [2017] FCCA 1257 Federal Circuit Court of Australia – Brisbane Judge Vasta	10 February 2015	On 10 February 2015, CFMEU official David Hanna entered the 'Broadway on Ann' Project to hold discussions with workers without giving notice and refusing requests to leave. When asked for a permit, Hanna raised his hand with his middle finger extended and said he did not need an entry permit. Hanna squirted water at a contract managers face which hit his shirt and mobile phone, saying *"Take that phone away or I'll f**** bury it down your throat, you ask me if you want to a picture of me."* Hanna also used an employee's swipe card to swipe out a number of employees. This meant that Hindmarsh did not have a record of which employees had left the premises.	• Admission of liability by Hanna • Penalty decision in relation to Hanna on 25 May 2017	• David Hanna: $10,200 for 6 contraventions of s.500 - FW Act *Note: penalty decision in relation to the CFMEU handed down on 19 October 2017 (ABCC v Hanna & Anor (No 3) [2017] FCCA 2519. Appealed by the CFMEU. Full Court decision handed down on 14 August 2018.*

053

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
82.	*ABCC v CFMEU (Perth Childrens' Hospital Contraventions Case)* [2017] FCA 491 Federal Court of Australia – Perth Barker J	25 January 2013, 30 January 2013, 3 May 2013 and 18 July 2013	On 25 January 2013, Buchan, McDonald, Heathcote and Harris stood together at the entrance to the Perth New Childrens' Hospital (NCH) site preventing between 109 and 136 employees from accessing the site and stopping work for the day. On 30 January 2013, Harris stood with other officials preventing employees from accessing the site for about 40 minutes. Harris physically prevented some employees from accessing the site. On both days, employers were prevented from exercising their workplace right to participate in a safety dispute settlement procedure. On 3 May 2013, Buchan and McDonald, together with other officials, occupied the site entrances preventing access to 207 employees with the intent of coercing the head contractor John Holland to comply with their request for equal pay. On 18 July 2013, Noonan, Buchan, McDonald and Harris organised a blockade of approximately 400 people at the site which prevented some 45 truckloads of concrete and slurry to be poured and prevented 205 employees from working on the site with the intent of coercing John Holland to comply with their equal pay request.	• Admitted liability • Penalty Decision on 11 May 2017	$277,000 comprising: WAD16/2014 • CFMEU: $88,500 for 4 contraventions of s 340 - FW Act • Bradley Upton: $3,500 for 1 contravention of s 340 - FW Act • Patrick Heathcote: $2,500 for 1 contravention of s 340 - FW Act • Tawa Harris: $5,500 for 2 contraventions of s 340 - FW Act • Joseph McDonald: $6,500 for 1 contravention of s 340 - FW Act • Steven McCann: $2,500 for 1 contravention of s 340 - FW Act • Michael Buchan: $5,000 for 1 contravention of s 340 - FW Act WAD95/2014 • CFMEU: $44,000 for 2 contraventions of s 348 - FW Act • Joseph McDonald: $6,500 for 1 contravention of s 348 - FW Act • Michael Buchan: $5,000 for 1 contravention of s 348 - FW Act WAD135/2014 • CFMEU: $88,000 for 4 contraventions of s 346 - FW Act • David Noonan: $2,500 for 1 contravention of s 346 - FW Act • Joseph McDonald: $7,500 for 1 contravention of s 346 - FW Act

054

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• Michael Buchan: $6,000 for 1 contravention of s 346 - FW Act • Tawa Harris: $3,500 for 1 contravention of s 346 - FW Act
83.	*ABCC v CFMEU (The Kane Constructions Case) (No 2)* [2017] FCA 368 Federal Court of Australia - Melbourne Jessup J	2 April 2014 and 22 May 2014	On 2 April and 22 May 2014, ten CFMEU organisers coordinated strike action across seven construction sites in Victoria where Kane Constructions Pty Ltd was the principal contractor / builder. The individual respondents organised most of the workers at these various sites, whether employed by Kane or by a variety of subcontractors, to engage in industrial action by walking off the job.	• Liability decision on 1 March 2017 • Penalty Decision on 11 April 2017	$590,800 comprising: • CFMEU: $490,000 for 12 contraventions of s.417 - FW Act • Michael Powell: $7,600 for 1 contravention of s.417 - FW Act • Peter Booth: $22,400 for 4 contraventions of s.417 - FW Act • Stephen Long: $6,400 for 1 contravention of s.417 - FW Act • Derek Christopher: $15,200 for 2 contravention s of s.417 - FW Act • Bill Beattie: $8,400 for 1 contravention of s.417 - FW Act • John Perkovic: $7,200 for 1 contravention of s.417 - FW Act • Theo Theodorou: $7,200 for 1 contravention of s.417 - FW Act • Brendan Murphy: $11,600 for 2 contraventions of s.417 - FW Act • Gerard Benstead: $7,200 for 1 contravention of s.417 - FW Act • Joseph Myles: $7,600 for 1 contravention of s.417 - FW Act

055

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
84.	*ABCC v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (The Australian Paper Case) (No 2)* [2017] FCA 367 Federal Court of Australia – Melbourne Jessup J	27, 28 and 31 March 2014	On 27, 28 and 31 March 2014, at the Australian Paper Mill De-Inking Project at Morwell, employees of contractors BMC and JBA engaged in industrial action by sitting in the sheds and not working. On 28 March, Australian Paper, BMC and JBA each obtained section 420 interim orders from the Fair Work Commission (prohibiting further industrial action). Despite this, industrial action continued on the morning of 31 March. By around the middle of the day on 31 March, Australian Paper, BMC and JBA agreed to a compromise position with the union organisers in relation to the first aider request and all work resumed as normal later that day. Union organisers Dodd (AMWU), Thornton (CFMEU) and Sharp (AWU) were held to be knowingly concerned in the employees' contraventions.	• Liability decision on 1 March 2017 • Penalty decision on 11 April 2017	$101,500 comprising: • CFMEU: $45,000 for 1 contravention of s.417 of the FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March) • AMWU: $25,000 for 1 contravention of s.417 of the FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March) • AWU: $20,000 for 1 contravention of s.417 of the FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March) • Toby Thornton: $3,500 for 1 contravention of s.417 - FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March) • Steve Dodd: $4,500 for 1 contravention of s.417 - FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March) • Jeff Sharp: $3,500 for 1 contravention of s.417 - FW Act (also contravened s.346 on 28 and 31 March, and s.421(1) on 31 March)
85.	*ABCC v CFMEU* [2017] FCAFC 53 Full Court of the Federal Court of Australia - Perth North, Dowsett and Rares JJ	22 October 2013	On 22 October 2013, CFMEU officials and organisers Michael Buchan, Joseph McDonald, Walter (Vinnie) Molina, Peter Joshua, Campbell McCullough and Tawa Harris attended the Perth Terminal 1 construction project and organised about 100 protestors to blockade the site entrances denying access to about 160 workers and preventing work on site for that period with the intent of coercing contractors on site to comply	• Admission of Liability • Penalty decision on 30 May 2016 • Appeal decision on 29 March 2017	$242,000 comprising: • CFMEU: $195,000 for 5 contraventions of s.348 - FW Act • Michael Buchan: $9,000 for 1 contravention of s.348 - FW Act • Joseph McDonald: $17,500 for 2 contraventions of s.348 - FW Act

050

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Appeal from Director of the Fair Work Building Industry Inspectorate v CFMEU [2016] FCA 616		with a lawful request to pay outstanding wages to employees of a sub-contractor.		• Walter Molina: $9,000 for 1 contravention of s.348 - FW Act • Peter Joshua: $5,000 for 1 contravention of s.348 - FW Act • Campbell McCullough: $2,500 for 1 contravention of s.348 - FW Act • Tawa Harris: $4,000 for 1 contravention of s.348 - FW Act
86.	*ABCC v CFMEU (Webb Dock case)* [2017] FCA 62 Federal Court of Australia – Melbourne Jessup J	5 March 2015	On 5 March 2015, CFMEU officials Joe Myles and Adam Hall organised a blockade of approximately 50 people preventing access to the Port of Melbourne expansion project. The blockade was organised with the intent of coercing the head contractor McConnell Dowell Constructors and sub-contractor Coastal Steel to engage in industrial activity to comply with a request to have an enterprise agreement.	• Admission of Liability • Penalty decision on 8 February 2017	$96,000 comprising: • CFMEU: $84,000 for 2 contraventions of s.348 - FW Act • Joe Myles: $7,500 for 1 contravention of s.348 - FW Act (also contravened 1 x s.340, 1 x s.343, 1 x s.346) • Adam Hall: $4,500 for 1 contravention of s.348 - FW Act (also contravened 1 x s.340, 1 x s.343, 1 x s.346)
87.	*ABCC v CFMEU (No 3)* [2017] FCA 10 Federal Court of Australia – Adelaide Besanko J	22 November 2013	On 22 November 2013, State Assistant Secretary Aaron Cartledge and Assistant Secretary Michael McDermott attended a meeting on the New Royal Adelaide Hospital site with the Joint Venture Contractors and threatened industrial action against the Joint Venture if they took steps to enforce a Fair Work Commission order, with McDermott saying words to the effect, *"there would be Armageddon ".*	• Liability decision on 31 May 2016 • Penalty decision on 19 January 2017	$57,500 comprising: • CFMEU: $50,000 for 2 contraventions of s.343 - FW Act • Aaron Cartledge: $3,750 for 1 contravention of s.343 - FW Act • Michael McDermott: $3,750 for 1 contravention of s.343 - FW Act
88.	*ABCC v Construction, Forestry, mining and Energy Union & Anor* [2016] FCCA 3265	11 April 2014	On 11 April 2014 at the Brooklyn construction project in Fortitude Valley, during a meeting between CFMEU official David Hanna and Hindmarsh Construction Australia Pty Ltd management, Hanna threatened further industrial action at the project unless Hindmarsh agreed to	• Admission of Liability • Penalty decision on 15 December 2016	$37,500 comprising: • CFMEU: $35,000 for 1 contravention of s.340(1)(b) - FW Act • David Hanna: $2,500 for 1 contravention of s.340(1)(b) - FW Act

057

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Circuit Court of Australia – Brisbane Judge Jarrett		execute a Deed of Settlement in relation to related Fair Work Commission proceedings.		
89.	*Director of the Fair Work Building Industry Inspectorate v Bolton (No 2)* [2016] FCA 817 Federal Court of Australia – Adelaide Collier J	29 April 2014 22 May 2014 4 June 2014	On 29 April 2014, CFMEU officials David Bolton, Michael Huddy and Brendan Pitt attended the Southern Expressway construction site to hold discussions with employees. The officials failed to give notice of their entry and refused to leave the site when directed by the occupier to do so and instead held discussions with employees for approximately 1 hour. On 22 May 2014, CFMEU officials Aaron Cartledge and David Bolton attended the Flinders University construction site to hold discussions with employees. The officials failed to give notice of their entry and refused to leave when directed by the occupier to do so and instead held discussions with employees on the site for approximately 1 hour. On 4 June 2014, CFMEU official Michael McDermott attended the St Mark's construction site to hold discussions with employees. McDermott failed to give notice of his entry, entered the site despite a direction from the occupier not to enter, and refused to leave the site when requested to do so instead holding discussions with employees on site for approximately 10 minutes.	• Admission of Liability • Penalty decision on 19 July 2016	$132,000 comprising: SAD 59 of 2015 • David Bolton: $4,000 for 1 contravention of s.500 - FW Act • Michael Huddy: $2,000 for 1 contravention of s.500 - FW Act • Brendan Pitt: $4,000 for 1 contravention of s.500 - FW Act • CFMEU: $50,000 for 3 contraventions of s.500 - FW Act SAD 60 of 2015 • Aaron Cartledge: $4,000 for 1 contravention of s.500 - FW Act • David Bolton: $4,000 for 1 contravention of s.500 - FW Act • CFMEU: $40,000 for 2 contraventions of s.500 - FW Act SAD 61 of 2015 • Michael McDermott: $4,000 for 1 contravention of s.500 - FW Act • CFMEU: $20,000 for 1 contravention of s.500 - FW Act
90.	*Director, Fair Work Building Industry Inspectorate v Construction, Forestry,*	7 - 12 April 2014	On 7 April 2014, CFMEU officials Chad Bragdon, Jade Ingham and John Cummins entered the Brooklyn Project and interrupted the morning toolbox meeting and encouraged workers to stop work to attend a meeting with them outside.	• Admission of liability	$53,000 comprising: • CFMEU: $45,000 for 1 contravention of s.417 of the FW Act

058

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	mining and Energy Union [2016] FCCA 1692 Federal Circuit Court of Australia – Brisbane Judge Jarrett		Following the meeting, the majority of the workers stopped work for the day and refused to return to work on 8, 9, 10, 11 and 12 April. The industrial action was organised by the officials to attempt to compel the head contractor (Hindmarsh) to re-employ, or cause to be reinstated, a delegate of the CFMEU.	• Penalty decision on 8 July 2016	• Chad Bragdon: $3,000 for 1 contravention of s.417 of the FW Act • Jade Ingham: $2,500 for 1 contravention of s.417 of the FW Act • John Cummins: $2,500 for 1 contravention of s.417 of the FW Act
91.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union* [2016] FCA 798 Federal Court of Australia – Perth Barker J	4 June 2014	On 4 June 2014, CFMEU WA Assistant Secretary Joseph McDonald met with approximately 60 workers outside the Lakeside Joondalup Redevelopment to discuss a dispute over strike pay. McDonald organised a vote on whether the workers wished to withdraw their labour. The majority of the meeting voted in favour as a result approx. 50% of the workforce (about 300 workers) did not perform any work on 4 June 2014.	• Admission of liability • Penalty decision on 8 July 2016	$61,000 comprising: • CFMEU: $27,500 for 1 contravention of s.417 - FW Act • Joseph McDonald: $5,500 for 1 contravention of s.417 - FW Act • Against 28 employee respondents: $1,000 each for 1 contravention each of s.417 - FW Act
92.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (The Yarra's Edge Case)* [2016] FCA 772 Federal Court of Australia – Melbourne Jessup J	17,18 & 19 February 2011	On 17 February 2011, five CFMEU officials formed a picket line at the Yarra Edge Tower 8 building site at Docklands with the intent of coercing Grocon to employ an additional person on the crane crew and also to coerce Grocon to accept the CFMEU's nominated persons as employee representatives on site.	• Trial and appeal [2015] FCAFC 170. • Liability decision on 4 December 2015 • Penalty decision on 1 July 2016	$178,450 comprising: • CFMEU: $85,000 for 1 contravention of s.38 - BCII Act • Elias Spernavasilis: $12,500 for 1 contravention of s.38 - BCII Act • Shaun Reardon: $14,000 for 1 contravention of s.38 - BCII Act • Derek Christopher: $11,250 for 1 contravention of s.38 - BCII Act • Bill Beattie: $11,500 for 1 contravention of s.38 - BCII Act • Theo Theodorou: $9,500 for 1 contravention of s.38 - BCII Act

059

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• Bill Oliver: $34,700 for 5 contraventions of s.38 - BCII Act
93.	*Director of the Fair Work Building Industry Inspectorate v Robinson & Ors* [2016] FCA 525 Federal Court of Australia – Darwin Charlesworth J	19 June 2014	On 19 June 2014, CFMEU officials Michael Robinson and Shaun Taylor, and CEPU official Michael Haire organised approximately 66 workers employed on the INPEX construction project to engage in industrial action with the employees refusing to board buses at two of the 'park & ride' stations located at Yarrawonga and the airport. In the weeks leading up to the industrial action, a flyer was distributed complaining of congestion at the "park & ride' facilities and providing notice of the meetings to be held on 19 June 2014.	• Admission of liability • Penalty decision on 16 May 2016	$94,600 comprising: • CFMEU: $39,000 for 1 contravention of s.417 - FW Act • CEPU: $35,500 for 1 contravention of s.417 - FW Act • Michael Robinson: $6,700 for 1 contravention of s.417 - FW Act • Shaun Taylor: $6,700 for 1 contravention of s.417 - FW Act • Michael Haire: $6,700 for 1 contravention of s.417 - FW Act
94.	*Director of the Fair Work Building Industry Inspectorate v O'Connor* [2016] FCA 415 Federal Court of Australia – Adelaide White J	31 March, 28 April, 5 & 6 May 2014.	On 31 March 2014, CFMEU official James O'Connor entered the Adelaide High School construction site seeking to exercise rights under Part 3-4 of the FW Act. While on site, he acted in an improper manner by: entering without providing notice and despite being refused entry; remaining on the site for 20 minutes; and holding discussions with employees in places not agreed with the occupier. On 5 May 2014, CFMEU officials Michael McDermott, Luke Stephenson and Derek Christopher entered the Art Apartments construction site in Adelaide. McDermott and Stephenson, while seeking to exercise rights under Part 3-4 of the FW Act, acted in an improper manner by: entering without providing notice and despite being refused entry; failing to produce an entry notice or permit upon request; and holding discussions with employees in places not agreed with the occupier. Christopher, who did not hold	• Admission of liability • Penalty decision on 22 April 2016 • Admission of liability • Penalty decision on 22 April 2016	$30,000 comprising: • CFMEU: $27,500 for 1 contravention of s.500 - FW Act • James O'Connor: $2,500 for 1 contravention of s.500 - FW Act $94,250 comprising: • CFMEU: $85,000 for 3 contraventions of s.500 - FW Act • Michael McDermott: $3,750 for 1 contravention of s.500 - FW Act • Luke Stephenson: $2,500 for 1 contravention of s.500 - FW Act • Derek Christopher: $3,000 for 1 contravention of s.500 - FW Act.

