

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING  
30, 31 MAY and 3 JUNE 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2: Higher productivity, higher pay workplace**

**Output Group 2.2: Workplace relations implementation**

**Outputs 2.2.7: Building Industry Taskforce**

**Question Number: W307-06**

**Question:**

Senator Campbell asked at *Hansard* page 19:

Were the secret-tape recordings referred to by the Federal Court in the matter of *Ponzio v Multiplex Ltd*, 381 of 2004, FCA, dated 3 May 2005, authorised by the task force in accordance with its policy and procedures manual?

**Answer:**

- It is inappropriate for the Taskforce to make any comment while the matter is before the court.
- This case is likely to proceed to a fully contested hearing commencing 29 August 2005. The court has heard argument on an interlocutory application. On 3 May 2005, Ryan, J delivered a decision (*Ponzio -v- Multiplex Constructions (Vic) Pty Ltd [2005 FCA 522]*) dismissing Notices of Motion filed by Multiplex. His Honour ruled that a decision on the admissibility of evidence was an issue to be determined at trial.