

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

S CI 2017 05150

BETWEEN:

ESSO AUSTRALIA PTY LTD (ACN 000 018 566)

Plaintiff

- and -

AUSTRALIAN WORKERS UNION



First Defendant

- and -

AUSTRALIAN MANUFACTURING WORKERS UNION

Second Defendant

- and -

COMMUNICATIONS, ELECTRICAL, ELECTRONIC,
ENERGY, INFORMATION, POSTAL, PLUMBING AND
ALLIED SERVICES UNION OF AUSTRALIA

Third Defendant

(The Defendants are sued on their own behalf and pursuant to Order 18 of the *Supreme Court (General Civil Procedure) Rules 2015* as representing all persons who were on 22 June 2017 or are now, or have at any time since 22 June 2017 been present at the picket lines established at 1 Garretts Road, Longford, Victoria)

ORDER

JUDGE:	The Honourable Justice McDonald
DATE MADE:	21 December 2017
ORIGINATING PROCESS:	Writ
HOW OBTAINED:	Plaintiff's Summons dated 18 December 2017
ATTENDANCE:	Mr F Parry QC with Ms F Leoncio, of Counsel, for the Plaintiff Mr H Borenstein QC with Mr M Harding, of Counsel, for the Defendants
OTHER MATTERS:	None.



UPON THE PLAINTIFF, BY ITS COUNSEL, UNDERTAKING:

1. To submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of this order.

AND UPON THE DEFENDANTS, BY THEIR LAWYERS, UNDERTAKING:

2. In these undertakings:
 - (a) the “**Site**” means the Plaintiff’s property at Garretts Road, Longford, Victoria, including the Heliport, Training Ground and Fire Training Ground on Garretts Road; and
 - (b) the “**Main Camp**” means the main camp identified in paragraph 11 in the affidavit of Natalie Bannan.
3. Until the hearing and determination of the application or further order, the Defendants, by themselves, their officers, delegates their employees, or agents, will not engage in and will cease engaging in any of the conduct described below:
 - (a) abusing, threatening or harassing any person who is at the Site or approaching or leaving the Site;
 - (b) acting while in the company of any other person or persons to deter or discourage any person from being on the Site or approaching or leaving the Site, using words or gestures the purpose or effect of which is to coerce or threaten or suggest adverse consequences to the person;
 - (c) following any person or vehicle approaching or departing from the Site for the purpose of threatening or harassing that person or the occupants of the vehicle;
 - (d) using noise amplifying equipment, including loud hailers, PA systems, megaphones, at the Main Camp or closer to the Site;
 - (e) using scissor lifts or other lifting devices or elevated platforms, howsoever called, to take films or pictures of employees and contractors to the Plaintiff or to abuse, threaten or harass such persons or to make noise in such a manner as to create a nuisance to the Plaintiff;



- (f) aiding, abetting, counselling, procuring or inducing any person or persons to do or attempt to do any of the things restrained by any one of the preceding subparagraphs.
4. By no later than 5:00 pm on the date of this order, the Defendants shall place a copy of these orders, in a prominent position at the Main Camp.
5. The First Defendant shall:
- (a) Provide a link to a copy of these orders on its homepage (<http://www.awu.net.au>);
 - (b) Tweet a copy of the these orders on its Twitter account (<http://twitter.com/AWUnion/>); and
 - (c) Post a copy of these orders on its Facebook page (<http://www.facebook.com/AustralianWorkersUnion>).
6. The Second Defendant shall:
- (a) Provide a link to a copy of these orders on its homepage (<http://www.amwu.org.au>);
 - (b) Tweet a copy of the these orders on its Twitter account (<http://twitter.com/theamwu/>); and
 - (c) Post a copy of these orders on its Facebook page (<http://www.facebook.com/theAMWU>).
7. The Third Defendant shall:
- (a) Provide a link to a copy of these orders on its homepage (<http://www.etuvic.com.au>);
 - (b) Tweet a copy of the these orders on its Twitter account (<http://twitter.com/etuvic/>); and
 - (c) Post a copy of these orders on its Facebook page (<http://www.facebook.com/etuvic>).
8. The undertakings contained in 5(a), 6(a) and 7(a) shall be complied with on or before the date the relevant persons responsible for the editing of the homepages referred to above return from leave or before any other posting to the homepages occurs, whichever is earlier.



9. The undertakings contained in 5(b) and 5(c), 6(b) and 6(c) and 7(b) and 7(c) shall be complied with before 1:00pm on 22 December 2017.

THE COURT ORDERS BY CONSENT THAT:

10. The Plaintiff's application for interlocutory relief otherwise be dismissed.
11. By 31 January 2018, the parties are to endeavour to agree on a timetable for filing pleadings, evidence and for trial, and to provide draft consent orders, or draft proposed orders, to the Associate Judge's chambers.
12. Liberty to apply.
13. Costs be reserved.

DATE AUTHENTICATED: 21 December 2017


THE HONOURABLE JUSTICE McDONALD



SCHEDULE OF PARTIES

BETWEEN:

ESSO AUSTRALIA PTY LTD 000 018 566

Plaintiff

- and -

AUSTRALIAN WORKERS UNION

First Defendant

- and -

AUSTRALIAN MANUFACTURING WORKERS UNION

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