060

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			an entry permit, was involved in the contraventions of McDermott and Stephenson. On 6 May 2014, CFMEU officials Michael McDermott and Derek Christopher entered the Ibis Hotel construction site in Adelaide. McDermott, while seeking to exercise rights under Part 3-4, acted in an improper manner by: entering the site with Christopher without providing notice and having been refused entry; remaining on site for 45 minutes despite being directed to leave; and holding discussions with employees in places not agreed with the occupier. Christopher, who did not hold an entry permit, was involved in McDermott's contravention. On 28 April 2014, CFMEU officials David Bolton and Michael Huddy entered the Minda Homes construction site in South Australia seeking to exercise rights under Part 3-4 of the FW Act. While on site, Bolton and Huddy acted in an improper manner by: seeking to enter pursuant to a false statement "*We don't need a notice*"; entering without providing notice and despite being refused entry; holding discussions with employees in places not agreed with the occupier; ignoring a request by the occupier to leave and remaining for 30 minutes and; failing to produce an entry notice or entry permit upon request. On 5 May 2014, CFMEU officials Michael McDermott, Luke Stephenson and Derek Christopher entered the Quest South construction site in Adelaide. McDermott and Stephenson, while seeking to exercise rights under Part 3-4 of the FW Act, acted in an improper manner by: entering and remaining on site with an unidentified CFMEU official without providing notice and despite being refused entry; failing to produce an entry notice or permit upon request; remaining on site while a further 4 CFMEU officials arrived with	• Admission of liability • Penalty decision on 22 April 2016 • Admission of liability • Penalty decision on 22 April 2016 • Admission of liability • Penalty decision on 22 April 2016	$66,750 comprising: • CFMEU: $60,000 for 2 contraventions of s.500 - FW Act • Michael McDermott: $3,750 for 1 contravention of s.500 - FW Act • Derek Christopher: $3,000 for 1 contravention of s.500 - FW Act. $51,500 comprising: • CFMEU: $48,000 for 2 contraventions of s.500 - FW Act • David Bolton: $2,000 for 1 contravention of s.500 - FW Act • Michael Huddy: $1,500 for 1 contravention of s.500 - FW Act. $146,250 comprising: • CFMEU: $131,500 for 3 contraventions of s.500 of the FW Act and 2 contraventions of s.348 - FW Act • Michael McDermott: $3,750 for 1 contravention of s 500 - FW Act • Luke Stephenson: $4,500 for 1 contravention of s 500 and 1 contravention of s 348 - FW Act • Derek Christopher: $6,500 for 1 contravention of s 500 and 1 contravention of s 348 - FW Act

061

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			the common purpose of gaining access; and holding discussions with employees on the site. Christopher used his elbow and shoulder to push a representative of the occupier out of a doorway. Stephenson was present and remained on site after the 'Christopher incident'. Christopher, who did not hold an entry permit, was involved in the contraventions of McDermott and Stephenson. Stephenson and Christopher took action with intent to coerce the head contractor to allow the CFMEU officials into the lunch shed to talk to the workers on the site.		
95.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union* [2016] FCA 414 Federal Court of Australia – Adelaide White J	11 & 22 November 2013	On 11 November 2013, CFMEU official Luke Stephenson entered the South Australian Health and Medical Research Institute construction site (SAHMRI site) in Adelaide seeking to exercise rights under Part 3-4 of the FW Act. Stephenson acted in an improper manner by failing to provide notice of the entry and remaining on the site for 30 minutes after he was asked to leave. CFMEU State Secretary Aaron Cartledge, by directing Stephenson to enter the site without providing notice, was knowingly concerned in Stephenson's contravention. On 22 November 2013, CFMEU official David Kirner entered the SAHMRI site seeking to exercise rights under Part 3-4. Kirner acted in an improper manner by failing to provide notice of the entry, failing to complete all of formalities in the site visitors' book and by failing to leave on request.	• Liability decision on 20 November 2015 • Penalty decision on 22 April 2016	$54,200 comprising: • CFMEU: $48,000 for 2 contraventions of s.500 – FW Act • Luke Stephenson: $1,750 for 1 contravention of s.500 – FW Act • Aaron Cartledge: $3,750 for 1 contravention of s.500 – FW Act • David Kirner: $700 for 1 contravention of s.500 – FW Act
96.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry,*	30 & 31 October, 12 & 13	On 4 occasions in October and November 2013, 11 CFMEU officials attended one or more of 4 Lend Lease Building Contractors Pty Ltd construction sites in and around Adelaide seeking to exercise rights under Part 3-4 of the FW Act.	• Liability decision on 20 November 2015	$494,150 comprising: • CFMEU: $456,000 for 16 contraventions of s.500, 1 contravention of s.499, and 4 contraventions of s.348 - FW Act

062

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Mining and Energy Union [2016] FCA 413 Federal Court of Australia – Adelaide White J	November 2013	While on the sites, each of the officials acted in an improper manner by doing one or more of the following: failing to provide notice, remaining on site after being asked to leave, holding discussions with workers after being asked to leave, distracting workers by speaking to them; failing to comply with the reasonable directions of a site escort. One official failed to comply with a safety requirement to remain outside an exclusion zone. Four of the officials threatened to cause work to stop on the site with intent to coerce Lend Lease to fly the CFMEU flag on a crane hook (or were knowingly concerned in the contravention).	• Penalty decision on 22 April 2016	• Mark Gava: $3,800 for 2 contraventions of s.500 and 1 contravention of s.348 - FW Act • Mohammed Kalem: $3,750 for 1 contravention of s.500 and 2 contraventions of s.348 - FW Act • John Lomax: $3,000 for 1 contravention of s.500 and 1 contravention of s.348 - FW Act • James O'Connor: $1,800 for 1 contravention of s.500 - FW Act • Bill Beattie: $5,300 for 2 contraventions of s.500 - FW Act • Michael McDermott: $9,700 for 3 contraventions of s.500 and 1 contravention of s.499 - FW Act • Stephen Long: $4,400 for 2 contraventions of s.500 - FW Act • Luke Stephenson: $3,000 for 2 contraventions of s.500 - FW Act • Brett Harrison: $1,200 for 1 contravention of s.500 - FW Act • Darren Roberts: $2,200 for 1 contravention of s.500 - FW Act
97.	*Director, Fair Work Building Industry Inspectorate v Myles & Anor* [2016] FCCA 772 Federal Circuit Court of Australia	27 May 2014	On 27 May 2014, CFMEU official Michael Myles attended the QUT construction project and organised a meeting with workers in the carpark. Myles demanded the head contractor stand down an employee for one day for causing safety issues on site and for the employee to re-inducted into the safety procedures and that workers would not return to work until this was done.	• Admission of Liability • Penalty decision on 8 April 2016	$52,000 comprising: • CFMEU: $45,000 for 1 contravention of s.417 of the FW Act (declaration also imposed for 1 contravention of s.355 of the FW Act) • Michael Myles: $7,000 for 1 contravention of s.417 of the FW Act

063

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Judge Jarrett		Various employees from 4 sub-contractors did not perform work for the remainder of the day.		(declaration also imposed for 2 contraventions of s.355 of the FW Act)
98.	*Director, Fair Work Building Industry Inspectorate v Vink & Anor* [2016] FCCA 488 Federal Circuit Court of Australia Judge Vasta	5 March 2014	On 5 March 2014 CFMEU official Scott Vink attended the Pacific Fair redevelopment project at Broadbeach purportedly exercising right of entry for the purpose of enquiring into a suspected contravention of the WHS Act. Whilst on the site, Vink removed personal property and food from the employees shed and shouted foul and offensive language towards an employee of the occupier.	• Admission of Liability • Penalty decision on 9 March 2016	$57,000 comprising: • CFMEU: $48,000 for 1 contravention of s.500 of the FW Act • Scott Vink: $9,000 for 1 contravention of s.500 of the FW Act
99.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (The Red and Blue Case) (No 2)* [2015] FCA 1462 Federal Court of Australia – Melbourne Jessup J	14 & 22 June 2013, 17 July 2013	On 14 June 2013 CFMEU official Ralph Edwards threatened to put Red & Blue scaffolding Pty Ltd out of business unless it employed a shop steward nominated by the CFMEU. On 22 June 2013, Edwards organised CFMEU members at the La Scala construction site to prevent Red & Blue Scaffolding Pty Ltd from entering the site. On 17 July 2013, Edwards organised CFMEU members at the Yarra Street construction site to prevent Red & Blue Scaffolding Pty Ltd from entering the site.	• Trial and penalty hearing • Penalty decision on 22 December 2015	$245,000 comprising: • CFMEU: $126,000 for 3 contraventions of s.355 - FW Act • CFMEU: $84,000 (suspended) for 2 contraventions of s.346 - FW Act • Ralph Edwards: $21,000 for 3 contraventions of s.355 - FW Act • Ralph Edwards: $14,000 for 2 contraventions of s.346 - FW Act
100.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union & Ors* [2015] FCA 1213 Federal Court of Australia – Melbourne Tracey J	17, 22, 23, 28, 29, 30 & 31 August 2012; 4 7 5 September 2012	The CFMEU embarked on a protracted campaign of unlawful industrial action, the purpose of which was wholly to prevent or curtail productive work on Grocon building sites. The campaign continued for 2 weeks and involved the blockading of entry points to the sites. The conduct which gave rise to the various contraventions on the part of the CFMEU and the individual officials was undertaken in an effort to force Grocon to agree to demands made by the Union. Foremost amongst these demands was a	• Trial and penalty hearing • Penalty decision on 11 November 2015	$151,000 comprising: • CFMEU: $95,000 for 42 contraventions of s.348 and 42 contraventions of s.355 of the FW Act. • John Setka: $19,750 for 9 contraventions of s.348, 9 contraventions of s.355, and 1 contravention of s.346 of the FW Act.

064

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	See also: *Grocon & Ors v Construction, Forestry, Mining and Energy Union & Ors* (No 2) [2014] VSC 134 (penalty)		requirement that Grocon employ persons nominated by the CFMEU so that these nominees could act as site representatives for the CFMEU. The CFMEU also wanted Grocon to agree to the display of CFMEU logos on clothing and equipment.		• Shaun Reardon: $14,500 for 10 contraventions of s.348 and 10 contraventions of s.355 - FW Act • Derek Christopher: $3,000 for 3 contraventions of s.348 and 3 contraventions of s.355 - FW Act • Elias Spernavasilis: $7,000 for 9 contraventions of s.348 and 9 contraventions of s.355 - FW Act • Bill Oliver: $3,500 for 4 contraventions of s.348 and 4 contraventions of s.355 - FW Act • Ralph Edwards: $5,250 for 5 contraventions of s.348 and 5 contraventions of s.355 - FW Act • Gareth Stephenson: $1,000 for 2 contraventions of s.348 and 2 contraventions of s.355 - FW Act • Craig Johnston: $2,000 for 4 contraventions of s.348 and 4 contraventions of s.355 - FW Act
101.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (The Mitcham Rail Case)* [2015] FCA 1173 Federal Court of Australia – Melbourne Jessup J	1 & 22 August 2013	On 1 August 2013, CFMEU official Joseph Myles threatened John Holland Pty Ltd, the head contractor responsible for the construction of a rail separation and upgrade of the Mitcham train station, that he would organise a large number of people to occupy the entrance of the site to prevent work from being carried out unless John Holland engaged a CFMEU delegate on site. On 22 August 2013, Myles directed and encouraged employees of sub-contractors engaged by John Holland not to work on site and threatened the managing director of one sub-contractor that if his employees presented for work	• Agreed Statement of Facts • Penalty decision on 4 November 2015	$55,125 comprising: • Joseph Myles: $6,375 for 2 contraventions of s.348 of the FW Act. • CFMEU: $48,750 for 2 contraventions of s.348 of the FW Act.

065

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			on site the following day his company would not have a job in Melbourne.		
102.	*Director of the Fair Work Building Industry Inspectorate v Cartledge (No 2)* [2015] FCA 851 Federal Court of Australia – Adelaide Mansfield J	13 May 2014	On 25 March 2014, the court issued an injunction requiring O'Connor and other officials not to enter the Adelaide Hospital construction site unless they were lawfully exercising their rights of entry under Part 3-4 of the FW Act. On 13 May 2014, O'Connor entered the hospital construction site in accordance with a right of entry notice. Whilst on site O'Connor threatened industrial action unless a subcontractor employed a member of the CFMEU executive.	• Trial and penalty hearing • Penalty decision on 14 August 2015	$12,000 comprising: • Jim O'Connor: $12,000 for contempt of court • Costs on a solicitor own client basis
103.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (No 3)* [2015] FCA 845 Federal Court of Australia – Adelaide Mansfield J	17, 19 & 26 June 2013	On 17, 19 June 2013, Pearson entered the Central Apartments construction site in Darwin exercising rights of entry not for a legitimate purpose but to indicate to the occupier the extent to which the CFMEU was capable of disrupting the site to encourage employees on the site to join the union for the occupier to pay their membership fees. On 26 June 2013, Olsen entered the site exercising rights of entry and threatened unlawful economic pressure upon the occupier unless it paid membership fees to the Union on behalf of its employees.	• Trial and penalty hearing • Penalty decision on 14 August 2015	$45,600 comprising: • CFMEU: $35,000 for 2 contraventions of s.348 of the FW Act • Kane Pearson: $6,000 for 2 contraventions of s.500 of the FW Act • Adam Olsen: $4,600 for 1 contravention of s.348 and 1 contravention of s.500 of the FW Act
104.	*Director of the Fair Work Building Industry Inspectorate v Upton* [2015] FCA 672 Federal Court of Australia – Perth Gilmour J	8 October 2012 & 13 February 2013	On 8 October 2012, Upton attended Bechtel's Wheatstone Gas project near Onslow to hold discussions under the FW Act. Whilst on site Upton behaved in an improper manner by abusing a Bechtel employee using obscene and racist remarks. On 13 February 2013, Upton again attended the Wheatstone project to hold discussions with employees and behaved in an improper manner	• Agreed statement of facts • Penalty decision on 3 July 2015	$24,000 comprising: • CFMEU: $20,000 for 2 contraventions of s.500 of the FW Act • Bradley Upton: $4,000 for 2 contraventions of s.500 of the FW Act

060

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
			by failing to comply with a direction not to hold discussions in the 'wet mess' area of the project.		
105.	*Director, Fair Work Building Industry Inspectorate v Paul Cradden, Joseph Myles, Mark O'Brien, Mike Davis, Jack Cummins and Construction, Forestry, Mining and Energy Union* [2015] FCA 614 Federal Court of Australia – Brisbane Logan J	13, 14, 15, 16, 17, 19 & 21 March 2012	In February and March 2012, Grocon Constructions Qld Pty Ltd and the CFMEU were engaged in bargaining a proposed enterprise agreement. Between 13 March 2012 and 21 March 2012 various officials of the CFMEU engaged in non-protected industrial action at the Common Ground project in South Brisbane. The action included obstructing access to the site, upsetting, intimidating, abusing and threatening Grocon employees and sub-contractors.	• Liability not contested • Penalty decision on 12 June 2015	$545,000 comprising: • CFMEU: $400,000 for 25 contraventions of s.44 of the BCII Act • Joseph Myles: $40,000 for 4 contraventions of s.44 of the BCII Act • Paul Cradden: $30,000 for 6 contraventions of s.44 of the BCII Act • Mark O'Brien: $30,000 for 6 contraventions of s.44 of the BCII Act • Jack Cummins: $25,000 for 5 contraventions of s.44 of the BCII Act • Mike Davis: $20,000 for 4 contraventions of s.44 of the BCII Act
106.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (No 2)* [2015] FCA 407 Federal Court of Australia - Melbourne Tracey J	19 December 2013 20 January 2014 18 February 2014 20, 21, 26 & 27 March 2014 15 April 2014	On various dates in 2013 and 2014 the CFMEU and its official Gareth Stephenson blockaded various entries at the Bald Hills Wind Farm with intent to coerce Hazel Bros Group Pty Ltd to make an enterprise agreement with the CFMEU and with the intent to coerce sub-contracting companies to employ a particular person.	• Liability not contested • Penalty decision on 1 May 2015	$109,500 comprising: • CFMEU: $15,000 for 2 contraventions of s 340(1)(a)(iii) of the FW Act • CFMEU: $15,000 for 1 contravention of s 340(1)(a)(ii) of the FW Act • CFMEU: $72,500 for 4 contraventions of s 355(a) - FW Act • Gareth Stephenson: $5,000 for 1 contravention of s 494 - FW Act • Gareth Stephenson: $2,000 for 1 contravention of s 355(a) - Act Further: The Court ordered pursuant to s 545(1) of the FW Act that until all work has been completed or is subject to order:

