



Federal Court of Australia

District Registry: Victoria Registry

Division: Fair Work

No: VID758/2024

GENERAL MANAGER OF THE FAIR WORK COMMISSION

Applicant

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

Respondents

MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS (CTH)

Intervener

ORDER

JUDGE: Justice Wheelahan

DATE OF ORDER: 6 August 2024

WHERE MADE: Melbourne

OTHER MATTERS:

- A. The Court will set a date for a further case management hearing in the proceeding, on a date to be fixed. Orders made in this proceeding are available on the Commonwealth Courts Portal (<https://www.comcourts.gov.au>) by searching for this proceeding using the file number VID758/2024, and an online court file will also be maintained on the Federal Court's web site (<https://www.fedcourt.gov.au>).
- B. The New South Wales Minister for Industrial Relations appeared by counsel to inform the Court of a proceeding filed by the Minister in the Industrial Court of New South Wales, seeking declarations and orders in relation to the New South Wales Construction, Forestry and Maritime Employees Union (**NSW CFMEU**), a State organisation registered under the *Industrial Relations Act 1996* (NSW), and officers of the Construction and General Division of the NSW CFMEU, and the possibility of an application to the Supreme Court of New South Wales for the proceedings to be removed from the Industrial Court of New South Wales and transferred to the Federal Court to be heard concurrently with VID758/2024.



THE COURT ORDERS THAT:

1. By 4.00 pm on 14 August 2024, the first respondent is to send by email or by express or registered post the originating application filed on 2 August 2024, and its accompanying concise statement and genuine steps statement, the letter from Kingston Reid dated 5 August 2024 and its enclosed notice of acting for the Minister for Employment and Workplace Relations (Cth), and any orders in this proceeding (**Relevant Documents**) to the email address or postal address recorded by the first respondent in its records for each of the second to 269th respondents, by way of service.
2. By 4.00 pm on 16 August 2024, the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent):
 - (a) verifying that order 1 has been complied with; and
 - (b) stating that the first respondent received a bounce back, out of office, return to sender or similar notification which may reasonably indicate that the relevant respondent did not in fact receive the communication.
3. In relation to the relevant respondents referred to in order 2(b):
 - (a) the first respondent is to send by email the Relevant Documents to the branch with which that relevant respondent is associated by 4.00 pm on 20 August 2024;
 - (b) the first respondent is to file an affidavit of service (which, for the avoidance of doubt, may be by a solicitor acting on behalf of the first respondent) verifying compliance with order 3(a).
4. Subject to any further order of the Court, the Relevant Documents are taken as having been served upon one of the second to 269th respondents if:
 - (a) they are sent by the first respondent by email or registered post in accordance with order 1; and



- (b) to the extent relevant, they are sent by the first respondent by email in accordance with order 3(a).
5. The interlocutory application filed by Liam O'Brien, a representative of the Australian Council of Trade Unions, be adjourned to a date to be fixed.
 6. Counsel for the parties and the intervener are to confer with a view to advising the Court of an appropriate date on which to fix the next case management hearing.
 7. Costs be reserved.

Date orders authenticated: 6 August 2024.

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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

No. VID of 2024

Respondents

Second Respondent:	Zachary Smith
Third Respondent:	Jason Jennings
Fourth Respondent:	Andrew Sutherland
Fifth Respondent:	Jade Ingham
Sixth Respondent:	Robert Kera
Seventh Respondent:	Michael Ravbar
Eighth Respondent:	Darren Greenfield
Ninth Respondent:	Michael Hiscox
Tenth Respondent:	Mick Buchan
Eleventh Respondent:	Derek Christopher
Twelfth Respondent:	Elias Spervasilis
Thirteenth Respondent:	Kane Lowth
Fourteenth Respondent:	Michael Greenfield
Fifteenth Respondent:	Robert Graauwmans
Sixteenth Respondent:	Joe Myles
Seventeenth Respondent:	Mick Myles
Eighteenth Respondent:	Kevin Harkins
Nineteenth Respondent:	Richard Hassett
Twentieth Respondent:	David Lythgo
Twenty-first Respondent:	Rudy Raspudic
Twenty-second Respondent:	Anthony Cordier
Twenty-third Respondent:	Anthony Ioannidis
Twenty-fourth Respondent:	Bill Beattie
Twenty-fifth Respondent:	Steve Long
Twenty-sixth Respondent:	Gerard Benstead



