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VICT targets protesters through representative action

Monday, December 11, 2017, 1:54pm

Victoria International Container Terminal is today calling on the State's Supreme Court to recognise VTHC secretary Luke Hilakari as a representative of all protesters gathering in support of the MUA in its dispute at the Port of Melbourne, and to stop them coming within a 100 metre "exclusion zone".

At a hearing before Justice Michael McDonald this afternoon, the stevedoring company will seek an injunction against Hilakari as a representative of "all those persons present" at picket lines over the past fortnight at its international container terminal.

VICT's court application calls for orders restraining Hilakari and his "representatives" from "preventing, hindering or interfering with the free passage" to or from its site or trying to come within 100 metres of any access point or "advising, causing, inducing, procuring or inciting" others to do this (see [Related Article](#)).

In documents in support of its representative proceeding, the company alleges that Hilakari and the representatives "wrongly and maliciously agreed to conspire and combine amongst themselves to injure VICT in its business by unlawful means".

In "furtherance of the said conspiracy" it claims Hilakari "directed, procured, encouraged, advised, counselled and/or authorised others to engage and participate in the picket" and "acted in concert with, and as a leader of, the picketers".

In a Twitter post yesterday showing a weighty pile of court documents, Hilakari confirmed he had been served at his home and said that if he "rocked up to a CEO's house, corporate Australia would lose their mind" and "police would be called".



Luke Hilakari
@lhilakari

I got served at my home. This is the first time the Secretary of Trades Hall has been targeted like this. Stopping workers from standing up for each other is wrong. It's time to change the rules
[#VICT](#)

1:40 PM - Dec 10, 2017 · Melbourne, Victoria

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Hilakari told *Workplace Express* that he believed it was the first time that anyone in his position at the peak body had been served with documents seeking an injunction and questioned why he was served at home over the weekend rather than at Trades Hall during office hours.

"It's very hostile," he said.

"I think they are looking to make me responsible for everyone else down there [at the picket]."

Hilakari also accused the parent company of VICT – International Container Terminal Services, Inc – of employing "union busting tactics" in other countries and of trying to import that business model to Australia.

"We're getting to the stage in this country where workers are not allowed to stand up for each other."

"It shows why the Change the Rules campaign is just so important."

Meanwhile, a VICT spokesperson told *Workplace Express* that while an injunction issued at the start of the month against the MUA "for its illegal picketing" was permanent, an "initial injunction creating the exclusion zone" expired on Friday.

As well as seeking a "further injunction against the MUA to re-impose the 100 metres exclusion zone", he said VICT "is now seeking to [obtain] injunctions against others who have engaged in illegal picketing since then".

"This is being sought by way of an injunction against Luke Hilakari as a representative of all persons present at the picket over the past week."


On Friday about 1000 protesters turned out to support the MUA in its dispute, including Hilakari, ACTU secretary Sally McManus, CFMEU construction and general division Victorian branch secretary John Setka, Catholic priest and social entrepreneur Father Bob McGuire, State Labor MP Mark Gepp and many unions (see [Related Article](#)).

Community protesters angry at worker treatment: MUA

MUA deputy national secretary Will Tracey last month said a "community protest" had been held outside the VICT site after a casual employee was denied shifts after taking action against management over workplace bullying and harassment (see [Related Article](#)).

Describing the dispute as "indicative of labour rights abuses" regularly adopted by its parent company, Tracey said community members were "angry that a worker is being unfairly targeted by VICT and that worker happens to be a member of the MUA".

However, while the union maintains the worker has a valid security identification card, VICT chief executive Anders Dømmestrup said the MUA wants the company to illegally employ a worker who is ineligible for the necessary waterfront security clearance.



MUA
@MaritimeUnionAU


Webb Dock Update: The worker at the centre of this dispute has a valid MSIC (Maritime Security Identification Card) #VICT know this and still refuse to meet. #vicpol #ausunions #auspol #ICTSI #springst

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As a "start-up company" looking to "grow its business significantly in the next 12 to 18 months," he also predicted VICT's damages claim could easily exceed \$100 million "through harm to our reputation and threat to our commercial prospects in the market, as well as lost revenues and severely undermining our business projections".

"The officials have kept over 1000 containers motionless on Webb Dock, badly affecting many small and medium-sized businesses, putting perishable goods at risk, damaging Victoria's reputation as a reliable trading partner and giving Sydney's Port Botany a competitive leg-up."



MUA
@MaritimeUnionAU

We have made numerous attempts to contact #VICT regarding medical supplies on the wharf. They have either ignored us or rebuffed our efforts. The company appears to be using this as a political pawn. #vicpol #ausunions #webbdock #auspol #ICTSI

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Justice McDonald will hear the application at 3pm today.

Victorian International Container Terminal Ltd t/a VICT (ACN 164 915 655) v. Luke Hilakari, S CI 2017 04998

Victoria International Container Terminal t/a VICT v. Maritime Union of Australia & Ors, S CI 2017 04871

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