067

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					The CFMEU including its employees or officials is restrained from hindering access/ egress from the Site; restrained from counselling, procuring, encouraging or persuading any person or persons not to enter the Site; restraining threatening, abusive or harassing action against persons seeking to enter/exit the Site.
107.	*Director of the Fair Work Building Industry Inspectorate v CFMEU* [2015] FCA 353 Federal Court – Melbourne Tracey J	28 June 2013 & 31 July 2013	CFMEU officials Danny Berardi and Shaun Reardon entered a construction site in Hawthorne and made threats of industrial action with the intent of coercing the head contractor Element 5 Pty Ltd to enter into an enterprise agreement with the CFMEU	• Trial • Penalty decision on 20 April 2015 • Penalty hearing on 24 & 26 March 2015	$43,000 comprising: • $20,000 against the CFMEU for 1 contravention each of ss.340,343 & 348 of the FW Act on 28 June 2013 • $8,500 against the CFMEU for 1 contravention each of ss.340, 343 & 348 of the FW Act on 31 July 2013 • $6,000 against Berardi for 1 contravention each of ss.340, 343 & 348 of the FW Act on 28 June 2013 • $2,500 against Berardi for 1 contravention each of ss.340, 343 & 348 of the FW Act on 31 July 2013 • $6,000 against Reardon for 1 contravention of s.343 of the FW Act on 28 June 2013
108.	*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union* [2015] FCA 226 Federal Court – Melbourne	15 April 2014	On 31 March 2014 the Director commenced proceedings against Stephenson and the CFMEU for organising blockades at the Bald Hills Wind Farm Project (the civil proceedings). On 2 April 2014, Stephenson and the CFMEU gave an undertaking to not engage in further blockades as part of the civil proceedings. On 15 April 2014, Stephenson and the CFMEU organised further blockades of the project in breach of the undertaking and also failed to file	• Liability not contested • Penalty decision on 17 March 2015	$125,000 comprising: • $100,000 against the CFMEU for two charges of contempt for not complying with the undertaking on 15 April 2014 • $25,000 against the CFMEU for not complying with the court order to file affidavit material

088

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Tracey J		affidavit material in compliance of court orders issued on 16 April 2014 setting out steps to be taken to publish the order on the CFMEU's website and provide a written copy of the order to various CFMEU officers.		
109.	*Director of the Fair Work Building Industry Inspectorate v Stephenson* [2014] FCA 1432 Federal Court - Adelaide White J	31 March 2014 (SAD 138 of 2014) 31 March 2014 (SAD 140 of 2014) 7 April 2014 (SAD 139 of 2014) 1 May 2014 (SAD 141 of 2014)	CFMEU officials exercising rights of entry on various constructions sites in Adelaide (the Leabrook site on 31 March 2014; the Somerton Park site on 31 March 2014; the Somerton Park site on 7 April 2014; the Grenfell Street site on 1 May 2014). Officials contravened s.500 of the Fair Work Act by engaging in conduct including failing to give notice, failing to comply with reasonable directions including not to enter the site and to leave the site, and CFMEU official Perkovic engaging in conduct on the Grenfell Street site whereby he engaged in a verbal tirade against a FWBC Inspector. In response to a request to produce their entry permits and an entry notice, Mr McDermott and Mr Perkovic said words to the effect of "Fuck off", "Fuck yourself". At one point, Mr Perkovic's stance and manner was provocative, bullying and intimidating during an unpleasant incident involving him and a Mr Flynn. The conduct of each personal respondent constituting each contravention was taken to be conduct of the CFMEU.	• Agreed statement of facts • Penalty decision on 23 December 2014	$205,100 comprising: • $180,000 against the CFMEU for the officials' contraventions of s.500 • $4,000 against Stephenson for 2 contraventions of s.500 of the FW Act • $1,000 against Smart for 1 contravention of s.500 of the FW Act • $3,800 against Bolton for 2 contraventions of s.500 of the FW Act • $1,100 against Vitler for 1 contravention of s.500 of the FW Act • $800 against Huddy for 1 contravention of s.500 of the FW Act • $4,000 against McDermott for 1 contravention of s.500 of the FW Act • $800 against Jarrett for 1 contravention of s.500 of the FW Act • $1,100 against Sloane for 1 contravention of s.500 of the FW Act • $3,500 against Pitt for 1 contravention of s.500 of the FW Act • $5,000 against Perkovic for 1 contravention of s.500 of the FW Act
110.	*Grocon & Ors v Construction, Forestry,*	August and September 2012	The CFMEU conducted a blockade at Grocon's Emporium and McNab construction sites in August and September 2012.	• 31 March 2014 (penalty)	$1.15 million for criminal contempt against the CFMEU comprising of:

690

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Mining and Energy Union & Ors (No 2) [2014] VSC 134 (penalty) Supreme Court of Victoria - Cavanough J [2014] VSCA 261 (appeal)		The CFMEU appealed regarding both liability and the penalty awarded. The Victorian Court of Appeal dismissed the appeal, finding the fines were not disproportionately heavy.	• 24 October 2014 (appeal)	• $250,000 for 28 August 2012 • $250,000 for 29 August 2012 • $250,000 for 30 August 2012 • $250,000 for 31 August 2012 • $150,000 for 5 September 2012
111.	*Director of the Fair Work Building Industry Inspectorate v Cartledge* [2014] FCA 1047 Federal Court - Adelaide Mansfield J	19 and 20 March 2014	CFMEU officials seeking to exercise rights of entry on a construction site at 50 Flinders Street, Adelaide on 19 & 20 March 2014. Officials contravened s.500 of the FW Act by engaging in conduct including failing to give notice, failing to comply with reasonable directions including not to enter the site, and engaging in a physical altercation to gain access to the site.	• Agreed statement of facts • Penalty decision on 2 October 2014	$152,600 comprising: • $130,000 against the CFMEU for the officials' contraventions of s.500 on 19 & 20 March • $6,000 against O'Connor for 2 contraventions of s.500 - FW Act ($1,500 for 19 March and $4,500 for 20 March) • $9,000 against Pitt for 2 contraventions of s.500 - FW Act ($3,000 for 19 March and $6,000 for 20 March) • $3,000 against Cartledge for 1 contravention of s.500 - FW Act • $4,000 against Bolton for 1 contravention of s.500 - FW Act • $600 against Stephenson for 1 contravention of s.500 - FW Act
112.	*Brookfield Multiplex Engineering and Infrastructure Pty Ltd v McDonald* [2014] FCA 389	25, 26 and 27 March 2013	CFMEU officials Joseph McDonald and Walter Molina attended the Mundaring Water Treatment Plant construction site on 25 March 2013 and made demands of Brookfield Multiplex to perform a safety inspection and for workers to remain in the sheds following a safety incident. Multiplex refused and Mr McDonald and Mr Molina	• Statement of Agreed Facts & Agreed Penalties (ranges)	$123,000 comprising: • $95,000 against the CFMEU for 1 contravention of s.346, 2 contraventions of s.348, and 2 contraventions of s.417 - FW Act

070

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court - Perth North J		organised 150 employees to take industrial action. Mr McDonald and Mr Molina attended the site again on 26 and 27 March 2013 engaging in coercive conduct and again organising industrial action. On 27 March 2013, Mr McDonald was involved in a scuffle threatening employees attempting to enter the site. Mr McDonald also admitted to organising industrial action during an earlier incident on 4 October 2012.	• Penalty decision on 11 March 2014	• $21,000 against McDonald for 2 contraventions of s.346, 8 contraventions of s.348, and 4 contraventions of s.417 - FW Act • $7,000 against Molina for 6 contraventions of s.348, and 3 contraventions of s.417 - FW Act
113.	*Brookfield Multiplex FSH Contractor Pty Ltd v McDonald* [2014] FCA 359 Federal Court - Perth North J	15 and 16 February 2013	CFMEU officials Mr Joseph McDonald and Graham Pallott attended the Fiona Stanley Hospital construction site and addressed a meeting of 400 workers. As a result, the workforce did not attend work at the site on 15 and 16 February 2013.	• Statement of Agreed Facts & Agreed Penalties (ranges). • Penalty decision on 11 March 2014	$61,000 comprising: • $48,000 against the CFMEU for a contravention of s.348 and 1 contravention of s.417 - FW Act • $9,500 against McDonald for 1 contravention of s.348 and 1 contravention of s.417 - FW Act • $3,500 against Pallott for 1 contravention of s.348 and 1 contravention of s.417 - FW Act $250,000 in compensation
114.	*Director of the Fair Work Building Industry Inspectorate v McDermott* [2014] FCA 160 Federal Court - Adelaide White J	22 June 2012	CFMEU official Michael McDermott attended the Harris Scarfe construction project and threatened to organise industrial action unless a former employee was reinstated. Each of the respondents contravened s.355 by (a) organising employees of BD Steel Fixing (SA) Pty Ltd to agree not to work until Mr Dominick Lewis was reinstated; and (b) threatening that employees of BD Steel Fixing (SA) Pty Ltd would not work until Mr Lewis was reinstated, with the intention to coerce BD Steel Fixing (SA) Pty Ltd to accede to the demand to reinstate Mr Lewis.	• Statement of Agreed Facts & Penalties • Penalty decision on 5 March 2014	$17,820 comprising: • $16,500 against the CFMEU for 1 contravention of s.355 - FW Act • $1,320 against Michael McDermott for 1 contravention of s.355 - FW Act

071

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
115.	*Director of the Fair Work Building Industry Inspectorate v Myles & Ors* [2014] FCCA 1429 Federal Circuit Court - Brisbane Judge Burnett	11 February 2010	CFMEU and BLF officials in exercising rights of entry on a construction site at 123 Albert Street, Brisbane, failed to comply with reasonable safety requirements and failed to wear appropriate personal protective equipment.	• Liability decision 20 December 2013 • Penalty decision 28 February 2014	$38,500 comprising: • $4,950 against Myles for 1 contravention of s.500 - FW Act • $4,950 against Pearson for 1 contravention of s.500 - FW Act • $2,200 against Treadaway for 1 contravention of s.500 - FW Act • $26,400 against the CFMEU for 1 contravention of s.500 - FW Act
116.	*Director of the Fair Work Building Industry Inspectorate v CFMEU & Ors* [2014] FCA 126 Federal Court - Perth Gilmour J	13 and 17 September 2012	CFMEU official Joseph McDonald attended the Zen Apartments constructions site on 13 September 2012 and threatened to organise a picket line unless the head contractor agreed to pay outstanding entitlements. On 17 September 2012, Joseph McDonald returned to the site and organised a picket preventing workers from entering the site.	• Statement of Agreed Facts and Penalties • Penalty decision on 24 February 2014	$35,640 comprising: • $5,940 against McDonald for 3 contraventions of s.348 - FW Act • $29,700 against the CFMEU for 3 contraventions of s.348 - FW Act
117.	*Director, Fair Work Building Industry Inspectorate v Joseph McDonald & Ors* [2013] FCA 1431 Federal Court - Perth Barker J	21 February 2012	CFMEU and CFMEUW Joseph McDonald organised unlawful industrial action on the Citic Pacific Sino Iron Ore Mine Site on 21 February 2012. Joseph McDonald asked for a show of hands of who would go on strike for the day in support. A majority of workers raised their hands. 48 CIA employees and 29 PCM employees went on strike.	• Agreed Statements of Facts and Penalties • Penalty decision on 20 December 2013	Penalties of $193,600 comprising: • $17,600 against McDonald (for 2 contraventions of s.38 of the BCII Act) • $88,000 against the CFMEU (for 2 contraventions of s.38 of the BCII Act) • $88,000 against the CFMEUW (for 2 contraventions of s.38 of the BCII Act)
118.	*Brookfield Multiplex FSH Contractor Pty Ltd v McDonald* [2013] FCA 1380	26 February 2013	On 15 February 2013, the Federal Court made orders against Joseph McDonald that he not attend within 100 meters of the Fiona Stanley Hospital. On 26 February 2013, Joseph McDonald attended within 100 meters of the Fiona	• Statement of Agreed Facts • Penalty decision on 17	$40,000 against McDonald for 1 charge of contempt of court (civil)

072

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court - Perth Gilmour J		Stanley Hospital site and addressed a meeting of approximately 300 workers.	December 2013	
119.	*Cozadinos v Construction, Forestry, Mining and Energy Union and Jason Bell* [2013] FCA 1243 Federal Court - Tracey J	23 June 2008	Mr Bell of the CFMEU telephoned Bendigo scaffolding and threatened to prevent Bendigo from starting work at the site until his demands were met, including that there was an enterprise bargaining agreement in place with the union, in contravention of s.44 of the BCII Act.	• Agreed statement of facts and penalty proposed • 21 November 2013 (penalty)	$20,000 against the CFMEU.
120.	*Director of the Fair Work Building Industry Inspectorate v McQueen, Bragdon, Hanna, Treadaway, Clark, Bland, CFMEU & BLFQ* BRG493/2012 [2013] FCCA 2130 Federal Circuit Court – Brisbane - Judge Burnett	19 and 20 November 2010	The Director issued proceedings against the CFMEU, BLFQ and six union officials for allegedly engaging in unlawful industrial action at three Laing O'Rourke sites in Queensland during 2010.	• Penalty Orders given on 10 October 2013 • Agreed penalty of $55,500.00 in aggregate	Penalties of $55,000. CFMEU and BLFQ were held to be jointly and severally liable for the pecuniary penalty (for 1 contravention each of s.38 of the BCII Act)
121.	*Director of the Fair Work Building Industry Inspectorate v CFMEU, Stephenson, Powell, MacDonald, Doyle, Benstead & Parker* [2013] FCA 1014 Federal Court – Melbourne - Gordon J	31 August 2010 26 and 27 October 2010 11 November 2010	The CFMEU pressured Abigroup Contractors Pty Ltd to employ particular CFMEU members on Abigroup's Peninsula Link (PenLink) project. The CFMEU and its organisers also engaged in unlawful industrial action at six Abigroup construction projects at schools near the PenLink project.	• Parties agreed certain facts and admission plus Penalties. • 7 October 2013	$230,000 comprising: • CFMEU: $155,000 (for 3 contraventions of s.43 - BCII Act) • Doyle: $11,000 (1 contravention of s.43 and 1 contravention - s.38 BCII Act) • Stephenson: $29,000 (3 contraventions of s.43) • Powell: $24,500 (2 contraventions of s.43)

073

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• MacDonald: $5,000 (2 contraventions of s.38) • Benstead: $3,000 (1 contravention of s.38) • Parker: $2,500 (1 contravention of s.38)
122.	*Director of the Fair Work Building Industry Inspectorate v CFMEU & Beattie* [2013] FCA 981 Federal Court – Melbourne - Jessup J	8, 9 and 13 July 2010	Cockram Constructions was a building contractor at the Austin Hospital site, Heidelberg, Victoria. Beattie was a delegate of the CFMEU who encouraged workers to engage in unlawful industrial action regarding a pay dispute.	• 3 October 2013 • Agreed penalties.	$15,000 comprising: • $12,500 against the CFMEU (for 1 contravention of s.417 - FW Act) • $2,500 against Bill Beattie (for 1 contravention of s.417 - FW Act)
123.	*Director of Fair Work Building Industry Inspectorate v CFMEU, CFMEUW and McDonald* [2013] FCCA 1255 Federal Circuit Court - Perth Judge Lucev	12 September 2008	Mirvac Constructions (WA) Pty Ltd was engaged to undertake building work at 'The Peninsula Project' in Burswood, WA. On 12 September 2008 CFMEU and CFMEUW representative Joseph McDonald attended the Peninsula Project and addressed a meeting of Mirvac employees. The meeting was adjourned and reconvened. Approx. 100 workers then left the site and failed to perform work that they were engaged to perform for the remainder of the day. McDonald's role in the stoppage was unlawful industrial action in breach of the WR Act 1996.	• 4 September 2013 Applicant proposed penalty amounts of 25% of max penalties, whilst respondent's submitted a range of 0-10% of the maximum.	One contravention by each respondent of s.494(1) of the WR Act: $7,260 comprising: • $3,300 against the CFMEU • $3,300 against the CFMEUW • $660 against McDonald
124.	*Director of the Fair Work Building Industry Inspectorate v CFMEU & CEPU* [2013] FCA 846 Federal Court - Brisbane	9 and 10 November 2011	Proceedings against the CFMEU, CEPU and seven union officials for taking - or threatening to take - unlawful industrial action against Watpac Construction (Qld) Pty Ltd. The action took place at three Watpac construction sites in Queensland with the intent to coerce Watpac to negotiate an EBA with the CFMEU, and not to engage subcontractors with non-union EBAs that had or	• Penalty decision 20 August 2013	Orders: • The CFMEU pay a penalty of $99,000 in respect of contravention of s.43(1)(b) and s.44 of the BCII Act • The CEPU pay a penalty of $20,000 in respect of a contravention of s.43(1)(b) of the BCII Act

074

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Collier J		did not have enterprise agreements with the union.		
125.	*Director, Fair Work Building Industry Inspectorate v Sutherland, Jarvis, O'Doherty, Pearson, Lynch, BLF, CFMEU & CEPU* No Decision attached; Order viewable per BRG1008/2011 Federal Circuit Court – Brisbane - Judge Burnett	28 February and 1 March 2011	Brookfield Multiplex Constructions Pty Ltd was the project manager for building work associated with the Gold Coast Hilton hotel (Surfers Paradise) and Wintergarden shopping precinct (Brisbane). The CFMEU was involved in the withdrawal of labour from these sites.	• Orders by consent given on 10 July 2013	Penalties of $65,000 comprising: • $50,000 against the CFMEU for 2 contraventions of s.38 of the BCII Act • $15,000 against the CEPU for 1 s.38 contravention
126.	*Director of the Fair Work Building Industry Inspectorate v CFMEU, Berardi, Beattie, Theodorou, Pitt, Bell & Patching* [2013] FCA 515 Federal Court - Melbourne Jessup J	2 and 14 September 2012	CFMEU and six representatives organised industrial action on five St Hilliers Victorian construction sites (Ararat prison, Watsonia Military Camp, Carlton apartment and social housing project, Ashwood apartment project and Canterbury housing complex) with the intent of coercing it to re-employ a delegate of the CFMEU.	• 31 May 2013	$115,000 comprising of: • CFMEU: $84,000 (8 contraventions of s.43 of the BCII Act) • Beattie: $10,500 (2 contraventions s.43) • Berardi: $9,500 (2 contraventions s.43) • Theodorou: $4500 (1 contravention s.43) • Bell: $3500 (1 contravention s.43) • Pitt: $3000 (1 contravention s.43)
127.	*Director of the Fair Work Building Industry Inspectorate v CFMEU and Christopher* [2013] FMCA 160	9 October 2009	A CFMEU officer threatened with assault and repeatedly abused with obscene language a building company's site manager with intent to coerce the company to comply with his request that the site shop steward be permitted to attend site inductions.	• Penalty decision 20 February 2013	$10,000 against the CFMEU (for 1 contravention of s.348 of the FW Act)

