

**IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY**

No: (P)VID940/2008

ANTHONY BROBBEL
Applicant

PATIENT TRANSIT CARE PTY LTD
First Respondent

GOMED (VIC) PTY LTD
Second Respondent

ORDER

JUDGE: Justice Middleton
DATE OF ORDER: 3 August 2009
WHERE MADE: Melbourne



THE COURT DECLARES THAT:

1. In June 2006, the respondents, Patient Transit Care Pty Ltd and Gomed (Vic) Pty Ltd, contravened s 792(1) of the *Workplace Relations Act 1996* (Cth) (WR Act) when:
 - (a) in the course of offering Mr Garry Sanders an Australian Workplace Agreement, they altered Mr Sanders' position in employment to his prejudice;
 - (b) after Mr Sanders rejected the offer of the Australian Workplace Agreement, they injured Mr Sanders in his employment,for the sole or dominant reason that he was entitled to the benefit of the Australian Fair Pay and Conditions Standard and the *Ambulance Services and Patient Transport Employees Award, Victoria 2002* (applying by common rule declaration).
2. In June 2006, the respondents, Patient Transit Care Pty Ltd and Gomed (Vic) Pty Ltd, contravened s 792(1) of the WR Act, when in the course of offering Mr Jonathan Laing an Australian Workplace Agreement, they altered Mr Laing's position in employment to his prejudice for the sole or dominant reason that he was

entitled to the benefit of the Australian Fair Pay and Conditions Standard and the *Ambulance Services and Patient Transport Employees Award, Victoria 2002* (applying by common rule declaration).

3. In June 2006, the respondents, Patient Transit Care Pty Ltd and Gomed (Vic) Pty Ltd, contravened s 792(1) of the WR Act, when in the course of offering Mr Neil Beaumont an Australian Workplace Agreement, they altered Mr Beaumont's position in employment to his prejudice for the sole or dominant reason that he was entitled to the benefit of the Australian Fair Pay and Conditions Standard and the *Ambulance Services and Patient Transport Employees Award, Victoria 2002* (applying by common rule declaration).

4. In June 2006, the respondents, Patient Transit Care Pty Ltd and Gomed (Vic) Pty Ltd, contravened s 792(1) of the WR Act when:

(a) in the course of offering Mr William Lilburn an Australian Workplace Agreement, they altered Mr Lilburn's position in employment to his prejudice;

(b) after Mr Lilburn rejected the offer of the Australian Workplace Agreement, they injured Mr Lilburn in his employment,

for the sole or dominant reason that he was entitled to the benefit of the Australian Fair Pay and Conditions Standard and the *Ambulance Services and Patient Transport Employees Award, Victoria 2002* (applying by common rule declaration).

5. In June 2006, the respondents, Patient Transit Care Pty Ltd and Gomed (Vic) Pty Ltd, contravened s 792(1) of the WR Act when:

(a) in the course of offering Mr Ken Laycock an Australian Workplace Agreement, they altered Mr Laycock's position in employment to his prejudice;

(b) after Mr Laycock rejected the offer of the Australian Workplace Agreement, they injured Mr Laycock in his employment,



for the sole or dominant reason that he was entitled to the benefit of the Australian Fair Pay and Conditions Standard and the *Ambulance Services and Patient Transport Employees Award, Victoria 2002* (applying by common rule declaration).

THE COURT ORDERS BY CONSENT THAT:

1. The respondents, jointly and severally, pay a penalty of \$55,000 for the declared contraventions.
2. The proceeding otherwise be dismissed.
3. There be no order as to costs.

Date that entry is stamped: 24 August 2009

