



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID591/2014

TRANSFIELD WORLEY POWER SERVICES PTY LTD
Applicant

**AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED
INDUSTRIES UNION** and others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE GORDON

DATE OF ORDER: 10 October 2014

WHERE MADE: Melbourne

UPON THE UNDERTAKING of the Applicant by its Counsel:

- (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 interlocutory order or undertaking or any continuation (with or without variation) thereof; and
- (b) to pay the compensation referred to in (a) to the person there referred to.


THE COURT ORDERS THAT:

1. Until trial, the first to third respondents and each of them, whether by themselves, their officers, delegates, servants, agents or employees are restrained from directing, organising, inducing, advising, authorising or encouraging any employee of the applicant taking industrial action in the form described in the Order of the Fair Work Commission dated 8 October 2014 (PR556385) (**the Industrial Action**).
2. Until trial, or further order, each of the fourth to eighth respondents is restrained from engaging in the Industrial Action.
3. Pursuant to Rule 10.27 of the *Federal Court Rules 2011* (Cth), the usual requirements of service are dispensed with and, instead, service of this Order is permitted by the Applicant:



- (a) forwarding a copy of this Order by email or facsimile transmission to the Victorian Branch of each of the first, second and third respondents;
 - (b) forwarding a pdf copy of this Order to the mobile telephone number in Annexure A next to the name of each of the fourth to eighth respondents.
4. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) and on the ground that the order is necessary to prevent prejudice to the proper administration of justice, Annexure A to this Order is to remain confidential on the court file and is not to be disclosed to any other parties or persons.
 5. Liberty to the parties to apply on 24 hours' notice to discharge, vary or extend the operation of this Order.
 6. This matter otherwise be adjourned to Wednesday 15 October 2014 at 9.30 am for directions.

Date that entry is stamped: 10 October 2014


Registrar

**NOTICE PURSUANT TO RULE 41.06
OF THE *FEDERAL COURT RULES 2011* (CTH)**

TO: AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES UNION; CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION; COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION, POSTAL, PLUMBING AND ALLIED SERVICES UNION OF AUSTRALIA; KIM LINDGREN; DAVID EWEN; CARL STANLEY; NICHOLAS KNIGHT; ANTHONY HILL

You are liable to imprisonment or to sequestration of property if:

- (a) where this order requires you to do an act within a specified 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.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011* (Cth).



Schedule

No: VID591/2014

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Second Respondent	CFMEU - LEGAL BRANCH
Third Respondent	COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION, POSTAL, PLUMBING AND ALLIED SERVICES UNION
Fourth Respondent	KIM LINDGREN
Fifth Respondent	DAVID EWEN
Sixth Respondent	CARL STANLEY
Seventh Respondent	NICHOLAS KNIGHT
Eighth Respondent	ANTHONY HILL