075

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Magistrates Court - Melbourne Whelan FM				
128.	*Lend Lease Project Management Construction (Australia) Pty Ltd v CFMEU* [2012] FCA 1144 Federal Court – Collier J Regarding Injunction [2012] FCA 1273	28 February 2011 to 26 May 2011	The CFMEU, CEPU and officials engaged in unlawful industrial action and defied orders made by Fair Work Australia, contravened right of entry provisions and engaged in work stoppages at a Brisbane and Gold Coast construction site at various dates between 28 February 2011 and 26 May 2011.	• Penalty decision 19 October 2012. Agreed penalties. • Judgment on Injunctions on 16 November 2012	$590,000 comprising: • $550,000 on the CFMEU and CEPU (jointly and severally liable) payable to Lend Lease (for 1x CEPU contravention of s.38 of the BCII Act and 12 CFMEU contraventions of s.38) • Kane Pearson: $6,450 (4 contraventions of s.38) • Scott Vink: $6,450 (2 contraventions of s.38) • O'Doherty: $4,300 (2 contraventions of s.38) • Hanna: $7,750 (6 contraventions of s.38) • Jarvis: $6,450 (4 contraventions of s.38) • Olsen: $6,450 (2 contraventions of s.38) • Malone: $2,150 (1 contravention of s.38)
129.	*Director, Fair Work Building Industry Inspectorate v CFMEU & Anor* [2012] FMCA 916 Federal Magistrates Court - Melbourne Riley FM	13 March 2009	Hudson and the CFMEU encouraged workers to take strike action at the Rosso Apartment project in Carlton.	• Penalty judgment 8 October 2012	$25,000 comprising of: • $7,500 imposed on Hudson for one contravention of s.38 of the BCII Act • $17,500 imposed on the CFMEU for one contravention of s.38 of the BCII Act by reason of vicarious liability for the conduct of Hudson

076

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
130.	*Radisich v McDonald and CFMEU* [2012] FMCA 919 Federal Magistrates Court - Perth	25 February 2008	CFMEU WA assistant state secretary Joseph McDonald attended the Herdsman Business Park site on Walters Drive. He informed the site manager and workers that the CFMEU and Diploma management had agreed that all workers were required to be members of the CFMEU. He then organised industrial action that was not justified by his claims of risks to health and safety.	• Penalty decision 5 October 2012	$34,980 against CFMEU and McDonald, comprising of: • McDonald: $1,980 for contravention of s.790(1) WR Act; $4,400 for contravention of s.38 BCII • CFMEU - $6,600 for contravention of s.790(1) WR Act; $22,000 for contravention of s 38 BCII
131.	*Director of the Fair Work Building Industry Inspectorate v CFMEU, McDonald & Buchan* [2012] FCA 966 Federal Court - Perth Buchanan J	2 February 2011, 10 June 2011, 23 June 2011, 27 June 2011 and 4 July 2011	Joseph McDonald entered Diploma's Queens Riverside Apartments site with other CFMEU organisers and directed the Inner Strength workers to go on strike on 2 February 2011. On 10 June 2011, he organised a meeting at the site which caused workers to fail to attend work between 7:30am and 7:40am. He also organised and engaged in a blockade on the site on 23 June 2011, and made a threat to Diploma's managing director on 27 June 2011 to continue stoppages. Joseph McDonald entered the site on 4 July 2011 and arranged for workers to attend a picket on the site.	• Agreed statement of facts and agreed penalties • Penalty decision 4 September 2012	$200,000 against CFMEU and McDonald, comprising of: • CFMEU: $40,000 (2 contraventions of s.44 BCII Act) • McDonald: $10,000 (2 contraventions of s.44 BCII Act) • CFMEU: two contempts of court – totalling $100,000 • McDonald: two contempts of court – totalling $50,000
132.	*Helal v Brookfield Multiplex Ltd* [2012] FCA 653 (penalty) Federal Court Bromberg J	1 August 2009	A CFMEU officer threatened to organise or take action with intent to coerce a company to employ two people as building employees. This occurred in an aggressive telephone discussion between a CFMEU officer and the company's general manager after the company dismissed the employees for misconduct.	• Agreed statement of facts and agreed penalties proposed • Penalty decision 21 June 2012	$30,000 and declarations against the CFMEU for 1 contravention of s.43(1) BCII Act
133.	*Director of the Fair Work Building Industry Inspectorate v Mates*	19 October 2010 and 22 November 2010	Robert Mates was the Site Occupational Health and Safety Representative. He refused on two occasions to conduct safety inductions with	• Statement of agreed facts and penalties	Robert Mates - $3,500 comprising: • $1,750 for contravention on 19 October 2010.

077

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	[2012] FMCA 475 Federal Magistrates Court O'Sullivan FM		employees who were not CFMEU members, amounting to a contravention of s.346 of the FW Act.	• 5 June 2012	• $1,750 for contravention on 22 November 2010.
134.	*Radisich v Molina & Ors* *(No 2)* [2011] FMCA 66 (liability) *(No 3)* [2012] FMCA 419 (penalty) Federal Magistrates Court – Perth Lucev FM	19 March 2008	A CFMEU organiser, Molina, made a false and misleading statement to Southern Wire workers that they had to be members of the CFMEU or CFMEUW or both of them, to work on the site.	• Liability decision 11 February 2011 • Penalty decision 25 May 2012	$9,240 comprising: • $660 and declarations against Molina • $3,960 and declarations against CFMEUW • $4,620 and declarations against CFMEU all referable to 1 contravention of s.790(1)(a) WR Act
135.	*ABCC v Christopher & Anor* [2012] FMCA 589 Federal Magistrates Court - Riethmuller FM	18 March 2010	On 18 March 2010 Christopher entered the site and conducted a meeting and told the employees it was the union policy to stop work while the ABCC was on site. The workers then left the site. The CFMEU admits that on the basis of the agreed facts the CFMEU contravened s.38 of the BCII Act.	• Agreed statement of facts and penalty • 3 May 2012	$20,000 against the CFMEU
136.	*ABCC v Graauwmans & CFMEU* MLG912/2011 Federal Magistrates Court - Melbourne FM Riley	17 August 2010	Graauwmans came onto Barwon Heads Bridge Project in June 2010 and told the head contractor McConnell Dowell that anytime Elstone contractors came on site, CFMEU members would be shedded up as Elstone did not have an EBA with the CFMEU. On 17 August, Elstone returned to site and the CFMEU shut the job for the day.	• Penalty decision - 16 April 2012 • Agreed statement of facts and penalties	• $5000 against Graauwmans and declaration of 1 contravention of s.38 • $30,000 against the CFMEU Vic Branch and declaration of 1 contravention of s.38
137.	*ABCC v CFMEU and Reardon* [2012] FCA 189 (penalty decision)	20 November 2008	At a Bovis Lend Lease Caroline Springs site, CFMEU official Reardon directed 50-55 employees of 6 subcontractors not to perform work that day or for the next two days in the context of a broader industrial dispute between the	• Agreed statement of facts & agreed penalties	$50,000 against the CFMEU (for 1 contravention of s.38 BCII Act)

078

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court Bromberg J		CFMEU and Bovis about a Blue Glue security system on Bovis sites.	• Penalty decision - 6 March 2012	
138.	*ABCC v Jarvis, Temoho and CFMEU* *(Hogan v Jarvis & Ors)* [2012] FMCA 189 Federal Magistrates Court Burnett FM	26 - 30 November 2009	Three CFMEU organisers entered the Gold Coast University Hospital site and held a mass meeting of workers of 109 site subcontractors. Workers voted to stop work until 30 Nov 2009. Approximately 200 workers stopped work for this period. The reason was that they asserted BLL had withheld entitlements from workers of another subcontractor on other sites.	• Agreed statement of facts in place and agreed penalties • Penalty decision 7 February 2012	$46,860 comprising: • $36,300 and declarations against CFMEU (for 1 contravention of s.38 of BCII Act) • $7,260 and declarations against Jarvis (for 1 contravention of s.38 of BCII Act) • $3,300 and declarations against Temoho (for 1 contravention of s.38 of BCII Act)
139.	*ABCC v CFMEU and McDonald (No 2)* [2011] FCA 1518 Federal Court Barker J	16 January 2009 2 February 2009 24 June 2009 20 - 21 August 2009	On 15 January 2009 at a Perth CBD site, Joseph McDonald banned a concrete pour the next day which was forecast to be 40 degrees. The pour did not proceed though arrangements had been made for safe pouring. On 2 February 2009, Joseph McDonald prevented employees from completing inductions and working that evening because Ridgebay did not have a current CFMEU EBA. On 24 June 2009, employees were working undercover on a day with intermittent rain & high wind. Joseph McDonald told Ridgebay the whole project was inclement, called a meeting and encouraged employees not to resume work. They left around 10:15 am for the day. On 20 August 2009, a toilet pipe broke & leaked. Though other amenities were available, Joseph McDonald told the builder there were no amenities on site and labour should not be on site. He told workers at a meeting not to resume work. Most did not work the rest of the day and 21 August 2009.	• Agreed statement of facts in place and agreed penalties proposed • Penalty decision 23 December 2011	$231,000 comprising: • $154,000 and declarations against the CFMEU (for 4 contraventions of s.38 BCII Act) • $38,500 and declarations against the CFMEU (for 1 contravention of s.44 BCII Act) • $30,800 and declarations against McDonald (for 4 contraventions of s.38 BCII Act) • $7,700 and declarations against McDonald (for 1 contravention of s.44 BCII Act)

079

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
140.	*ABCC v Doyle & CFMEU* [2011] FMCA 1048 MLG1502/2010 Federal Magistrates Court Burchardt FM	19 October 2009	On 19 October 2009, Fergal Doyle (CFMEU organiser) did not comply with his obligation to produce his Federal permit on request, and hindered and obstructed and acted in an improper manner while exercising an OHS right of entry at a construction site in Endeavour Hills, Victoria.	• Agreed statement of facts and agreed penalties • Penalty decision - 14 December 2011	• $6,500 against the CFMEU (for 1 contravention of s.497 FW Act) • $6,500 against the CFMEU (for 1 contravention of s.500 FW Act) Proceedings against Doyle discontinued.
141.	*Lukies v Doyle & CFMEU* MLG859/2010 (No reported decision) Federal Magistrates Court Turner FM	22 May 2009	On 22 May 2009, Fergal Doyle (CFMEU organiser) exercised his right to enter a site at Princes Highway in Beaconsfield pursuant to an OHS law without a Federal entry permit (in contravention of s.756 of the WR Act). Doyle also engaged in this conduct reckless as to whether another person would form the impression that he held a permit under the WR Act, and was therefore authorised to enter pursuant to s.756 (in contravention of s.768).	• Agreed statement of facts and agreed penalties • Penalty order - 5 October 2011	• $13,000 against the CFMEU (for 1 contravention of each of s.756 (failure to hold permit required for OHS entry) and s.768 (misrepresentation about right of entry) of the WR Act) Proceedings against Doyle discontinued.
142.	*Woodside Burrup Pty Ltd v CFMEU* [2011] FCA 949 Federal Court Gilmour J	1 and 2 December 2009	Joseph McDonald and the CFMEU called for a motion to strike for 48 hours after Woodside indicated it would not defer changes to accommodation known as "motelling". He declared the motion carried. As a result 1,200 workers did not work on 1 December. 1,340 workers did not work on 2 December.	• Agreed statement of facts and agreed penalties • Penalty decision - 22 August 2011	$85,800 comprising: • $71,500 against the CFMEU (for 2 contraventions of s.38 BCII Act) • $14,300 against McDonald (for 2 contraventions of s.38 BCII Act)
143.	*White v Benstead, Beattie and CFMEU* [2011] FMCA 920	14 August 2009	At a Baulderstone site in Reservoir, one CFMEU official hindered and obstructed and acted in an improper manner, whilst the second misrepresented their right to enter a Baulderstone site in Reservoir.	• Agreed statement of facts and agreed penalties	$13,000 comprising: • CFMEU: $10,000 (for 1 contravention of each of ss.500 and 503 FW Act) • Benstead: $2,000 (for 1 contravention of s.500 FW Act)

080

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Magistrates Court - Melbourne Riethmuller FM			• Penalty decision - 19 August 2011	• Beattie: $1,000 (for 1 contravention of s.503 FW Act)
144.	*ABCC v Mitchell & Ors* [2011] FMCA 622 Federal Magistrates Court - Sydney Raphael FM	17 June 2010	At a Dee Why site, a CFMEU organiser, Mitchell, acted in an improper manner by being loud, extensively using expletives, and personally directing his behaviour at employees of Cavill Properties Pty Ltd.	• Agreed statement of facts and agreed penalties • Penalty decision - 16 August 2011	$12,500 comprising: • $2,500 against Mitchell (for 1 contravention of s.500 FW Act) • $5,000 against the CFMEU (for 1 contravention of s.500 FW Act) • $5,000 against the CFMEU (NSW) (for 1 contravention of s.500 FW Act)
145.	*Gregor v CFMEU & Travers* [2011] FMCA 562 Federal Magistrates Court - Melbourne Riethmuller FM	24 February 2009	A CFMEU official, Travers, acted in an improper manner when entering to hold discussions by convening an unauthorised meeting and refusing to leave and directing profanities towards management at Tullamarine Airport.	• Agreed statement of facts & penalties • Penalty decision - 22 July 2011	$6,000 comprising: • $5,000 against the CFMEU (for 1 contravention of s.767(1) WR Act) • $1,000 against Travers (for 1 contravention of s.767(1) WR Act)
146.	*ABCC v CFMEU* [2011] FCA 810 Federal Court Gilmour J	5, 6, 8, 24 and 25 June 2009	Joseph McDonald and Michael Buchan organised unlawful industrial action, involving four meetings and disrupting the performance of work.	• Agreed statement of facts & penalties • Penalty decision - 21 July 2011	$150,000 comprising: • $120,000 against the CFMEU (for 3 contraventions of s.38 BCII Act) • $17,000 against McDonald (for 2 contraventions of s.38 BCII Act) • $13,000 against Buchan (for 3 contraventions of s.38 BCII Act)
147.	*Gregor v CFMEU; Cozadinos v CFMEU* [2011] FCA 808 Federal Court	October 2008 November 2008	The CFMEU and several officials engaged in unlawful industrial action and blockades at several building sites on several occasions. The intent of the coercion was to force Caelli to employ an OHS representative.	• Agreed statement of facts & penalties	$415,000 comprising: • $85,000 against the CFMEU (for 3 contraventions of s.38 BCII Act) • $5,000 against Reardon (for 1 contravention of s.38 BCII Act)

081

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Marshall J	December 2008 February 2009 March 2009		• Penalty decision - 20 July 2011	• $10,000 against Hudson (for 2 contraventions of s.38 BCII Act) • $5,000 against McLoughlin (for 1 contravention of s.38 BCII Act) • $5,000 against Christopher (for 1 contravention of s.38 BCII Act) • $218,000 against the CFMEU (for 7 contraventions of s.43 BCII Act) • $17,000 against Hudson (for 3 contraventions of s.43 BCII Act) • $17,000 against Washington (for 4 contraventions of s.43 BCII Act) • $12,000 against Christopher (for 3 contraventions of s.43 BCII Act) • $7,000 against Setka (for 2 contraventions of s.43 BCII Act) • $17,000 against Spernovasilis (for 4 contraventions of s.43 BCII Act) • $17,000 against Reardon (for 4 contraventions of s.43 BCII Act)
148.	*Alfred v CFMEU (No 2)* [2011] FCA 557 Federal Court Tracey J	21 to 28 May 2010	The CFMEU organised a blockade of the site between 19 and 28 May 2010 Orders were made prohibiting the CFMEU from preventing or hindering access or counselling or procuring any person not to enter the site or work on the site. The CFMEU pleaded guilty to being in contempt of the orders.	• 2 June 2011 Agreed penalty range of range of $100,000 to $175,000.	Fine of $150,000 imposed against the CFMEU for contempt.
149.	*Alfred v CFMEU* [2011] FCA 556 Federal Court	19 to 28 May 2010	The CFMEU through various officials established and maintained a total ban on the performance of work at the Melbourne Markets site and established and maintained a blockade of the main site entrance for some 10 days with intent to	• Agreed statement of facts & agreed penalties	$100,000 and declarations against the CFMEU (for 1 contravention of each of ss. 38 and 44 BCII Act)