Twenty-seventh Respondent:	John Perkovic
Twenty-eighth Respondent:	Darko Mistic
Twenty-ninth Respondent:	John Constantinou
Thirtieth Respondent:	John Perak
Thirty-first Respondent:	Paddy Farrelly
Thirty-second Respondent:	Frank Akbari
Thirty-third Respondent:	Paul Round
Thirty-fourth Respondent:	Martin Murphy
Thirty-fifth Respondent:	Jeremy Tomic
Thirty-sixth Respondent:	Dennis Gritzalis
Thirty-seventh Respondent:	James Simpson
Thirty-eighth Respondent:	Steven Balta
Thirty-ninth Respondent:	Lisa Zanatta
Fortieth Respondent:	Theo Theodorou
Forty-first Respondent:	Brendan Pitt
Forty-second Respondent:	Broden Barlow
Forty-third Respondent:	Mark Denny
Forty-fourth Respondent:	Dushan Hlis
Forty-fifth Respondent:	Jim Stucht
Forty-sixth Respondent:	Rhett Campbell
Forty-seventh Respondent:	Chris Brett
Forty-eighth Respondent:	Richard Bradley
Forty-ninth Respondent:	Bart Scaffidi
Fiftieth Respondent:	Vlado Cakarun
Fifty-first Respondent:	Emilio Botsaris
Fifty-second Respondent:	Luke Buttigieg
Fifty-third Respondent:	Shane Cilia
Fifty-fourth Respondent:	Lara Van Graas
Fifty-fifth Respondent:	Kelly Ngu
Fifty-sixth Respondent:	Sean Paul Donnelly
Fifty-seventh Respondent:	Peter Clark
Fifty-eighth Respondent:	Antony Grgurevic
Fifty-ninth Respondent:	Valerio Macaro
Sixtieth Respondent:	Ivan Colina
Sixty-first Respondent:	Mick Fitzsimons
Sixty-second Respondent:	Felice Filardo
Sixty-third Respondent:	Mathew Montebello



Sixty-fourth Respondent:	David Costabile
Sixty-fifth Respondent:	David Krizan
Sixty-sixth Respondent:	Peter Loncar
Sixty-seventh Respondent:	Jason Deans
Sixty-eighth Respondent:	Anthony Dredge
Sixty-ninth Respondent:	Teena Simpson
Seventieth Respondent:	Neven Markulin
Seventy-first Respondent:	Yong Wu
Seventy-second Respondent:	Jimmy Harris
Seventy-third Respondent:	Drew McDonald
Seventy-fourth Respondent:	Guang Liang Xu
Seventy-fifth Respondent:	Terence McNamara
Seventy-sixth Respondent:	John Mantis
Seventy-seventh Respondent:	Gerard McQuaid
Seventy-eighth Respondent:	Lita Gillies
Seventy-ninth Respondent:	Scott Aird
Eightieth Respondent:	Mark McMillan
Eighty-first Respondent:	Brad McNiven
Eighty-second Respondent:	Ilija Crnac
Eighty-third Respondent:	Lee McKenzie
Eighty-fourth Respondent:	Tamish Muller
Eighty-fifth Respondent:	David Foley
Eighty-sixth Respondent:	Kathleen Ingram
Eighty-seventh Respondent:	Matthew Seadon
Eighty-eighth Respondent:	Mick Egan
Eighty-ninth Respondent:	Mick Powell
Ninetieth Respondent:	Carla Rivera
Ninety-first Respondent:	Liam O'Hearn
Ninety-second Respondent:	Adam Olsen
Ninety-third Respondent:	Ashton Fitzpatrick
Ninety-fourth Respondent:	Shane McGowan
Ninety-fifth Respondent:	Trevor Punshon
Ninety-sixth Respondent:	Ricky Orterga
Ninety-seventh Respondent:	Mark Peterson
Ninety-eighth Respondent:	Gary Roberts
Ninety-ninth Respondent:	John Pidoto
One hundredth Respondent:	Angelo Ruffato



