

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
EMPLOYMENT AND INDUSTRIAL LIST

No. S CI 2016 04059

**BETWEEN:**

VIVA ENERGY REFINING PTY LTD  
(ACN 004 303 842)



Plaintiff

- and -

AUSTRALIAN WORKERS' UNION

(which is sued on its own behalf and pursuant to Order 18 of the *Supreme Court (General Civil Procedure) Rules 2015* as representing all person who were on 5 October 2016 or are now, or have at any time since 5 October 2016 been present at the picket lines established at the point or points of access to or egress from the premises located at 80-90 Refinery Road, Corio, Victoria)

First defendant

and

AUTOMOTIVE, FOOD, METALS, ENGINEERING,  
PRINTING AND KINDRED INDUSTRIES UNION

Second defendant

**GENERAL FORM OF ORDER**

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JUDGE: The Honourable Justice McDonald

DATE MADE: 6 October 2016

ORIGINATING PROCESS: Writ filed on 5 October 2016

HOW OBTAINED: Return of Plaintiff's summons filed on 5 October 2016

ATTENDANCE: Mr J Snaden of counsel for the plaintiff  
Mr E White of counsel for the first and second defendants

OTHER MATTERS: 1. The plaintiff, by its counsel, undertakes to abide by any order the court may make as to damages in case the court shall hereafter be of opinion that the defendant shall have sustained

any, by reason of this order, which the plaintiff ought to pay.

2. This order is signed by the Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic).

**THE COURT ORDERS THAT:**

1. Pursuant to rule 2.04(1) of the *Supreme Court (General Civil Procedure) Rules 2015* (hereafter, "**the Rules**"), the requirements for service in rule 46.05(2) be dispensed with and, instead, that service of the plaintiff's summons dated 5 October 2016, and the affidavits sworn in support thereof, be deemed to have been effected by the delivery of those documents by email addressed to the National and Victorian Branch Secretaries of each defendant, and sent prior to 8:00am on Thursday, 5 October 2016.
2. Pursuant to rule 18.03(1) of the *Supreme Court (General Civil Procedure) Rules 2015*, the first defendant is appointed as the representative of those persons who:
  - (a) are or have been, at any time since 6:30am on Wednesday, 5 October 2016 until 12:30pm on Thursday, 6 October 2016 present at and, in any way, a part of a picket line, blockade or protest assembly that has been at the site known as the Geelong Refinery, situated at 80-90 Refinery Road, Corio, in the state of Victoria (which persons are referred to, hereafter, as "**the Picketers**").
3. Until the trial of the proceeding or further order, each defendant (whether by itself, its officials, employees, agents or howsoever otherwise) and each of the Picketers be restrained from:
  - (a) preventing, hindering or interfering—whether by means of their own physical presence, or by any object or vehicle—the free passage by

persons and/or vehicles to or from the site known as the Geelong Refinery, situated at 80-90 Refinery Road, Corio, in the state of Victoria;

(b) advising, causing, inducing, procuring or inciting any person to do or attempt to do any of the things restrained by sub-paragraph 3(a) of this order.

4. As soon as practicable and by no later than 3:30pm on Thursday, 6 October 2016, each defendant place, in a prominent position:

(a) on the homepage of its website (at <http://www.awu.net.au> in the case of the first defendant and <http://www.amwu.org.au> in the case of the second defendant); and

(b) on its Facebook page,

notification of the making of these orders and a copy of these orders.

5. There is liberty to apply.

6. The costs of today to be reserved.

DATE AUTHENTICATED: **6 October 2016**



TAKE NOTICE, AUSTRALIAN WORKERS' UNION, AND AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES UNION, THAT YOU ARE LIABLE TO IMPRISONMENT OR SEQUESTRATION OF PROPERTY IF:

- (A) WHERE THIS ORDER REQUIRES YOU TO DO AN ACT WITHIN A FIXED TIME, YOU REFUSE OR NEGLECT TO DO THE ACT WITHIN THAT TIME;  
OR
- (B) WHERE THIS ORDER REQUIRES YOU TO ABSTAIN FROM DOING AN ACT, YOU DISOBEY THE ORDER.

