

(Rule 44.02.3)

IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE REGISTRY

No. M187 of 2016

**ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT OF  
AUSTRALIA**

BETWEEN:

**THE AUSTRALIAN WORKERS' UNION**  
Appellant

and

**ESSO AUSTRALIA PTY LTD**  
(ABN 49 000 018 566)  
Respondent



**APPELLANT'S CHRONOLOGY**

**Part I:**

1. I certify that this chronology is in a form suitable for publication on the internet.

**Part II**

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
Approximately June 2014	Commencement of enterprise bargaining between AWU and Esso	Primary Judgment at [6]
1 October 2014	Nominal Expiry Date of the <i>Esso Gippsland (Longford and Long Island Point) Enterprise Agreement 2011</i> , <i>Esso Offshore Enterprise Agreement 2011</i> and <i>Esso Gippsland (Barry Beach Marine Terminal) Enterprise Agreement 2011 (enterprise agreements)</i>	Primary Judgment at [5]

The Solicitor for the Appellant is:

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Date: 27 January 2017

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Contract: Kamal Farouque and Jenna Vardi  
Ref: ILG/5237531

3 February 2015	AWU served on Esso a notice of intention of its members employed by Esso to take protected industrial action including by imposing an 'indefinite ban on the de-isolation of equipment...' pursuant to s 414(6) of the <i>Fair Work Act 2009</i> (Cth) ( <b>FW Act</b> )	Primary Judgment at [31]
12 February 2015	First day of a planned maintenance shutdown at Esso's Longford plant.	Primary Judgment at [34]
12 February 2015	Certain bans on work at Longford imposed by AWU members	Primary Judgment at [35]
17 February 2015	First Order pursuant to s.418 of the FW Act made by Fair Work Commission	Primary Judgment at [37]-[38]
17 February 2015	AWU served on Esso a notice of intention of its members employed by Esso to take protected industrial action in the form of a ban on overtime pursuant to s 414(6) of the FW Act	Primary Judgment at [40]
4 March 2015	Mr Steed, AWU delegate, informs Esso management that the AWU considers that the ban on de-isolation of equipment includes bans on air freeing and leak testing	Primary Judgment at [46]
5 March 2015	Second Order pursuant to s.418 of the FW Act made by Fair Work Commission.	Primary Judgment at [47]-[48]
6 March 2015	Third Order pursuant to s.418 of the FW Act made by Fair Work Commission.	Primary Judgment at [52]
7 March 2015	AWU members employed by Esso refused to manipulate bleeder valves on equipment at Longford on the basis that such work fell under the bans on de-isolation of	Primary Judgment at [52]-[64]

	equipment	
16 March 2015	Esso commenced proceeding VID 115/2015	Primary Judgment at [65]
17 March 2015	Federal Court made an interim injunction until 4.00 pm on 25 March 2015 restraining the AWU from organizing industrial action relating to bargaining for a replacement enterprise agreement for the enterprise agreements	Primary Judgment at [65]
17 March 2015	Industrial action ceased	Primary Judgment at [177]; Orders 6-13 of Jessup J dated 13 August 2015
25 March 2015	Federal Court made an interlocutory injunction until the hearing and determination of the Application restraining the AWU from organizing industrial action at Longford of various descriptions including 'bans on de-isolations, equipment testing, air freeing and leak testing'.	Primary Judgment at [65]

DATED: 27 January 2017

Name: Kamal Farouque  
Principal  
Maurice Blackburn Lawyers