082

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Tracey J		coerce Fulton Hogan to agree to make an EBA and/or terminate/vary an existing EBA.	• Penalty decision - 2 June 2011	In addition, the CFMEU agreed to compensate each of the sub-contractors for the losses they sustained – totalling $120,000.
150.	*Gregor v Setka* [2010] FMCA 690 (liability) Federal Magistrates Court - Burchardt FM *Setka v Gregor (No 2)* [2011] FCAFC 90 (appeal) Full Court of Federal Court - Lander, Tracey and Yates JJ	6 March 2008	A CFMEU official, Setka, acted in an improper manner by making significant threats to the personal safety of two managers employed by a head contractor.	• Liability decision 21 September 2010 • Penalty decision - 20 December 2010 • Appeal decision - 12 May 2011	$3,000 against John Setka (for 1 contravention of s.767 WR Act) (lowered from $6,000 on appeal)
151.	*Cozadinos v CFMEU* [2011] FMCA 284 Federal Magistrates Court Riethmuller FM	31 January 2008	During late January and early February 2008 CFMEU organisers Michael Powell and Alex Tadic counselled and encouraged stoppages of building work at the Springvale section of the Eastlink Freeway Project after a dispute arose about the quality and cleanliness of amenities such as toilets and sheds or locations to have breaks and meals together with the walkways and access arrangements to those at a large road works building site.	• 7 April 2011	$37,500 comprising: • $30,000 against CFMEU (for 1 contravention of s.38 of the BCII Act) • $5,000 against Powell (for 1 contravention of s.38 of the BCII Act) • $2,500 against Tadic (for 1 contravention of s.38 of the BCII Act)
152.	*ABCC v CFMEU* [2010] FCA 784 [2010] FCA 977 (penalty hearing) Federal Court - Perth Barker J	15 July 2009	Joseph McDonald was involved in workers taking strike action for 24 hours calculated to make a subcontractor sign a written safety commitment other subcontractors had signed the previous day.	• Agreed statement of limited facts • Liability decision - 23 July 2010 • Penalty decision - 3	On appeal, $48,000 comprising: • $40,000 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act) • $8,000 and declarations against McDonald (for 1 contravention of s.38 BCII Act)

083

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	McDonald v ABCC [2011] FCAFC 29 (appeal against penalty) Full Federal Court - North, McKerracher and Jagot JJ			September 2010 • Appeal decision - 8 March 2011 (dismissed)	
153.	*Heyman v CFMEU, Washington, Hudson and Spernavasilis* [2011] FMCA 145 Federal Magistrates Court O'Sullivan FM	21 May 2008	Organisers of the CFMEU banned work on a tower crane at the Royal Childrens Hospital site at Parkville, Victoria.	• Agreed statement of facts and agreed penalties proposed • Penalty decision - 8 March 2011	$41,000 comprising: • $30,000 against the CFMEU (for 1 contravention of s.38 BCII Act) • $6,000 against Washington (for 1 contravention of s.38 BCII Act) • $5,000 against Hudson (for 1 contravention of s.38 BCII Act)
154.	*White v CFMEU* [2011] FCA 192 Federal Court Kenny J	16 May and 28 May 2008	Up to 9 organisers of the CFMEU were involved in or organised industrial action on 3 sites for 1 day (strikes) and 8 sites for 4 hours (car blockades and late attendance to work) with intent to coerce Abigroup to employ and allocate particular responsibilities to redundant employees.	• Agreed statement of facts and agreed penalties proposed • Penalty decision - 7 March 2011	$170,000 comprising: • $105,000 against the CFMEU (for 1 contravention of ss.38 and 43 BCII Act) • $13,000 against Edwards (for 1 contravention of ss.38 and 43 BCII Act) • $5,000 against Graauwmans (for 1 contravention of ss.38 and 43 BCII Act) • $8,000 against Hill (for 1 contravention of ss.38 and 43 BCII Act) • $5,000 against Long (for 1 contravention of ss.38 and 43 BCII Act) • $5,000 against Murphy (for 1 contravention of ss.38 and 43 BCII Act) • $11,000 against Powell (for 1 contravention of ss.38 and 43 BCII Act)

084

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• $5,000 against Reardon (for 1 contravention of ss.38 and 43 BCII Act) • $5,000 against Stephenson (for 1 contravention of ss.38 and 43 BCII Act) • $8,000 against Tadic (for 1 contravention of ss.38 & 43 BCII Act).
155.	*Wotherspoon v CFMEU & Ors* [2010] FCA 111 [2011] FCA 158 (penalty judgment) Federal Court Jessup J	23 May 2008 14 August 2008 28 August 2008	To protest the Bovis Blue Glue security system, two unions and five organisers involved themselves in employees' failures to work at up to 4 different building sites on 23 May and 28 August 2008. On 14 August 2008 the CFMEU and up to two organisers restricted concrete pumps from operating and directed concreters to abandon a pour.	• Agreed statement of facts and agreed penalties proposed • First judgment 23 February 2010 • Penalty decision - 3 March 2011	$110,000 comprising: • $48,250 against the CFMEU (for 3 contraventions of s.38 BCII Act) • $36,250 against the CEPU (for 2 contraventions of s.38 BCII Act) • $8,500 against McLoughlin (for 2 contraventions of s.38 BCII Act) • $5,000 against Spernavasilis (for 2 contraventions of s.38 BCII Act) • $5,000 against Gray (for 2 contraventions of s.38 BCII Act) • $4,500 against Christopher (for 2 contraventions of s.38 BCII Act) • $2,500 against Hudson (for 1 contravention of s.38 BCII Act)
156.	*Lovewell v Pearson & Anor* [2011] FMCA 102 Federal Magistrates Court - Brisbane Jarrett FM	5 June 2009	A union official who was a federal permit holder and state authorised representative intentionally hindered and obstructed a company in its work and otherwise acted in an improper manner when he disrupted a concrete pour and swore at employees at a building site in Queensland.	• Statement of agreed facts • Penalty decision - 25 February 2011	$21,000 comprising: • $4,500 against Pearson for 1 contravention of s.767(1) of the WR Act • $16,500 against the BLF for 1 contravention of s.767(1) of the WR Act

085

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
157.	*Alfred v CFMEU & Ors* [2009] FMCA 613 (liability) (No 2) [2009] FMCA 1003 (penalty) Federal Magistrates Court - Smith FM [2011] FCAFC 13 (appeal) Full Court of the Federal Court - Buchanan, Flick and Katzmann JJ	11 April 2006	A CFMEU and CFMEU (NSW) organiser threatened to organise or take action (including bankruptcy, auditing and making life a misery) against a subcontractor with intent to coerce him and his workers to become CFMEU members.	• Liability decision - 10 July 2009 • Penalty decision - 20 October 2009 • Appeal decision - 10 February 2011	$28,600 comprising: • $13,000 against the CFMEU (for 1 contravention of s.789 WR Act) • $13,000 against the CFMEU NSW (for 1 contravention of s.789 WR Act) • $2,600 against Salvatore Manna (for 1 contravention of s.789 WR Act)
158.	*Stuart-Mahoney v CFMEU and Anor* (No 2) [2008] FMCA 1015 (liability) (No 3) [2008] FMCA 1435 (penalty) Federal Magistrates Court - Burchardt FM [2011] FCA 56 (appeal) Federal Court - Ryan J	12 September 2006	At inductions a CFMEU delegate made a false and misleading statement about the obligation of an excavator operator to join the union and prevented him from commencing work until he had become a member.	• Liability decision - 4 August 2008 • Penalty decision - 27 October 2008 • Appeal decision - 8 February 2011	$30,775 comprising: • $24,775 and declarations against the CFMEU (for 1 contravention of each of ss.789 and 790 WR Act) • $6,000 and declarations against Deans ½ suspended (for 1 contravention of each of ss.789 and 790 WR Act)
159.	*Flynn v CFMEU and Feehan* *Mathers v CFMEU and Feehan* [2011] FMCA 32 Federal Magistrates Court	30 May 2008 15 July 2008	In May 2008 a CFMEU organiser was involved in a strike by 30 employees for safety issues. In July 2008 the CFMEU organiser was involved in counselling and encouraging a strike by 12-14 employees and a failure to attend work by 5 employees from 9:00 am onwards.	• Agreed statement of facts and agreed penalties proposed • Penalty decision - 28 January 2011	$45,000 comprising: In *Flynn* • CFMEU: $17,000 (2 contraventions of s.38 BCII Act) • Feehan: $3,000 (2 contraventions of s.38 BCII Act) In *Mathers*

080

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Simpson FM				• CFMEU: $20,000 (1 contravention of s.38 BCII Act) • Feehan: $5,000 (1 contravention of s.38)
160.	*Darlaston v Parker* [2010] FCA 771 (liability) (No 2) [2010] FCA 1382 (penalty) Federal Court Flick J	3 - 4 December 2008	CFMEU and CFMEU NSW organisers failed to comply with an occupier's reasonable occupational health and safety request to undertake a site induction. Another organiser failed to comply with an employer's reasonable occupational health and safety request to stop using scaffolding when requested. An organiser intentionally hindered and obstructed employers and employees by inducing employees to stop work and leave site. An organiser failed to comply with an employer's reasonable occupational health and safety request to move vehicles in the vicinity of a crane that was, or was being prepared, to be dismantled. An organiser intentionally acted in an improper manner by driving a vehicle at a gate behind which stood an employee.	• Liability decision - 23 July 2010 • Penalty decision - 10 December 2010	$50,500 comprising: • $15,000 and declarations against the CFMEU (for 7 contraventions of ss.758(3) and 767(1) WR Act) • $15,000 and declarations against the CFMEU NSW (for 7 contraventions of ss.758(3) and 767(1) WR Act) • $8,000 and declarations against Parker (for 2 contraventions of s.758(3) and 1 contravention of s.767(1) WR Act) • $2,500 and declarations against Hanlon (for 1 contravention of s.758(3) WR Act) • $7,500 and declarations against Mitchell (for 1 contravention each of ss.758(3) and 767(1) WR Act) • $2,500 and declarations against Kera (for 1 contravention of s.758(3) WR Act)
161.	*Cahill v CFMEU* (No 3) (2009) 178 IR 89; [2009] FCA 52 (liability) [2009] FCA 1040 (penalty) Federal Court - Kenny J [2010] FCAFC 39 (appeal)	15 February 2006 17 February 2006 21 February 2006	A CFMEU organiser demanded that a new contractor on site employ two former shop stewards and the OH&S officer who had been employed by the previous contractor. He also demanded that the new contractor appoint these people as shop stewards and OHS officer respectively. The organiser threatened to have the crane crew shut down the crane and leave the site, which they ultimately did. His intention was to coerce the	• Liability decision - 5 February 2009 • Penalty decision - 16 September 2009 • Appeal decision - 18 May 2010	On appeal, upholding first instance, $85,500 comprising: • $75,500 and declarations against the CFMEU (for 3 contraventions of s.43 BCII Act) • $10,000 and declarations against Mates (for 3 contraventions of s.43 BCII Act)

087

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court of Australia Full Court Moore, Middleton and Gordon JJ [2010] HCATrans 324 (special leave disposition) High Court of Australia French CJ & Crennan J		labour hire company, Hardcorp, to re-employ the former CFMEU shop stewards and OH&S officer.	• Refusal of special leave to appeal 10 December 2010	
162.	*Gregor v Berardi & CFMEU* [2010] FMCA 805 Federal Magistrates Court - O'Sullivan FM	7 October 2008	A CFMEU organiser in a meeting banned work by approximately 14 employees in the context of the dismissal of the site peggy and OH&S representative the previous day.	• Agreed statement of facts and agreed penalties • Penalty decision 20 October 2010	$30,000 comprising: • $5,000 and declarations against Berardi (for 1 contravention of s.38 BCII Act) • $25,000 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act)
163.	*Wotherspoon v CFMEU, Reardon and Hudson* [2010] FMCA 786 Federal Magistrates Court O'Sullivan FM	1 April 2009	Two CFMEU officials shut down the Walter and Eliza Hall Institute site in connection with a dispute with a head contractor over a height allowance.	• Agreed statement of facts and agreed penalties proposed • Penalty decision 11 October 2010	$27,500 and declarations comprising: • $22,500 and declaration against the CFMEU (for 1 contravention of s.38 BCII Act) • $2,500 and declaration against Reardon (for 1 contravention of s.38 BCII Act) • $2,500 and declaration against Hudson (for 1 contravention of s.38 BCII Act)
164.	*White v CFMEU and McLoughlin* [2010] FMCA 693	19 February 2008	A CFMEU organiser imposed a ban on steel fixing for a concrete pour by employees of a subcontractor. The ban interrupted the pour and was imposed to effect his intention to remove an elected OHS representative.	• Agreed statement of facts • Penalty decision 21	$46,200 comprising: • $38,500 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act)

088

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Magistrates Court Burchardt FM			September 2010	• $7,700 and declarations against McLoughlin (for 1 contravention of s.38 BCII Act) (35% of the applicable maximum)
165.	*Hardwick v AMWU* [2010] FCA 818 Federal Court Gordon J	29 November 2008 - 27 March 2009	At Patricia-Baleen Gas Plant site, various unions (including the CFMEU) and organisers took various actions (including threats, pickets and protests) with intent to coerce subcontractors at the site to enter union building agreements.	• Agreed statement of facts and agreed penalties proposed • Penalty decision 4 August 2010	$67,500 comprising: • $9,000 against the CFMEU (for 1 contravention of s.44 BCII Act) • $3,500 against Parker (CFMEU) (for 1 contravention of s.44 BCII Act) • $15,000 against the AMWU (for 1 contravention of s.44 BCII Act) • $5,000 against Warren (AMWU) (for 1 contravention of s.44 BCII Act) • $14,000 against the AWU (for 1 contravention of s.44 BCII Act) • $6,000 against Lee (AWU) (for 1 contravention of s.44 BCII Act) • $11,000 against the CEPU (for 1 contravention of s.44 BCII Act) • $4,000 against Mooney (CEPU) (for 1 contravention of s.44 BCII Act)
166.	*Williams v AMWU, CFMEU, Powell, Mavromatis & Pizarro* [2010] FCA 754 Federal Court - Melbourne Jessup J	5 February – 29 April 2009	At the West Gate Bridge site, respondents authorised and organised industrial action, took action with intent to coerce John Holland to employ former employees of a subcontractor, and took action with intent to coerce John Holland and the subcontractor to make EBAs.	• Agreed penalties proposed • Penalty decision 28 July 2010	$1,325,000 comprising: • CFMEU: $858,000 ($535,000 for 8 contraventions of s.43 BCII Act; $247,000 for 9 contraventions of s.44 BCII Act; $76,000 for 2 contraventions of s.38 BCII Act) • Powell: $71,000 ($45,000 for 4 contraventions of s.43 BCII Act, $21,000 for 5 contraventions of s.44 BCII Act, $5,000 for 1 contravention of s.38 BCII)

680

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• Stephenson: $71,000 ($45,000 for 5 contraventions of s.43 BCII Act $16,000 for 5 contraventions of s.44 BCII Act, $10,000 for 1 contravention of s.38 BCII) • AMWU: $298,000 ($185,000 for 3 contraventions of s.43 BCII Act, $78,000 for 4 contraventions of s.44 BCII Act, $35,000 for 1 contravention of s.38 BCII) • Mavromatis: $27,000 ($14,000 for 2 contraventions of s. 44 BCII Act, $7,000 for 1 contravention of s.43 BCII Act, $6,000 for 1 contravention of s. 38 BCII Act)
167.	*Stuart v CFMEU* [2009] FCA 1119 (first instance) Federal Court - Gray J [2010] FCAFC 65 (appeal) Federal Court of Australia Full Court - Moore, Besanko & Gordon JJ	19 September 2006 3 October 2006	A CFMEU shop steward refused to induct a subcontractor's employees without a CFMEU EBA, stating that work to be done was CFMEU work, not AMWU work. He also organised a stop work meeting 2 weeks later, with intent to apply undue pressure on the contractor to make an EBA.	• Agreed statement of facts in place • Penalty decision 2 October 2009 • Appeal decision: 8 June 2010	On appeal: • $25,000 (increased from $5,000) and declarations against the CFMEU (for 1 contravention of s.44 BCII Act with no additional penalty for 1 s.38 contravention) • Declarations against Corbett (for 1 contravention of each of ss.44 and 38 BCII Act)
168.	*Wotherspoon v CFMEU, Stephenson & Slater* [2010] FMCA 184 Federal Magistrates Court Turner FM	30 April 2008	CFMEU organisers engaged in meetings and encouraged stoppages on Fulton Hogan Monash Freeway Road Widening Project as a result of which, FHPL employees and others withdrew their labour and failed to perform their work for various periods on 30 April 2008.	• Agreed statement of facts & agreed penalties proposed • Penalty decision 22 March 2010	$31,000 comprising: • $25,000 against the CFMEU (for 1 contravention of s.38 BCII Act) • $5,000 against Stephenson (for 1 contravention of s.38 BCII Act) • $1,000 against Slater (wholly suspended) (for 1 contravention of s.38 BCII Act)

090

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
169.	*Cozadinos v CFMEU & Salta* MLG516/09 (No reported decision) Federal Magistrates Court - Burchardt FM	12 March 2008	A CFMEU OH&S representative made a false or misleading representation about the obligation to join the CFMEU to two workers on the site after inductions.	• Agreed statement of facts & agreed penalty proposed • Penalty order 22 February 2010	$7,000 comprising: • $6,000 against the CFMEU (for 1 contravention of s.790 WR Act) • $1,000 against Salta (for 1 contravention of s. 790 WR Act)
170.	*Cozadinos v CFMEU & Ioannidis* MLG624/2009 (No reported decision) Federal Magistrates Court - Burchardt FM	3 March 2008	A CFMEU organiser prejudiced two employees in their employment (telling them he would stop them from working at the site) because they were not members of the CFMEU.	• Agreed statement of facts & agreed penalty proposed • Penalty order 22 February 2010	$7,000 comprising: • $6,000 against the CFMEU (for 1 contravention of s.797(3)(f) WR Act) • $1,000 against Ioannidis (for 1 contravention of s.797(3)(f) WR Act)
171.	*Cozadinos v CFMEU, Berardi & Mates* [2010] FCA 48 Federal Court Marshall J	8 March 2007	A CFMEU organiser engaged in unlawful industrial action and took action with intent to coerce a contractor to reinstate an employee.	• Agreed statement of facts in place • Penalty decision 9 February 2010	$45,000 comprising: • $40,000 against the CFMEU ($20,000 for 1 contravention of s.38 BCII Act and $20,000 for 1 contravention of s.43 BCII Act) • $5,000 against Mates ($2,000 for 1 contravention of s.38 BCII Act and $3,000 for 1 contravention of s.43 BCII Act)
172.	*Wilson v Nesbit & CFMEU* [2009] FCA 1574 Federal Court Dowsett J	23 June 2008	A CFMEU organiser made threats to a company to ban it from any building site in Australia and have it perform a workplace health and safety audit (costing at least $30,000) with intent to coerce the company to terminate its EBA and make a new EBA with the CFMEU.	• Agreed statement of facts in place • Penalty decision 23 December 2009	$49,000 comprising: • $40,000 and declarations against the CFMEU (for 1 contravention of s.44 BCII Act.) • $9,000 and declarations against Nesbit (for contravention of s.44 BCII Act)

