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Unions and officials in contempt of anti-blockade order: VICT

Wednesday, February 21, 2018, 1:56pm

The operator of Melbourne's new third container terminal has lodged civil contempt of court proceedings against the MUA and three top officials over a two-week picket late last year.

Victoria International Container Terminal Ltd (VICT) is seeking orders to punish the MUA for breaching a Victorian Supreme Court order made on December 12.

VICT alleges that the MUA acted through three officials – deputy national secretary Will Tracey, WA branch secretary and national president Chris Cain and Victorian branch secretary Joe Italia – who were within a 100-metre "no go" zone at the terminal's truck gate on December 14.

Documents lodged with the court name the MUA as the first respondent in the proceedings and the CFMEU as the second respondent, but orders are only sought against the Maritime Union.

Solicitors for employer associations have leapt on the VICT summons, telling the Fair Work Commission that it provides a reason to block the merger between the CFMEU, MUA and TCFU (see Related Article).

Comment is being sought from the MUA about the summons and damages claim.

VICT has already begun damages proceedings in the Victorian Supreme Court against both the MUA and the CFMEU over the picket (see Related Article).

However, it has not sought damages from Victorian Trades Hall Council secretary Luke Hilakari, even though he was named in a rare representative order that restrained him from organising or participating in the picket (see Related Article).

VICT is the first entry into Australia by its owner, the Manila-based International Container Terminal Services Inc (ICTS), which has faced sustained criticism from international transport unions over its operations in Africa, Indonesia and Papua New Guinea.

In Melbourne, it has completed the first phase of a new international container terminal, which has robotic ship-to-shore (STS) cranes and fully-automated operations from the gate to the quayside, and competes against existing container terminal operators, Patrick and DP World.

VICT has launched an initial \$8 million damages claim against the MUA and CFMEU over their involvement in last year's picket but has flagged that the total amount sought could be as high as \$100 million.

The stevedore has alleged the picket was imposed after the company refused to allocate shifts to an MUA delegate because he did not have a Maritime Security Identification Card.


The picket ended after the reinstatement of the employee, Richard Lunt, "on pay", but not full pay, which includes shift allowances and the like.


Lunt has taken Federal Court proceedings seeking his reinstatement, alleging that he lost work through union activities.

The Fair Work Ombudsman is investigating the picket (Related Article).

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