

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

No: (P)VID89/2009

JOHN HOLLAND PTY LTD  
Applicant

AUTOMOTIVE FOOD METALS ENG PRINTING & KINDRED IND UNION  
First Respondent

CONSTRUCTION FORESTRY MINING & ENERGY UNION  
Second Respondent

MICK POWELL  
Third Respondent

TONY MAVARITIS  
Fourth Respondent

MICK BULL  
Fifth Respondent

**ORDER**

**JUDGE:** Justice Jessup

**DATE OF ORDER:** 24 March 2009

**WHERE MADE:** Melbourne

Upon the applicant by its counsel undertaking:

- (a) 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, adversely affected by the operation of the interim injunctions of either of them below; and
- (b) to pay the compensation referred to in (a) above to the person there referred to.

**THE COURT ORDERS THAT:**

1. Until the hearing and determination of this proceeding or further order, the first, second, third and fourth respondents be restrained, whether by themselves, their servants or agents, from –



- (a) preventing or hindering the supply of any goods or services to the West Gate Bridge Strengthening Alliance Project (“the project”) at West Gate Bridge, Melbourne;
- (b) counselling or procuring any person not to supply any goods or services to, or not to make any delivery to, the project;
- (c) counselling or procuring any person not to work upon the project;
- (d) preventing, hindering or impeding the access or approach of any person or vehicle to, or the egress or departure of any person or vehicle from, the applicant’s head office at 70 Trenerry Crescent, Abbotsford;
- (e) counselling, persuading or requesting any person not to attend a job interview or employment induction session at the said head office or not to cross a picket line for the purpose of attending any such interview or session;
- (f) counselling or procuring any person not to enter the said head office;
- (g) save for the purpose of entry or exit otherwise authorised by law, standing, sitting, lying or otherwise being present at or on the approach to any door, gate or entrance of or to the said head office;
- (h) threatening or abusing any person at, within, or in the vicinity of the said head office or any person entering, approaching, leaving or departing from the said head office;
- (i) organising or procuring any person to do any of the things set out in (a) – (h).

2. Until –

- (A) 4.00 pm on 7 April 2009 or further order, Barry Slaven, Toby Paterson, Trent Padula, Canice Lynch and Dave Kerin; and
- (B) the hearing and determination of this proceeding or further order, Gareth Stephenson;

be restrained, whether by themselves, their servants or agents, from –

- (a) preventing or hindering
  - (i) the supply of any goods or services to,
  - (ii) the access or approach of any person or vehicle to, or
  - (iii) the egress or departure of any person or vehicle from, the site of the project at Spotswood (“the site”);
- (b) counselling or procuring any person not to supply any goods or services to, or not to make any delivery to, the project;
- (c) counselling or procuring any person not to work upon the project;
- (d) counselling or procuring any person not to enter the site;



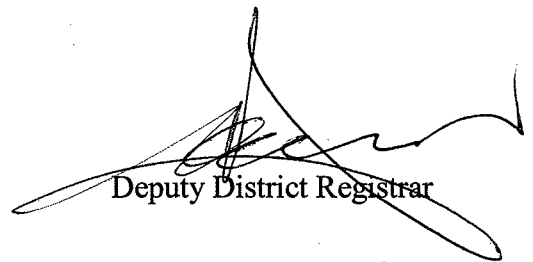
- (e) placing or leaving any vehicle, trailer, apparatus, equipment or thing within 100 metres of any entrance to the site;
- (f) attending, or organising or procuring any person or persons to attend, within 100 metres of any entrance to the site, save for such entry to the site as may be authorised by law, for the purpose of using a public road for reasons unconnected with the site or for the purpose of complying with these orders;
- (g) preventing, hindering or impeding the access or approach of any person or vehicle to, or the egress or departure of any person or vehicle from,
  - (i) the applicant's head office at 70 Trenerry Crescent, Abbotsford ("the head office"); or
  - (ii) the applicant's head office for the project at 275 Williamstown Road, Port Melbourne ("the project office");
- (h) counselling, persuading or requesting any person not to attend a job interview or employment induction session at the head office or the project office or not to cross a picket line for the purpose of attending any such interview or session;
- (i) counselling or procuring any person not to enter the head office or the project office;
- (j) attending, or organising or procuring any person or persons to attend, within 100 metres of any entrance to the head office or the project office, save for such entry thereto as may be authorised by law, for the purpose of using a public road for reasons unconnected with the head office or the project office or for the purpose of complying with these orders;
- (k) threatening or abusing any person at, within, or in the vicinity of the head office or the project office or any person entering, approaching, leaving or departing from the head office or the project office;
- (l) besetting or following any person, or the vehicle of any person, who is, was or be –
  - (i) an employee or agent of the applicant;
  - (ii) a person contracted to work on, or to supply labour or materials to, the project;
  - (iii) an employee or agent of any such person; or
- (m) organising or procuring any person to do any of the things set out in (a) – (l).

3. The further hearing of paragraphs 1 and 3 of the applicant's Notice of Motion dated 20 March 2009 be fixed for 9.00 am on 7 April 2009.
4. Gareth Stephenson, Barry Slaven, Toby Paterson, Trent Padula, Canice Lynch and Dave Kerin be added as the sixth to eleventh respondents respectively.



5. The applicant have leave to file and serve a Further Amended Application in accordance with the proposed Further Amended Application attached to the applicant's Notice of Motion dated 20 March 2009 marked "A".
6. Orders 4, 5, 6 and 7 made on 11 March 2009 be vacated.
7. The applicant and the intervener file and serve any affidavit or affidavits upon which they propose to rely with respect to so much of the applicant's case as does not include questions relating to the quantification of damage, if any, by 4.30 pm on 3 April 2009.
8. The respondents file and serve any affidavit or affidavits upon which they propose to reply with respect to so much of their case as does not include questions relating to the quantification of damage, if any, by 4.30 pm on 24 April 2009.
9. The applicant and the intervener file and serve any affidavit or affidavits upon which they propose to rely in reply to the affidavit or affidavits of the respondents by 4.30 pm on 4 May 2009.
10. The proceeding be sent to mediation in accordance with O 72 of the Federal Court Rules, such mediation to occur in the week commencing 4 May 2009 with the mediator to report the outcome of the mediation to the court before 13 May 2009.
11. The proceeding be listed for directions at 9.30 am on 15 May 2009.
12. The parties have liberty to apply on 48 hours notice to the other parties.
13. Costs be reserved.

Date that entry is stamped: 25 March 2009

  
Deputy District Registrar