One hundred first Respondent:	James Ryan
One hundred second Respondent:	Terry Ryan
One hundred third Respondent:	Gerry Pettifer
One hundred fourth Respondent:	Shane Ross
One hundred fifth Respondent:	Daniel Simioni
One hundred sixth Respondent:	Malachy Farrelly
One hundred seventh Respondent:	Michael Farrelly
One hundred eighth Respondent:	David Setka
One hundred ninth Respondent:	Chris Spiridonos
One hundred tenth Respondent:	Mick Karlusic
One hundred eleventh Respondent:	Simon Samardzic
One hundred twelfth Respondent:	John Samardzic
One hundred thirteenth Respondent:	Jack Vucak
One hundred fourteenth Respondent:	Shelly Goodwin
One hundred fifteenth Respondent:	Esther Van Arend
One hundred sixteenth Respondent:	Paul McCann
One hundred seventeenth Respondent:	Dean Doran
One hundred eighteenth Respondent:	Mark Travers
One hundred nineteenth Respondent:	Rachel McCann
One hundred twentieth Respondent:	Nigel Davies
One hundred twenty-first Respondent:	David Duffy
One hundred twenty-second Respondent:	Andrew Pitlik
One hundred twenty-third Respondent:	Brett James Fleming
One hundred twenty-fourth Respondent:	James Gianchino
One hundred twenty-fifth Respondent:	Joel Hannebery
One hundred twenty-sixth Respondent:	Mark Tait
One hundred twenty-seventh Respondent:	Cameron McClure
One hundred twenty-eighth Respondent:	Philip Darcy
One hundred twenty-ninth Respondent:	John Thomson
One hundred thirtieth Respondent:	Toby Thornton
One hundred thirty-first Respondent:	Tom Malone
One hundred thirty-second Respondent:	Marcus Pare
One hundred thirty-third Respondent:	Mark Palmer
One hundred thirty-fourth Respondent:	Travis Hera-Singh
One hundred thirty-fifth Respondent:	Travis Brook
One hundred thirty-sixth Respondent:	Emosi Veron
One hundred thirty-seventh Respondent:	Mark Forster



One hundred thirty-eighth Respondent:	James Rusinski
One hundred thirty-ninth Respondent:	Daniel Bottrell
One hundred fortieth Respondent:	David Ellis
One hundred forty-first Respondent:	Holly Hedges
One hundred forty-second Respondent:	Kain Shanko
One hundred forty-third Respondent:	Lance Herbert
One hundred forty-fourth Respondent:	Michael McCluskey
One hundred forty-fifth Respondent:	Damien O'Connell
One hundred forty-sixth Respondent:	Patrick Rupric
One hundred forty-seventh Respondent:	Zac Strawbridge
One hundred forty-eighth Respondent:	Jarrad Tapp
One hundred forty-ninth Respondent:	Doug Tilley
One hundred fiftieth Respondent:	Nathan White
One hundred fifty-first Respondent:	Rita Mallia
One hundred fifty-second Respondent:	Yusuf Mhaiche
One hundred fifty-third Respondent:	Scott Andrew
One hundred fifty-fourth Respondent:	Howard Byrnes
One hundred fifty-fifth Respondent:	Denis McNamara
One hundred fifty-sixth Respondent:	Simon Curtis
One hundred fifty-seventh Respondent:	Simon Gutierrez
One hundred fifty-eighth Respondent:	Zachary Latief
One hundred fifty-ninth Respondent:	Luke Allen
One hundred sixtieth Respondent:	Yannis Sievas
One hundred sixty-first Respondent:	Steven Parker
One hundred sixty-second Respondent:	Pierre Boumelham
One hundred sixty-third Respondent:	Colm Munroe
One hundred sixty-fourth Respondent:	Elmedin Begic
One hundred sixty-fifth Respondent:	Dean Hackett
One hundred sixty-sixth Respondent:	Munro Jones
One hundred sixty-seventh Respondent:	Rocco Ianni
One hundred sixty-eighth Respondent:	Michael Restuccia
One hundred sixty-ninth Respondent:	Timur Rasih
One hundred seventieth Respondent:	Sime Buterin
One hundred seventy-first Respondent:	Bruce Cartwright
One hundred seventy-second Respondent:	Dario Damjanovic
One hundred seventy-third Respondent:	Michael Lynch
One hundred seventy-fourth Respondent:	Anthony Vecchio



One hundred seventy-fifth Respondent:	Darren Wick
One hundred seventy-sixth Respondent:	Nur Begg
One hundred seventy-seventh Respondent:	Kahon Alkozai
One hundred seventy-eighth Respondent:	John Hughes
One hundred seventy-ninth Respondent:	Michael Bailey
One hundred eightieth Respondent:	Mario Battisini
One hundred eighty-first Respondent:	Derek Gallagher
One hundred eighty-second Respondent:	Jack Bosden
One hundred eighty-third Respondent:	Craig Bremner
One hundred eighty-fourth Respondent:	Geoff Bates
One hundred eighty-fifth Respondent:	Robert Burland
One hundred eighty-sixth Respondent:	Colin Chapman
One hundred eighty-seventh Respondent:	James Ponisi
One hundred eighty-eighth Respondent:	Mohamed Gabr
One hundred eighty-ninth Respondent:	Mohamed Hammoud
One hundred ninetieth Respondent:	Colin Lamond
One hundred ninety-first Respondent:	Edward Sloane
One hundred ninety-second Respondent:	Ian McKinnon
One hundred ninety-third Respondent:	Russell Munro
One hundred ninety-fourth Respondent:	Jason Williams
One hundred ninety-fifth Respondent:	Geoffrey Vaughan
One hundred ninety-sixth Respondent:	James Wall
One hundred ninety-seventh Respondent:	Neal Attwood
One hundred ninety-eighth Respondent:	Mitchell Deas
One hundred ninety-ninth Respondent:	Mark Kelly
Two hundredth Respondent:	David Mackay
Two hundred first Respondent:	Paul Fisher
Two hundred second Respondent:	Sallie Oxborough
Two hundred third Respondent:	Gary McCarthy
Two hundred fourth Respondent:	Michael Sykes
Two hundred fifth Respondent:	Paul Wright
Two hundred sixth Respondent:	Keith Murphy
Two hundred seventh Respondent:	Royce Kupsch
Two hundred eighth Respondent:	Steven Gaske
Two hundred ninth Respondent:	Dallas Ezzy
Two hundred tenth Respondent:	Steven Amies
Two hundred eleventh Respondent:	Peter Close



