



Federal Court of Australia

District Registry: Queensland Registry

Division: Fair Work

No: QUD245/2024

B.M.D CONSTRUCTIONS PTY LTD

Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others
named in the schedule

Respondent

ORDER

JUDGE: Justice Logan

DATE OF ORDER: 15 May 2024

WHERE MADE: Brisbane

PENAL NOTICE

TO: CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION (INCLUDING ITS DELEGATES, OFFICE HOLDERS, EMPLOYEES, OR OTHER REPRESENTATIVES), DYLAN HOWARD, HAYDEN TURNER-DAVEY, JAMIE PORTER, DEAN MATTAS, EBEN COX, MATTHEW VONHOFF, DEAN RIELLY, HOANI EDWARDS, JADE INGHAM, TREVOR SINCLAIR AND JOSHUA THOMPSON.

IF YOU (BEING THE PERSONS BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.



UPON THE APPLICANT, BY ITS COUNSEL, UNDERTAKING:

- (a) to submit to such order (if any) as the Court may consider to be just for the payment of compensation, (to be assessed by the Court or as it may direct), to any person, (whether or not that person is a party), affected by the operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and
- (b) to pay the compensation referred to in (a) to the person affected by the operation of the order or undertaking.

THE COURT ORDERS THAT:

1. In this order:

Project means the construction sites established for the Centenary Bridge Upgrade Project at the date of this order, being the fenced construction site running parallel to the western side of the Centennial Highway between Sinnamon Road and Kenmore Road.

Point of Entry means any point of entry to (or exit from) the Project, and includes any gate, turnstile, entrance way, driveway or door.

Visitor Induction means the present electronic visitor induction process mandated by BMD for all visitors attending the Project and amended from time to time.

2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Second to Tenth Respondents are prohibited from:
 - (a) physically obstructing or physically impeding the free movement of goods or people to and from the Project or a Point of Entry;
 - (b) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) above.
3. The First Respondent forthwith:
 - (a) notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (**CFMEU Qld Branch**), and its delegates or agents of the First Respondent who are employed or engaged to work at the Project, of the existence and terms of this order.



- (b) issue and distribute (including but not limited to posting, and maintain for the duration that the order is in force) on the website home pages of the Respondent and of the CFMEU Qld Branch to the Relevant Employees a communication which includes a copy of this order.
4. The Second to Seventh and Ninth to Twelfth Respondents must not exercise any right of entry at the Project, in accordance with Chapter 3, Division 4 of the *Fair Work Act 2009* (Cth), or Part 7 of the *Work Health and Safety Act 2011* (Qld) unless they undertake the Visitor Induction.
 5. The requirement under Rule 41.07 of the Federal Court Rules for personal service of this order on the First Respondent is dispensed with and, instead, service of this order upon the First Respondent is permitted by forwarding a copy of it by email or facsimile transmission addressed to the Secretary of the CFMEU Qld Branch.
 6. The Applicant file and serve, on or before noon on 20 May 2024, an outline detailing the number and brief details of contraventions of the *Fair Work Act 2009* (Cth) that it alleges the Respondents have committed.
 7. The Respondents file and serve, on or before noon on 21 May 2024:
 - (a) such affidavits, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions, of not more than 10 pages.
 8. The Applicant file and serve, on or before noon on 22 May 2024:
 - (a) such affidavits in reply, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions in reply, of not more than 5 pages.
 9. The proceedings be adjourned to 10:15am on Thursday, 23 May 2024 for case management and the return for consideration of whether on the Applicant's interlocutory application there should be any extension of injunctive relief granted by this order.
 10. The injunctive relief granted by the orders in paragraphs 2, 3 and 4 of this order operate until midnight on 23 May 2024 or further earlier order.
 11. This order be passed and entered by the registry forthwith.
 12. Liberty to apply.
 13. Costs be reserved.



Date that entry is stamped: 15 May 2024.

Sia Lagos
Registrar



Schedule

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Second Respondent	DYLAN HOWARD
Third Respondent	HAYDEN TURNER-DAVEY
Fourth Respondent	JAMIE PORTER
Fifth Respondent	DEAN MATTAS
Sixth Respondent	EBEN COX
Seventh Respondent	MATTHEW VONHOFF
Eighth Respondent	DEAN RIELLY
Ninth Respondent	HOANI EDWARDS
Tenth Respondent	JADE INGHAM
Eleventh Respondent	TREVOR SINCLAIR
Twelfth Respondent	JOSHUA THOMPSON