091

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
173.	*Gregor v CFMEU & Berardi* [2009] FMCA 1266 Federal Magistrates Court O'Sullivan FM	19 July 2007	After a head contractor declined to be a party to a CFMEU EBA, a CFMEU organiser arranged for site workers to stop work and attend a midday meeting. The organiser told the attendees that the Site was being closed down and encouraged them to leave site and not perform further work that day.	• Agreed statement of facts & agreed penalty. • Penalty decision 16 December 2009	$8,500 comprising: • $7,500 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act) • $1,000 and declarations against Berardi wholly suspended (for 1 contravention of s.38 BCII Act)
174.	*John Holland v CFMEU, Travers, O'Grady & Reardon* [2009] FMCA 1248 Federal Magistrates Court O'Sullivan FM	24 March 2009	Three CFMEU officials at two sites within John Holland's Tullamarine Airport project encouraged and directed the cessation of work by at least 100 workers.	• Agreed statement of facts & agreed penalties proposed • Penalty decision 14 December 2009	$23,000 and declarations against the CFMEU (for 2 contraventions of s.38 BCII Act)
175.	*Williams v CFMEU* [2009] FCA 223 (liability) (No 2) (2009) 182 IR 327; [2009] FCA 548 (penalty) Federal Court - Jessup J [2009] FCAFC 171 (appeal) Federal Court of Australia Full Court Moore, Middleton and Gordon JJ	31 July 2006	A CFMEU organiser procured and threatened to procure a stoppage of work with intent to coerce a builder to employ or engage a building employee or contractor.	• Liability decision 13 March 2009 • Penalty decision 28 May 2009 • Appeal decision 7 December 2009	On appeal, $42,500 comprising: • $35,000 (reduced from $100,000) against the CFMEU (for 1 contravention of s.43 BCII Act) • $7,500 (reduced from $15,000) against Mates (for 1 contravention of s.43 BCII Act)

092

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
176.	*John Holland Pty Ltd v Benstead & CFMEU* [2009] FMCA 1065 Federal Magistrates Court Turner FM	11 March 2009 24 March 2009	On two separate occasions at an Epping construction site, a CFMEU officer visiting on site with OH&S concerns was involved in employees' failure to work from morning onwards.	• Agreed statement of facts & penalty • Penalty decision 12 November 2009	$25,000 against the CFMEU (for 2 contraventions of s.38 BCII Act)
177.	*Draffin v CFMEU* [2007] FCA 2011 (Walton) • [2009] FCA 243 (CFMEU first instance) • [2009] FCAFC 120 (appeal)	November 2005	A CFMEU delegate, CFMEU organiser and CFMEU branch secretary admitted to coercing a head contractor not to allocate traffic management responsibilities to a subcontractor whose employees were on AWAs, discriminating against the subcontractor and encouraging the head contractor to terminate the subcontract because of the AWAs. The head contractor terminated the subcontract.	• Agreed statement of facts in place • Walton penalty decision 10 December 2007 • CFMEU penalty decision – 17 March 2009 • Appeal decision – 10 September 2009	On CFMEU penalty appeal, $132,750 comprising: • $50,000 against Walton ½ suspended ($40,000 for 1 contravention of s.45 BCII Act, $10,000 for 1 contravention of s.298K(2)(d) WR Act) • $52,750 (increased from $22,750) against the CFMEU ($50,000 for 1 contravention of s.43 BCII Act, $2,000 for 1 contravention of s.45 BCII Act, $750 for 1 contravention of s.298P WR Act) • $10,000 (increased from $2,000 wholly suspended) and declarations against Oliver ½ suspended ($8,000 for 1 contravention of s.43 BCII Act, $1,250 for 1 contravention of s.45 BCII Act and $750 for 1 contravention of s.298P WR Act) • $10,000 (increased from $2,000 wholly suspended) against Benstead ½ suspended ($8,000 for 1 contravention of s.43 BCII Act, $1,250 for 1 contravention of s.45 BCII Act and $750 for 1 contravention of s.298P WR Act) and declarations (for 1 contravention of each of ss.45 BCII Act and 298P WR Act)

093

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					• $10,000 against Allen ½ suspended ($8,000 for 1 contravention of s.43 BCII Act, $1,250 for 1 contravention of s.45 BCII Act and $750 for 1 contravention of s.298P WR Act) and declarations (for 1 contravention of each of ss.45 BCII Act and 298P WR Act)
178.	*Cruse v CFMEU and Anor* [2009] FCA 787 Federal Court Marshall J	6 October 2006	A CFMEU senior vice president held a stop work meeting with crane workers at 3:10 pm at a Melbourne site. Following this, a ban was placed on crane installation work by the workers and continued for until 4.40pm that day.	• Agreed statement of facts & agreed penalties proposed • Penalty decision 29 July 2009	$15,000 comprising: • $10,000 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act) • $5,000 and declarations against Washington (for 1 contravention of s.38 BCII Act)
179.	*Cozadinos v CFMEU & Anor* [2008] FMCA 1591 (liability) [2009] FMCA 272 (penalty) Federal Magistrates Court - Burchardt FM	19 March 2007	A CFMEU shop steward prevented a delivery of materials.	• Liability decision 10 December 2008 • Penalty decision 7 May 2009	• $5,000 and declarations against the CFMEU (for 1 contravention of s.38 BCII Act) and other declarations (for 1 contravention of s.494 WR Act) • $4,600 and declarations against Johnston (for 1 contravention of s.38 BCII Act) and other declarations (for 1 contravention of s.494 WR Act)
180.	*Cruse v CFMEU & Anor* (2009) 182 IR 60 [2009] FMCA 236 Federal Magistrates Court - Turner FM	25 September 2006	34 employees walked off the job for 3.5 to 4 hours following a 30 minute stop-work meeting conducted by a CFMEU organiser during working hours.	• Agreed statement of facts • Penalty decision 9 April 2009	• $27,500 and declarations against the CFMEU (for 1 contravention of each of s.38 BCII Act and EBA) • $11,000 and declarations against McLoughlin ½ suspended (for 1 contravention of each of s.38 BCII Act and EBA)
181.	*Duffy v CFMEU*	20 October 2005	A CFMEU organiser organised a ban on concreting & earthworks at the University Hill site	• Decision on liability 28	$5,500 against the CFMEU (for 1 contravention of s.38 BCII Act)

094

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	[2008] FCA 1804 (No 2) [2009] FCA 299 Federal Court Marshall J		because of the lack of a female toilet while a female worker was present and the absence of a site contamination report. Workers commenced work again in the afternoon of the following day.	November 2008 • Decision on penalty 31 March 2009	
182.	*Bovis Lend Lease Pty Ltd v CFMEU* [2009] FCA 194 (liability) (No 2) [2009] FCA 650 (penalty) Federal Court – Melbourne - Tracey J	19 and 23 February 2009	On 19 February 2009 and again on 23 February 2009 officials and members of the CFMEU obstructed and interfered with the passage of vehicles seeking to enter the New Royal Children's Hospital Site, in breach of an order made by Marshall J on 19 February. The CFMEU were found to be in contempt.	• 19 June 2009 (penalty) • 4 March 2009 (liability)	Penalty of $75,000 against CFMEU for contempt.
183.	*Alfred v Primmer & Ors* (No 2) [2008] FMCA 1476 (2008) 221 FLR 54 (liability) [2009] FMCA 158 (penalty) Federal Magistrates Court - Cameron FM	12 October 2006	A CFMEU organiser entered the Kiama High School site and advised or encouraged the head contractor's foreman to stop an independent contractor from continuing to work as the independent contractor had no affiliation with the union and was involved in court proceedings over unpaid wages.	• Liability decision 3 November 2008 • Penalty decision 3 March 2009 The CFMEU & Applicant proposed that a mid-range would be appropriate.	$23,500 comprising: • $10,000 and declarations against the CFMEU (for 2 contraventions of s.800(1)(a) WR Act) • $10,000 and declarations against the CFMEU NSW (for 2 contraventions of s.800(1)(a) WR Act) • $3,500 and declarations against Primmer (for 2 contraventions of s.800(1)(a) WR Act)
184.	*Hadgkiss v CFMEU* (No 3) [2007] FCA 87 (liability) (No 4) [2007] FCA 425; (penalty) Federal Court -Graham J	19 January 2004 17- 18 February 2004	A CFMEU organiser and a CFMEU site delegate told subcontractors at Wollongong and Fairy Meadows they could not work on the site unless they were financial members of the CFMEU.	• Liability decision 9 February 2007 • Penalty decision 26 March 2007	On remitter from appeal, $35,250 comprising: • $15,000 and declarations against the CFMEU (for 4 contraventions of s.298SC(c) WR Act)

095

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	[2008] FCAFC 22 (appeal) (No 5) [2008] FCA 1040 (remitted penalty) [2009] FCAFC 17 (appeal) Federal Court of Australia Full Court - North, Lander and Buchanan JJ			• Appeal decision 5 March 2008 • Remitted penalty decision 14 July 2008 • Appeal decision 26 February 2009	• $15,000 and declarations against the CFMEU NSW (for 4 contraventions of s.298SC(c) WR Act) • $1,250 and declarations against Casper (for 1 contravention of ss. 298SC(c) WR Act) • $4,000 and declarations against Lane (for 3 contraventions of s.298SC(c) WR Act)
185.	*Pine v Multiplex Constructions (Vic) P/L; Cruse v Multiplex Limited* [2005] FCA 1428 (Multiplex) – Merkel J [2007] FCA 2015 (CFMEU first instance) – North J [2008] FCAFC 179; (2008) 172 FCR 279; (2008) 177 IR 189 (appeal) Federal Court of Australia Full Court Gray, Goldberg and Jessup JJ	5 August 2003 6 August 2003	After an unrelated industry death in Shepparton, CFMEU shop stewards conducted a stop work meeting followed by a site safety audit at Multiplex's Concept Blue site. On instruction by the CFMEU work was not done between 1:10 pm and 10:00 am next day. Through its shop stewards, the CFMEU made a claim for strike pay and organised and took industrial action with the intent to coerce Multiplex to make strike payments. Multiplex paid the strike pay.	• Agreed statement of facts in place • Multiplex penalty judgment 11 October 2005 • CFMEU penalty judgment 17 December 2007 • Appeal decision 5 November 2008	$4,000 against Multiplex (for 1 contravention of s.187AA WR Act). On appeal: • $2,500 against the CFMEU (for 1 contravention of each of ss.187AB(1)(a) and 187AB(1)(b) WR Act) • declarations against Thorson (for 1 contravention of each of ss.187AB(1)(a), 187AB(1)(b), and 187AA(2) WR Act)
186.	*Cruse v CFMEU* [2008] FCA 1267 (liability)	May 2005	A CFMEU delegate made false and misleading statements regarding a Hamilton building contractor's obligation to join the union and negated the contractor's choice whether to enter	• Liability decision 22 August 2008 • Penalty decision 5	$4,000 against the CFMEU (for 1 contravention of s.170NC WR Act) and declarations (for 1 contravention of s.290SC WR Act)

096

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	(No 2) [2008] FCA 1637 (penalty) Federal Court Marshall J		into a certified agreement with the CFMEU. Union vicariously liable for breaches delegate.	November 2008	Declarations against Fry (for 1 contravention of each of ss.170NC and 298SC WR Act)
187.	*Standen v Feehan* (2008) 175 IR 297; [2008] FCA 1009 (liability) (No 2)(2008) 177 IR 276; [2008] FCA 1574 (penalty) Federal Court Lander J	5 May 2004	A CFMEU organiser who parked his car to block access to a site, intentionally hindered and obstructed the project manager and a concrete contractor working on the site between 8:15 am and 10:00 am.	• Liability decision 3 July 2008 • Penalty decision 23 October 2008 Parties agreed acceptable penalty range of $1,200 to $1,600, being 60% to 80% of max penalty.	$1,300 and declarations against the CFMEU organiser (for 1 contravention of s285E WR Act)
188.	*Alfred v Wakelin (No 1)* [2008] FCA 1455 (CFMEU) Federal Court - NSW Jagot J	10 - 11 November 2005	CFMEU and AWU workers went on strike on the remainder of 10 November 2005 because they were asked to return to work when an authorised stop work meeting ran overtime.	• Agreed statement of facts • CFMEU penalty decision 25 September 2008	• $8,000 against the CFMEU (for 1 contravention of s.38 BCII Act) • $1,100 against Wakelin (for 1 contravention of s.38 BCII Act)
189.	*Stuart-Mahoney v CFMEU* (2008) 177 IR 61 [2008] FCA 1426 Federal Court	6-13 October 2005	A CFMEU delegate and organiser raised for consideration, encouraged and supported an overtime ban with intent to coerce Hooker Cockram to employ an apprentice on the police and law courts complex in Morwell, Victoria.	• Agreed statement of facts • Penalty decision 19 September 2008	$63,000 comprising: • $55,000 and declarations against the CFMEU ($35,000 for 1 contravention of s.43 BCII Act, $20,000 for 1 contravention of s.38 BCII Act) • $8,000 and declarations against Parker wholly suspended ($6,000 for 1

097

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Tracey J				contravention of s.43 BCII Act, $2,000 for 1 contravention of s.38 BCII Act)
190.	*Temple v Powell* [2008] FCA 714; (2008) 169 FCR 169; (2008) 173 IR 189 Federal Court Dowsett J	17 August 2005 25 August 2005	At the Ravensthorpe nickel mine construction project in WA, 400 workers went on strike for 48 hours following a meeting with CFMEU official Joseph McDonald and organiser Michael Powell. A week later, Powell conducted a meeting and 20 workers subsequently went on strike for 24 hours. The parties agreed that that the CFMEU should be "taken to have engaged in the First Strike action".	• Agreed statement of facts • Penalty decision 23 May 2008	• $18,000 against the CFMEU ($12,000 for 1 contravention of s.38 BCII Act, $5,000 for 1 contravention of s.178 WR Act and $1,000 for 1 contravention of s.170MN WR Act) • $12,000 against the CFMEUW (for 1 contravention of s.38 BCII Act) • $3,500 against Powell ($2,500 for 1 contravention of s.38 BCII Act, $1,000 for 1 contravention of s.170MN WR Act) • $1,500 against McDonald (for 1 contravention of s.170MN WR Act)
191.	*A & L Silvestri Pty Ltd v CFMEU* [2007] FCA 1047 (liability) [2008] FCA 466 (penalty) Federal Court Gyles J	20 October 2003 21 October 2003	Three CFMEU and CFMEU (NSW) organisers took unprotected industrial action and threatened further industrial disruption against a head contractor and an earthmoving subcontractor on a Wollongong site because they did not have industrial agreements with the CFMEU. The officials also threatened to shut down the site if the subcontractor was not removed. Union vicariously liable.	• Liability decision 13 July 2007 • Penalty decision 11 April 2008 The max possible penalty for the Union was $11,000 & $2,200 for Lane.	$7,300 comprising: • $5,500 and declarations against the CFMEU (for 1 contravention of s.170NC WR Act) • $1,800 and declarations against Lane (for 1 contravention of s.170NC WR Act) In addition, the CFMEU was ordered to pay damages of $23,000 plus interest
192.	*Cahill v CFMEU* [2008] FCA 495 Federal Court Marshall J	11, 13, 14 & 18 May 2004	Through its organiser and delegate, the CFMEU made a claim for strike pay and organised, threatened and took industrial action – including a ban at a separate site - with intent to coerce Bovis to pay strike pay. Bovis paid the strike pay.	• Agreed statement of facts • Penalty judgment 11 April 2008	$4,000 against the CFMEU (for 1 contravention of each of ss.187AB(1)(a) and 187AB(1)(b) WR Act) Declarations against Setka and Tadic (for 1 contravention of each of ss.187AB(1)(a) and 187AB(1)(b) WR Act)

