

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



S CI 2017 04871

**BETWEEN**

VICTORIA INTERNATIONAL CONTAINER TERMINAL LTD T/A VICT  
(ACN 164 915 655)

Plaintiff

- and -

MARITIME UNION OF AUSTRALIA

First Defendant

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

Second Defendant

**ORDER**

Judge: The Honourable Justice McDonald

Date Made: 1 December 2017

Originating Process: Writ

How obtained: By summons filed 1 December 2017

Attendance: Mr S Wood QC, Ms R Sweet of Counsel and Mr N Burmeister of Counsel for the Plaintiff

Mr H Borenstein QC and Mr Y Bakri of Counsel for the First Defendant

Mr P Morrissey SC for the Second Defendant

Other matters: The plaintiff undertakes 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.

**THE COURT ORDERS THAT:**

1. That, until the trial of this proceeding or further order, the First Defendant, whether by itself, its officials, employees or agents, howsoever described, be restrained from:



- (a) preventing, hindering or interfering with the free passage by persons and/or vehicles to or from the site known as Victoria International Container Terminal, with the street address of 78 Webb Dock Drive, Port Melbourne, in the state of Victoria, which site is identified in the map attached as Annexure A to this order; and
- (b) advising, causing, inducing, procuring or inciting any person to do or attempt to do any of the things restrained by sub-paragraph 1(a) of this order.

2. That, until 4.30 pm on 8 December 2017, the First Defendant, whether by itself, its officials, employees or agents, howsoever described, be restrained from advising, causing, inducing, procuring or inciting any person to or attempt to be present within 100 metres of any access point to the site identified in sub-paragraph 1(a) of this order, except to the extent that:

- (a) that person's presence is necessary for the purpose of undertaking work that that person has been engaged to perform by or on behalf of the plaintiff;
- (b) that person's entry to the site may be authorised by law;
- (c) that person's presence is necessary for the purpose of using a public road for reasons unconnected with the site; or
- (d) for the purpose of complying with these orders.

3. The Plaintiff pay the Second Defendant's costs of the summons, and otherwise the costs of the summons are reserved.

**DATE AUTHENTICATED: 1 December 2017**



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**THE HONOURABLE JUSTICE McDONALD**

**TAKE NOTICE, MARITIME UNION OF AUSTRALIA, 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 TO ABSTAIN FROM DOING AN ACT, YOU  
DISOBEY THE ORDER.**



# ANNEXURE A – MAP