Two hundred twelfth Respondent:	Mark Read
Two hundred thirteenth Respondent:	Steve Amies
Two hundred fourteenth Respondent:	Craig Brown
Two hundred fifteenth Respondent:	Josh Burling
Two hundred sixteenth Respondent:	Tony Dougherty
Two hundred seventeenth Respondent:	Ian McKewin
Two hundred eighteenth Respondent:	Mick Robinson
Two hundred nineteenth Respondent:	Warren Whitney
Two hundred twentieth Respondent:	Skye Allan
Two hundred twenty-first Respondent:	Garry Donnon
Two hundred twenty-second Respondent:	Paul Tzimas
Two hundred twenty-third Respondent:	Michelle Sheehy
Two hundred twenty-fourth Respondent:	Robert Benkesser
Two hundred twenty-fifth Respondent:	Glenn Hawkins
Two hundred twenty-sixth Respondent:	Robert Pearson
Two hundred twenty-seventh Respondent:	Brad Upton
Two hundred twenty-eighth Respondent:	Steve Catania
Two hundred twenty-ninth Respondent:	Nathan Fisher
Two hundred thirtieth Respondent:	Jimmy Poole
Two hundred thirty-first Respondent:	Stephan Gracie
Two hundred thirty-second Respondent:	Gary Shorto
Two hundred thirty-third Respondent:	John Barton
Two hundred thirty-fourth Respondent:	Ronny Buchan
Two hundred thirty-fifth Respondent:	Nick Di Gregorio
Two hundred thirty-sixth Respondent:	Jeremy Goncalves
Two hundred thirty-seventh Respondent:	David Jones
Two hundred thirty-eighth Respondent:	Cheryle Jones
Two hundred thirty-ninth Respondent:	Michelle Kavanagh
Two hundred fortieth Respondent:	Mick Kitson
Two hundred forty-first Respondent:	Aussie Minervini
Two hundred forty-second Respondent:	Tawa Harris
Two hundred forty-third Respondent:	Justin Murphy
Two hundred forty-fourth Respondent:	Nick Jeakings
Two hundred forty-fifth Respondent:	Nathan Park
Two hundred forty-sixth Respondent:	Steve Parker
Two hundred forty-seventh Respondent:	Andrew Hamor
Two hundred forty-eighth Respondent:	Trent Philip



Two hundred forty-ninth Respondent:	Joffa Pound
Two hundred fiftieth Respondent:	Ben Pringle
Two hundred fifty-first Respondent:	Kay Symes
Two hundred fifty-second Respondent:	Campbell Walton
Two hundred fifty-third Respondent:	Josh Bolitho
Two hundred fifty-fourth Respondent:	Cameron Hardy
Two hundred fifty-fifth Respondent:	Seamus Maher
Two hundred fifty-sixth Respondent:	Timothy Puckett
Two hundred fifty-seventh Respondent:	Leon Arnold
Two hundred fifty-eighth Respondent:	Duncan Bennett-Burleigh
Two hundred fifty-ninth Respondent:	Dean Hart
Two hundred sixtieth Respondent:	Mark Dymock
Two hundred sixty-first Respondent:	Sarah Clifford
Two hundred sixty-second Respondent:	Desmond Marland
Two hundred sixty-third Respondent:	Garry McMinn
Two hundred sixty-fourth Respondent:	Michael Schow
Two hundred sixty-fifth Respondent:	Michael Cousins
Two hundred sixty-sixth Respondent:	Graeme Carter
Two hundred sixty-seventh Respondent:	Troy Gledhill
Two hundred sixty-eighth Respondent	Steven Kuckzerka
Two hundred sixty-ninth Respondent	Stuart Peacock