098

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
193.	*Cruse v CFMEU & Anor* [2007] FMCA 1873 Federal Magistrates Court Burchardt FM	22-24 September 2005	Unlawful industrial action organised by the CFMEU involving 288 people at the Roche Mining Mineral Sands Separation Plant in Hamilton. Following a hearing in the AIRC on 27 September 2005, the workers returned to work at 1:30 p.m. on 28 September 2005. The workers were on strike for 2.5 days.	• Agreed statement of facts • Penalty decision 14 November 2007	• $35,000 and declarations against the CFMEU (for 1 contravention of each of s.38 BCII Act and EBA) • $7,000 and declarations against Stewart (½ suspended) (for 1 contravention of each of s.38 BCII Act and EBA)
194.	*Alfred v Lanscar* [2007] FCA 1001; (2007) 167 IR 320 Federal Court Buchanan J	9 February 2005	A CFMEU organiser advised, encouraged or incited Papas Painting to refuse to engage painters because they were not members of the union. Lanscar said that unless the painters joined the union they could not work on the project and he would "direct" the head contractor to use other painters. Also, Mr Lanscar threatened to take industrial action against Papas Painting with the intent to coerce it to refuse to use the painters.	• Agreed statement of facts & penalties proposed • Penalty decision 4 July 2007	$12,000 comprising: • $10,000 and declarations against the CFMEU (for 1 contravention of each of ss.298S(2)(a) and 298S(2)(b) WR Act) • $2,000 and declarations against Lanscar (for 1 contravention of each of ss.298S(2)(a) and 298S(2)(b) WR Act)
195.	*Ponzio v B & P Caelli Constructions Pty Ltd* [2006] FCA 1221 (first instance) Federal Court - North J [2007] FCAFC 65; (2007) 158 FCR 543; (2007) 162 IR 444 (appeal) Federal Court of Australia Full Court Marshall, Lander and Jessup JJ	5, 6, 25 & 26 August 2003	After an unrelated industry death in Shepparton, Caelli's employees attended a stop work meeting followed by a site safety audit at Multiplex's Concept Blue site. Work was stopped from that day until 10:00 am next day. Through its shop stewards and organisers, the CFMEU made a claim for strike pay and organised and took industrial action. Caelli did not initially pay the strike pay. On 25 August the CFMEU organised bans on the use of forklifts and access to balconies - with intent to coerce Caelli to make strike payments. Caelli paid the strike pay.	• Agreed statement of facts • Caelli and CFMEU penalty judgment 11 September 2006 • On appeal, agreed penalty proposed for Caelli • Appeal decision 14 May 2007	Notwithstanding the appellant and Caelli had agreed upon the penalty to be imposed upon Caelli, the primary judge dismissed the application against Caelli without penalty. He also dismissed the application against the Union and the third and fourth respondents without penalty. On appeal, $11,000 comprising: • $6,000 against Caelli wholly suspended (for 1 contravention of s.187AA WR Act) • $5,000 and declarations against the CFMEU (for 1 contravention of s.187AB(1)(a) WR Act and 3 contraventions of s.187AB(1)(b) WR Act) • Declarations against Crnac and Spernovasilis (for 1 contravention each of s.187AB(1)(a) WR Act and 3

660

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
					contraventions each of s.187AB(1)(b) WR Act)
196.	*Hadgkiss v Sunland Constructions Pty Ltd* [2006] FCA 1566 *Hadgkiss v CFMEU* [2007] FCA 346; (2007) 158 FCR 193; (2007) 161 IR 317 *Hadgkiss v CFMEU* [2007] FCA 524; (2007) 162 IR 385 Federal Court Dowsett J (Sunland) Kiefel J (CFMEU)	8 September 2004 4 November 2004	A CFMEU delegate told three employees there was no way they could work at the Sunland joinery unless they joined the CFMEU. In a later conversation with a BIT Inspector he explained the site was a union shop. A Sunland employee represented to one of the employees that he had to be a member of the CFMEU. Sunland dismissed the employee because he was not a member of the CFMEU.	• Agreed statement of facts for Sunland • Sunland penalty decision 25 October 2006 • CFMEU liability decision 14 March 2007 CFMEU penalty decision 26 March 2007	$25,300 comprising: • $6,000 and declarations against the CFMEU (for 1 contravention of s.298SC(c) WR Act) • $3,000 and declarations against the CFMEU QLD (for 1 contravention of s.298SC(c) WR Act) • $300 against Oskam (for 1 contravention of s.298SC(c) WR Act) • $15,000 and declarations against Sunland ($12,000 for 1 contravention of s.298K WR Act and $3,000 for 1 contravention of s.298SC(c) WR Act) • $1,000 and declarations against Eshraghi (for 1 contravention of s.298SC(c) WR Act)
197.	*Leighton Contractors Pty Ltd v CFMEU (No 4)* [2006] WASC 317; (2006) 164 IR 375 Supreme Court of Western Australia Le Miere J	9 March 2005 – February 2006	Rolling series of unlawful industrial actions constituted by unauthorised meetings and strikes or work bans on the New Metro Rail City Project, Perth. The conduct involved a series of stop work meetings and short periods of industrial action, including a single day of industrial action to attend a CFMEU rally.	• Agreed statement of facts & agreed penalties proposed in consent orders • Penalty decision 3 November 2006	$150,000 comprising: • $90,000 against the CFMEU (for 18 contraventions of s.38 BCII Act) • $30,000 against the CFMEUW (for 5 contraventions of s.38 BCII Act) • $30,000 against Joseph McDonald (for 16 contraventions of s.38 BCII Act)
198.	*Martino v CFMEU and Maher* (No. T02692326)	26 October 2004 28 October 2004	A CFMEU delegate prevented a subcontractor (Civiltest) from entering the Allegro Apartments site at Footscray, Melbourne, to perform soil testing unless Civiltest agreed to enter an EBA with the CFMEU. The conduct was done with the	• Agreed statement of facts	$13,950 comprising: • $13,500 against the CFMEU (for 1 contravention of s.170NC WR Act)

100

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Melbourne Magistrates Court Magistrate Hawkins		intent to coerce the subcontractor to enter into an agreement with the union with intent to prevent subcontractor from performing work unless agreement was made.	• Penalty judgment 10 May 2006	• $450 against Maher (for 1 contravention of s.170NC WR Act)
199.	*Alfred v Walter Construction Group Limited* [2005] FCA 497 Federal Court Branson J	April 2003	The CFMEU, one of its organisers and one of its site delegates threatened to disrupt the work of a major subcontracting company at the Wollongong Sewerage Treatment Plant Project, NSW because the subcontractor chose not to enter the CFMEU endorsed federal pre-reform certified agreement. The CFMEU engaged in conduct calculated, and effective, to prevent the subcontractor from continuing work on the site following unsuccessful negotiations for an EBA.	• Agreed statement of facts • Penalty decision 3 May 2005	$7,500 and declarations against the CFMEU (for 3 contraventions of s.170NC WR Act) Note: The applicant discontinued proceedings against all other defendants other than the CFMEU.
200.	*Hadgkiss v Blevin* [2004] FCA 697 (liability) [2004] FCA 917 (penalty) Federal Court Conti J	November 2002	The CFMEU, one of its organisers and one of its site delegates at the Clifton Apartments building at Pyrmont, NSW, coerced an employee of a building contractor to join the CFMEU. The employee initially refused to join the union but the employer subsequently paid his union dues on his behalf.	• Liability decision 1 June 2004 • Penalty decision 13 July 2004	• $5,500 against the CFMEU (for 1 contravention of s.298P(3) WR Act) • $1,100 against McGahan (for 1 contravention of s.298P(3) WR Act) • $1,100 against Blevin (for 1 contravention of s.298P(3) WR Act)
201.	*Hamberger, Employment Advocate v CFMEU* [2000] FCA 1923; (2000) 103 IR 249 (liability) [2002] FCA 586 (penalty) [2003] FCAFC 38; (2003) 127 FCR 309; (2003) 125 IR 183 (appeal)	29 January 1999 26 February 1999	The CFMEU and its site organisers on two separate occasions attempted to get an employer to remove an employee because the employee had refused to join the CFMEU. The CFMEU had threatened to engage in unlawful industrial action if the employee's employer did not remove the employee from site.	• Liability decision 22 December 2000 • Penalty decision 9 May 2002 • Appeal decision	On appeal, $12,750 comprising: • $3,000 (reduced from $7,500) and declarations against the CFMEU (for 1 contravention of each of ss.298P(3)(a) and 298P(3)(b) WR Act) • $7,500 and declarations against the BLF QLD (for 1 contravention each of s.298P(3)(a) and 298P(3)(b) WR Act) • $1,500 and declarations against McHugh (for 1 contravention each of s.298P(3)(a) and 298P(3)(b) WR Act)

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
	Federal Court - Cooper J Federal Court of Australia - Full Court Spender, Drummond and Marshall JJ				• $750 and declarations against Ravbar (for 2 contraventions of s.298P(3)(a) and 298P(3)(b) WR Act)

102

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

Prior Penalties & Declarations Under Industrial Laws Involving the CFMEU or Its Representatives Not included in ABCC Annexure B

Prepared by Solicitors Assisting the Commission of Inquiry

To Aide-mémoire: Prior Penalties & Declarations Under Industrial Laws Involving the CFMEU or Its Representatives Not Included in Annexure B

Legislation key:

- FW Act – *Fair Work Act 2009* (Cth)
- BCIIP Act – *Building and Construction Industry (Improving Productivity) Act 2016* (Cth)
- BCII Act – *Building and Construction Industry Improvement Act 2005* (Cth)
- WR – *Workplace Relations Act 1996* (Cth)

Penalty agreed –

Independent assessment -

NO.	CASE DETAILS	DATE OF CONDUCT	NATURE OF CONDUCT	DATE OF JUDGMENT	PENALTIES AND CONTRAVENTIONS
1.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (Kwinana Bulk Jetty Case) (Penalty)* [2026] FCA 379 WAD 55 of 2022 Dowling J	24 August 2021	Conduct at picket during period of industrial action On 24 August 2021, during a picket associated with protected industrial action at the Kwinana Bulk Jetty, Jason Gill, a Qube employee and MUA member, directed threatening and intimidating remarks towards a colleague who continued working during the industrial dispute. His conduct included telling the employee, "You'll end up dead dog if you keep going like this", along with other abusive comments directed at workers who had not joined the industrial action. The Court found that Mr Gill engaged in unlawful threatening conduct in breach of the FW Act, but did not find the CFMMEU/MUA liable for his conduct or for the	2 April 2026	1. Pursuant to s 546(1) of the Fair Work Act 2009 (Cth), Mr Jason Gill pay a pecuniary penalty of $9,324 for his contravention of s 348 of the Fair Work Act by threatening Mr Christopher Copperthwaite by saying, "You'll end up dead dog if you keep going like this", that threat being said with the intent to coerce Mr Copperthwaite to engage in industrial action.

			alleged statements and actions of unidentified picketers at the site.		2. The Court did not impose any penalty on the Union.
2.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (Ironside Case)* [2025] FCA 1664 VID 206 of 2022 Dowling J	17 March 2021, 14 April 2021, 15 April 2021, 4 May 2021	Occupational health and safety requirements and Permit holder must not hinder or obstruct CFMEU officials engaged in a series of improper actions at Ironside construction sites between March and May 2021. These actions included turning off a site generator without authorisation, failing to comply with reasonable occupational health and safety directions to leave construction zones, causing construction work to cease, and accessing and photographing an employee's computer screen without permission. The conduct disrupted site operations and interfered with workplace safety requirements and construction activities. The officials were found to have contravened ss 499 and/or 500 of the FW Act through their conduct at the Artisan East and Orphic sites. The CFMEU admitted that it was knowingly concerned in each of the contraventions and was therefore liable as an accessory under s 550 of the Act.	19 December 2025	1. CFMEU: pecuniary penalties of $30,000 (Declaration 1(a)), $28,000 (Declaration 1(b)), $28,000 (Declaration 2(a)), $28,000 (Declaration 3), $15,000 (Declaration 4(a)) and $15,000 (Declaration 4(c)), being a total of $144,000, for its contraventions of ss 499 and 500 of the FW Act. 2. James Simpson: pecuniary penalties of $7,500 (Declaration 1(a)) and $5,500 (Declaration 1(b)), being a total of $13,000, for his contraventions of ss 499 and 500 of the FW Act. 3. James Harris: pecuniary penalty of $4,000 for his contravention of s 499 of the FW Act. 4. Jaxson Mahy: pecuniary penalty of $3,000 for his contravention of s 500 of the FW Act. 5. Paul Tzimas: pecuniary penalties of $3,750 (Declaration 4(a)) and

					$3,750 (Declaration 4(c)), being a total of $7,500, for his contraventions of ss 499 and 500 of the FW Act.
3.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (Inner City South State Secondary College Case) (No 3)* [2024] FCA 1201 (18 October 2024) QUD 235 of 2020 Rangiah J	21 July 2020, 27 July 2020, 28 July 2020, 29 July 2020, 30 July 2020, 31 July 2020, 3 August 2020, 4 August 2020	Unlawful industrial action CFMEU officials organised and threatened unlawful industrial action at the Inner City South State Secondary College Project in July and August 2020. Mr Mattas directed employees of multiple subcontractors to cease work on numerous occasions and organised industrial action with the intent of pressuring Broad Construction to remove Phillip Millan from his role as Project Manager. Separately, Mr Blakeley threatened to cause subcontractor employees to refuse to perform work unless Mr Millan was removed from the project. The conduct was found to contravene ss 46 and 52 of the BCIIP Act, involving both unlawful industrial action and coercive conduct. Pursuant to s 95 of the Act, the CFMEU was taken to have engaged in the unlawful conduct of Mr Mattas and Mr Blakeley and was therefore held responsible for multiple contraventions arising from the organised work stoppages and threats directed at securing Mr Millan's removal from the project.	18 October 2024	1. CFMEU: pecuniary penalty of $25,000 for its contravention of s 46 of the BCI Act, $40,000 for its contraventions of s 52 of the BCI Act arising from the conduct of Dean Mattas, and $40,000 for its contravention of s 52 of the BCI Act arising from the conduct of Andrew Blakeley ($105,000 total). 2. Andrew Blakeley: pecuniary penalty of $15,000 for his contravention of s 52 of the BCI Act. 3. Dean Mattas: pecuniary penalty of $4,400 for his contravention of s 46 of the BCI Act and $6,700 for his contraventions of s 52 of the BCI Act ($11,100 total).
3.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (The Beams Lift Case) (No 2)* [2024] FCA 779 VID 625 of 2020	3 December 2019, 4 December 2019	Permit holders must refrain from acting in an improper manner CFMEU officials Paul Tzimas and Ronnie Buckley attended the West Gate Tunnel project site in December 2019 as permit holders to investigate what they believed were serious safety concerns relating to planned works. After	18 July 2024	1. The CFMEU pay pecuniary penalties totalling $150,000.00. 2. Paul Tzimas pays pecuniary penalties totalling $18,000.00.

	Snaden J		WorkSafe Victoria inspector Quinton Drury assessed the concerns and concluded that the work could proceed, the officials became hostile towards him and later towards Victoria Police officers who attended the site and directed them to leave. During these interactions, Mr Tzimas and Mr Buckley repeatedly accused the WorkSafe inspector and police officers of corruption, bias and acting in the interests of John Holland rather than workers. Their conduct included making insulting and derogatory remarks, questioning the inspector's competence and impartiality, and Mr Tzimas made comments directed at WorkSafe and police that they were effectively acting as "lap dogs" for the contractor. The Court found that Paul Tzimas contravened s 500 of the Fair Work Act 2009 (Cth) on five occasions by making abusive and hostile remarks to a WorkSafe Victoria inspector and Victoria Police officers, and that Ronnie Buckley contravened s 500 on one occasion by making improper remarks to Victoria Police officers during a right-of-entry incident at the West Gate Tunnel project, with the CFMMEU held accessorily liable for all six contraventions pursuant to ss 550(1), 550(2)(c) and 793 of the Act.		
4.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (The Yatala Labour Prison Case) (No 3)* [2024] FCA 732 SAD 1 of 2022 O'Sullivan J	30 August 2021, 31 August 2021, 2 September 2021, 31 August 2023	Improper Conduct by Union Officers Towards Head Contractor Representatives and Within the Exclusion Zone CFMEU officials conducted multiple right-of-entry visits to the Yatala Labour Prison redevelopment project in August and September 2021, during which they raised a range of genuine safety concerns, including issues relating to barriers, exclusion zones, working at heights, electrical safety, emergency contacts and site access. However, several officials engaged in conduct that was subsequently	5 July 2024	1. CFMMEU: pecuniary penalties totalling $213,840 for its contraventions of ss 340 and 500 of the FW Act. 2. Wyatt Raymount: pecuniary penalties totalling $18,900 for his contraventions of s 500 of the FW Act.

			found to contravene the FW Act. Mr Raymount repeatedly directed abusive, derogatory and offensive remarks towards site management and safety personnel, including calling them incompetent, useless and responsible for endangering workers. On 31 August 2021, Mr Raymount and Mr Brook entered an exclusion zone despite barriers and a direction to remain outside, thereby failing to comply with a reasonable safety requirement while exercising right-of-entry powers. Following a complaint by site management to the regulator about the conduct of union officials, Mr Savage threatened a site supervisor in relation to the making of complaints, conduct that was found to constitute adverse action. Mr Raymount also sought to discourage further complaints and made additional abusive remarks to the supervisor. The officials were found to have acted improperly in contravention of s 500 of the Fair Work Act, with the CFMEU held responsible for and knowingly involved in the contravening conduct.		3. Travis Brook: pecuniary penalties totalling $7,200 for his contravention of s 500 of the FW Act. 4. Desmond Savage: pecuniary penalties totalling $7,600 for his contravention of s 340 of the FW Act.
5.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (The Mordialloc Freeway Project Case)* [2024] FCA 655 VID 669 of 2021 Snaden J	18 November 2020, 2 December 2020	Improper conduct CFMEU officials attended a major construction project in November and December 2020 to investigate a range of perceived safety concerns, including emergency response arrangements, electrical safety, silica exposure risks, worker amenities and traffic management. While many of the concerns raised related to site safety and were discussed with management, the conduct of several officials during the visits became the focus of proceedings. During a November 2020 site visit, Mr Tzimas and Mr McCrudden directed abusive and inappropriate comments towards health and safety personnel after disagreements about the seriousness of certain risks, including potential silica exposure.	21 June 2024	1. CFMEU: pecuniary penalties totalling $95,000. 2. Paul Tzimas: pecuniary penalty of $3,990. 3. Gerald McCrudden: pecuniary penalty of $3,330. 4. James Harris: pecuniary penalty of $6,660.

