



Federal Court of Australia
District Registry: Queensland
Division: General

No: QUD235/2020

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

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

ORDER

JUDGE: JUSTICE LOGAN

DATE OF ORDER: 04 August 2020

WHERE MADE: Brisbane

THE COURT ORDERS THAT:

1. Until the hearing and determination of the Applicant's application for interlocutory relief dated 31 July 2020 or until further order of the Court:
 - a. the First Respondent, whether by its officers, employees, delegates, agents or howsoever otherwise;
 - b. the Second Respondent; and
 - c. the Third Respondent,be restrained from organising, encouraging, procuring or inducing any persons employed to perform work at the Inner City State Secondary College Project, located at 252-258, 270 & 274-286 Gladstone Road, 2-4 Grantham Street, 167-171 Annerley Road and 4 & 7-23 Denbigh Street, Dutton Park, Queensland (**Site**), to engage in unlawful industrial action.
2. The "unlawful industrial action" for the purposes of the interlocutory order is:
 - a. a ban, limitation or restriction on the performance or acceptance of work at the Site by an employee;
 - b. the failure or refusal by employees to attend work at the Site; or
 - c. the failure or refusal to perform any work at all, by employees who attend work at the Site,



the purpose of which is to pressure Broad Construction Pty Ltd to remove Phillip Millan from the Site or remove or restrict Mr Millan's responsibilities as a Project Manager at the Site, but does not include protected industrial action within the meaning of the *Fair Work Act 2009* (Cth).

3. The First Respondent must forthwith:

- a. notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (**CFMMEU Qld Branch**), and its delegates or agents of the First Respondent who are employed or engaged to work at the Site, of:
 - i. the existence and terms of the Order; and
 - ii. the withdrawal of any direction, authorisation or encouragement by the First Respondent for any of its members employed to work at the Site (**Relevant Employees**) to engage in industrial action,
- b. issue and distribute (including but not limited to posting, and maintaining for the duration that the order is in force, on the home pages of the First Respondent and of the CFMMEU Qld Branch (<https://www.cfmmeu.org.au/> and <https://www.qnt.cfmeu.org>) to the Relevant Employees a communication which:
 - i. includes a copy of this Order;
 - ii. states that the industrial action defined in this Order is to cease and any prior authorisation of the industrial action is cancelled.

4. 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 CFMMEU Qld Branch.

TO:

- CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
- ANDREW BLAKELEY
- DEAN MATTAS



TAKE NOTICE THAT, PURSUANT TO ORDER 41.06 OF THE FEDERAL COURT
RULES:

You are liable to imprisonment or to sequestration of property if:

- a. you refuse or neglect to do the things that this order requires you to do; or
- b. you do the things that this order requires you to abstain from doing, or otherwise disobey this order.

Date that entry is stamped: 04 August 2020

Sia Lagos
Registrar



Schedule

No: QUD235/2020

Federal Court of Australia
District Registry: Queensland
Division: General

Second Respondent ANDREW BLAKELEY

Third Respondent DEAN MATTAS