			On a subsequent visit in December 2020, Mr Harris attended the site to investigate safety concerns relating to excavation and concrete delivery operations. He positioned himself in front of three concrete trucks and refused requests to move, preventing or delaying their entry to the site while he continued his investigation into perceived safety issues. The conduct of Mr Tzimas, Mr McCrudden and Mr Harris was found to exceed the proper exercise of right-of-entry powers under the FW Act. Following the proceedings, the CFMEU arranged training for the officials on resilience and the scope and limits of statutory entry rights.		
6.	*Construction, Forestry and Maritime Employees Union v Fair Work Ombudsman (Cross River Rail Appeal) (No 2) [2024] FCAFC 55* QUD 322 of 2023 Halley, Goodman and McElwaine JJ	1 July 2021	Failed to comply with reasonable safety requirements Mr Rielly engaged in a series of breaches while exercising right-of-entry powers at the Brisbane Cross River Rail construction project. He failed to comply with site occupational health and safety requirements by refusing to sign the visitor register, complete a visitor induction, and follow site safety rules. He also entered restricted areas of the site, including the tower crane pad, without permission and refused directions to leave those areas when requested. Mr Rielly's conduct was found to contravene s 499 of the FW Act because he failed to comply with reasonable safety requirements and requests made by the site occupier. His actions also amounted to improper conduct while exercising right-of-entry powers, including disregarding induction, sign-in and access requirements. The CFMEU was held liable for the contraventions arising from the conduct of its official. The appeal was allowed in part.	9 May 2024	1. The CFMEU must pay a pecuniary penalty in the amount of $60,000 to the Commonwealth of Australia; and 2. Mr Dean Lesley Rielly must pay a pecuniary penalty in the amount of $6,300 to the Commonwealth of Australia.
7.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (North East Link Project*	4 February 2021	Failed to comply with a reasonable request of the occupier and acted in an improper manner	2 May 2024	1. The CFMEU pay the following pecuniary penalty in respect of the contravention of section 500

	Case) [2024] FedCFamC2G 396 MLG 3368 of 2021 Champion J		On 4 February 2021, CFMEU official Paul Tzimas exercised right-of-entry powers at the North East Link Project site in Bulleen, Victoria, to investigate a number of safety concerns, including issues relating to safe work method statements and silica dust monitoring. After initially raising safety concerns with site management, Mr Tzimas entered a designated Plant Operation Zone (POZ) where an excavator was actively operating and a caisson shaft was being excavated. Despite a clear and reasonable safety requirement prohibiting unauthorised entry into the POZ, and repeated requests from the site supervisor to leave the area, Mr Tzimas remained within the exclusion zone for approximately 10 minutes. His presence forced the excavator operator to stop work because it was unsafe to continue operating while he remained in the zone. WorkSafe later attended the site and did not identify any issue with the relevant safe work method statement. The conduct was found to involve a failure to comply with reasonable occupational health and safety directions and improper conduct while exercising right-of-entry powers under the FW Act.		referred to in declaration 3(b) above: $43,290. 2. Mr Tzimas pay the following pecuniary penalty in respect of the contravention of section 500 referred to in declaration 2 above: $7,990.
8.	*Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (M1 Yatala Exit 41 Case)* [2024] FedCFamC2G 340 BRG 135 of 2022 Vasta J	25-27 October 2021	Acted in an improper manner failing to sign the visitor register at various sites On 25 and 27 October 2021, CFMMEU organisers attended the Yatala South Interchange Upgrade Project worksite, where major road upgrade works were being undertaken. On both occasions, union officials, including Dean Rielly, refused to comply with site requirements by declining to sign the visitor register upon entry to the site. During the second visit on 27 October 2021, Mr Rielly and another CFMMEU organiser again refused to sign the visitor register. Mr Rielly also made statements that were alleged to constitute a threat and accused the contractor of	18 April 2024	1. CFMEU: pecuniary penalty of $113,886 for its contraventions of s 500 of the FW Act. 2. Dean Rielly: pecuniary penalty of $15,000 for his contraventions of s 500 of the FW Act. 3. Matthew Vonhoff: pecuniary penalty of $3,750 for his contravention of s 500 of the FW Act.

			engaging in corrupt conduct. The proceedings concerned the officials' failure to comply with site entry requirements and their conduct while exercising right-of-entry powers at the project.		4. Margues Pare: pecuniary penalty of $2,550 for his contravention of s 500 of the FW Act.
9.	*Fair Work Ombudsman v Brook* [2024] FCA 262 SAD 43 of 2022 Snaden J	15 December 2021	Failure to comply with a reasonable site requirement while exercising right-of-entry powers On 15 December 2021, CFMEU official Mr Brook attended a construction site in Norwood, South Australia, to exercise right-of-entry powers under the FW Act. Although he was aware of the site's visitor policy requiring visitors to be accompanied by site personnel, he entered the site unsupervised after finding the site office unattended and without attempting to contact the site managers whose details were displayed at the entrance. While on site, Mr Brook conducted workplace safety inquiries in an otherwise proper and non-confrontational manner. However, he remained on the site for a period without the required escort, contrary to the site's visitor requirements. The Full Court affirmed findings that Kurt Pauls contravened s 494(1) of the *Fair Work Act 2009* (Cth), Te Aranui Albert contravened s 497, and Beau Seiffert, Blake Hynes, Luke Gibson, Matthew Parfitt and Royce Kupsch contravened ss 497 and 500. The Court also affirmed that the CFMMEU was accessorily liable pursuant to s 550(2)(c), by operation of s 793, for those contraventions.	18 March 2024	1. Travis Brook: pecuniary penalty of $4,500 for his contravention of the FW Act. 2. CFMEU: pecuniary penalty of $40,000 for its contravention of the FW Act.
10.	*Fair Work Ombudsman v Construction, Forestry and*	25 June 2021	Threatening conduct towards worker following cooperation with regulator	14 March 2024	1. CFMEU: pecuniary penalty of $33,300 for its contravention of s 340(1)(b) of the FW Act.

	Maritime Employees Union [2024] FedCFamC2G 235 MLG 663 of 2022 Mansini J		A CFMEU official attended a construction project while exercising right of entry powers to investigate suspected safety issues. As the official was leaving the site, he directed threatening remarks towards a worker, stating words to the effect that the worker would "not have much of a future" if he continued speaking to the ABCC. The conduct was alleged to constitute adverse action intended to deter or penalise a worker for engaging with a regulator, and to contravene ss 340 of the FW Act. The CFMEU was alleged to be involved in the conduct of the official.		2. Gerald McCrudden: pecuniary penalty of $3,300 for his contravention of s 340(1)(b) of the FW Act.
11.	*Fair Work Ombudsman v Blakeley* [2023] FCA 1597 QUD 329 of 2021 Collier acJ	28 February 2020	Obstruction of concrete pour and misleading assertions of authority CFMMEU officials attended a construction site during a large scheduled concrete pour after raising work health and safety concerns about lighting, access and permits. The officials positioned themselves in front of concrete trucks and refused requests to move, preventing the trucks from pouring concrete and causing the concrete pour to be abandoned. One official subsequently represented to Queensland Police that the officials were authorised to stop work if they considered the work unsafe. The conduct contravened ss 500 and 503 FW Act. The CFMMEU was found to be involved in and responsible for the conduct of the officials.	15 December 2023	1. Andrew Blakeley: pecuniary penalties totalling $14,000 for his contraventions of ss 500 and 503 of the FW Act. 2. Luke Gibson: pecuniary penalties totalling $7,000 for his contravention of s 500 of the FW Act. 3. CFMEU: pecuniary penalties totalling $150,000 for its contraventions of ss 500 and 503 of the FW Act.
12.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union* [2023] FedCFamC2G 1060	2 May 2022	Physical assault and improper conduct during right of entry While exercising right of entry powers, a CFMMEU official left his site escort and approached a site representative, leading to a verbal confrontation. The official physically pushed the site representative, causing him to lose balance, and then knocked the representative's hard hat off	21 November 2023	1. CFMMEU: pecuniary penalties totalling $62,000 for its two contraventions of s 500 of the FW Act.

	MLG 2251 of 2022 Mansini J		and pushed him a second time. The conduct was found to constitute improper conduct while exercising entry rights and contravened s 500 FW Act. The CFMMEU was held to be involved in the contraventions.		2. Paul Tzimas: pecuniary penalties totalling $10,500 in respect of his two contraventions of s 500 of the FW Act. *(Personal payment order requiring payment of at least $3,150 personally.)*
13.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (Kiama Aged Care Centre Case) (No 3)* [2023] FCA 1324 NSD 2057 of 2019 Katzmann J	27 and 28 November 2018	Obstruction of construction works and non-compliance with right of entry requirements CFMMEU officials obstructed concrete delivery and pouring operations at a construction site by preventing concrete trucks from accessing the site and interfering with workers carrying out a concrete pour. One official also represented that he was authorised to stop work, shut down the site and determine whether the site was safe when he was not authorised to do so. On a subsequent day, officials refused to comply with reasonable site requirements by declining to undertake a visitor induction before entering the site unaccompanied. The conduct contravened ss 500 and 503 FW Act. The CFMMEU was found to be involved in and responsible for the conduct of the officials.	31 October 2023	1. CFMMEU: pecuniary penalty of $250,000 in respect of its contravention of s 503 of the FW Act on 27 November 2018 and its involvement in the contraventions of s 500 of the FW Act by union officials on 27 and 28 November 2018. 2. Anthony Dimitriou: pecuniary penalty of $4,000 for his contravention of s 500 of the FW Act on 28 November 2018.
14.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (Inner City South State Secondary College Case) (No 3) [2024] FCA 1201* QUD 235 of 2020 Rangiah J	21 July 2020, 22 July 2020, 27 July 2020, 28 July 2020, 29 July 2020, 30 July 2020, 31 July 2020, 3 August	Alleged unlawful industrial action and coercion It was alleged that employees engaged in unlawful industrial action by refusing or failing to perform work, and that CFMMEU officials Andrew Blakeley and Dean Mattas organised, or were knowingly involved in, that industrial action. It was further alleged that the officials sought to pressure Broad Construction to remove a project manager	18 October 2024	1. CFMMEU: pecuniary penalties to be imposed for its contraventions of ss 46 and 52 of the BCIIP Act of $105,000 in total. 2. Andrew Blakeley: pecuniary penalties to be imposed for his contravention of s 52 of the BCIIP Act of $10,000.

		2020, 4 August 2020	from the site or cease allocating him duties, and thereby engaged in coercive conduct. The Commissioner alleged that the conduct contravened ss 46 and 52 BCIIP Act, and that the CFMMEU was responsible for the conduct of the officials pursuant to s 95 BCIIP Act.		3. Dean Mattas: pecuniary penalties to be imposed for his contraventions of ss 46 and 52 of the BCIIP Act of $11,100 total.
15.	*Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (The 250 East Terrace Case)* [2023] FCAFC 161 SAD 122 of 2022 Charlesworth, Snaden and Raper JJ	16 October 2019	Unlawful picketing and obstruction of access to construction site A CFMMEU official organised, and CFMMEU officials and other participants engaged in, an obstructive picket at a construction site. The picket was directed at a dispute involving a subcontractor and developer, and impeded access to the site and the performance of construction work. The conduct was found to constitute unlawful picketing and contravened s 47(1) BCIIP Act.	9 October 2023	1. Appeal dismissed. No additional declarations or pecuniary penalties imposed. The CFMEU were ordered to pay the FWO's costs of the appeal. 2. When the Full Court explained "the court granted declaratory relief and imposed upon each of the appellants significant pecuniary penalties" it was referring to these findings and penalties in [2022] FCA 760, namely: a. CFMMEU: $189,000 b. Andrew Sutherland: $38,000 c. Andrew Sneath: $25,000 d. Core-Form Pty Ltd: $132,000
16.	*Fair Work Ombudsman v Rielly* [2023] FCA 1144 (26 September 2023)	23 April 2021	Failure to comply with site safety requirements and unsafe movement through active work areas	26 September 2023	1. Dean Rielly: pecuniary penalty of $8,500 for his contravention of s 500 of the FW Act.

	QUD 445 of 2021 Thomas J		A CFMMEU official entered a construction site under a work health and safety right of entry and failed to comply with site requirements that visitors be accompanied by a fully inducted site representative. While unaccompanied, the official moved through active construction areas, approached and walked near operating plant and heavy machinery, entered work zones containing excavators, rollers, trucks and asphalt-laying equipment, and attempted to engage workers and truck drivers while works were underway. The official's conduct caused asphalting works to be temporarily halted and was found to contravene s 500 FW Act. The CFMMEU was held to be involved in the contravention.		2. CFMMEU: pecuniary penalty of $58,000 for its contravention of s 500 of the FW Act.
17.	*Fair Work Ombudsman v Blakeley* [2023] FCA 1121 QUD 231 of 2021 Thomas J	23 November 2020	Improper conduct towards site personnel and interference with work activities A CFMMEU official directed workers to cease work and used abusive language towards a site representative during a right of entry visit. The conduct disrupted normal site operations and was found to constitute improper conduct while exercising right of entry powers, contravening s 500 FW Act. Another union official was knowingly concerned in part of the conduct, and the CFMMEU was held responsible for and involved in the contraventions.	20 September 2023	1. Andrew Blakeley: pecuniary penalty of $7,500 for his contravention of s 500 of the FW Act. 2. Beau Seiffert: pecuniary penalty of $4,500 for his contravention of s 500 of the FW Act. 3. CFMMEU: pecuniary penalty of $50,000 for its contravention of s 500 of the FW Act.
18.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union* [2023] FedCFamC2G 668 (BBQ Case)	19 August 2021	Unauthorised site attendance, unauthorised workplace meetings and failure to comply with site requirements CFMMEU officials attended the Cross River Rail Project at the Gabba and Roma Street sites without complying with	27 July 2023	1. CFMMEU: pecuniary penalty of $51,000 in respect of each of its four contraventions of s 500 of the FW Act, being a total of $204,000.

	BRG 167 of 2022 Vasta J		right of entry requirements, including failing to provide the required notice and complete visitor inductions. The officials hosted or participated in unauthorised BBQ gatherings and addressed workers during ordinary working hours without the occupier's authorisation. The conduct also included facilitating the entry of an unauthorised vehicle onto site, making physical contact with a site representative, denying the basis upon which entry was being exercised, and refusing requests to leave the sites when directed to do so. The conduct contravened s 500 FW Act. The CFMMEU was found to be involved in and responsible for the conduct of the officials.		2. Michael Ravbar: pecuniary penalty of $4,660 in respect of each of his two contraventions of s 500 of the FW Act, being a total of $9,320. *(Personal penalty).* 3. Andrew Blakeley: pecuniary penalty of $6,000 in respect of each of his two contraventions of s 500 of the FW Act, being a total of $12,000. 4. [67] I will impose a personal payment order upon the second respondent.
19.	*Fair Work Ombudsman v Roach (The Melbourne Quarter Case)* [2023] FCA 781 VID 23 of 2021 Wheelahan J	20 April 2020	Coercion of worker and false representations regarding union fees A CFMMEU official threatened to prevent, and did prevent, a worker from performing work on a construction project in order to compel the worker to pay union membership subscriptions, levies or dues, contravening s 348 FW Act. The official also made false and misleading representations that payment of a fee to the CFMMEU was required in order for the worker to perform work on the project, contravening s 349 FW Act. The CFMMEU was held responsible for and involved in the conduct of the official.	11 July 2023	1. Jason Roach: pecuniary penalty of $5,040 for his contravention of s 348 of the FW Act. The Court also declared that he contravened s 349(1) of the FW Act by making a false or misleading representation about the obligation to pay a fee to the CFMMEU to work on the project. 2. CFMMEU: pecuniary penalty of $55,000 for its contravention of s 348 of the FW Act. The Court also declared that it contravened s 349(1) of the FW Act

					through the conduct of Jason Roach.
20.	*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (No 2)* [2023] FedCFamC2G 564 (29 June 2023) BRG 81 of 2022 Egan J	1 July 2021	Failure to comply with site safety requirements and restricted-area directions A CFMMEU official failed to comply with site entry and occupational health and safety requirements while exercising a State or Territory OHS right. The conduct included refusing to sign the visitor register, complete a visitor induction, comply with directions regarding restricted areas, and leave the tower crane pad when requested. The conduct contravened ss 499 and 500 FW Act. The CFMMEU was involved in the conduct of the official.	29 June 2023	1. CFMMEU: pecuniary penalty of $37,500 for its contravention of ss 499 and 500 of the FW Act. 2. Dean Rielly: pecuniary penalty of $5,500 for his contravention of ss 499 and 500 of the FW Act.
21.	*Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (Boggo Road Cross River Rail Case)* [2023] FCA 507 QUD 291 of 2022 Abraham J	15 April 2020	Failure to comply with right of entry requirements and obstructive site conduct CFMMEU officials entered a construction site without complying with right of entry requirements, repeatedly refused requests to produce entry permits, and failed to comply with directions from site representatives. The conduct included obstructing vehicle access, entering site areas without authorisation, disrupting site activities, and making insulting and inappropriate comments towards site personnel.	25 May 2023	1. CFMMEU: pecuniary penalty of $50,000 for each of its two contraventions of s 500 of the FW Act ($100,000 total). 2. Andrew Blakeley: pecuniary penalty of $7,000 for his contravention of s 500 of the FW Act. 3. Luke Gibson: pecuniary penalty of $7,000 for his contravention of s 500 of the FW Act.