

**IN THE FEDERAL COURT OF AUSTRALIA (FCA)  
NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
FAIR WORK DIVISION** **No: NSD580/2012**

**NOTICE OF FILING**

This document was filed electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 21/05/2012.

**DETAILS OF FILING**

**Document Lodged:** Amended Document  
**File Number:** NSD580/2012  
**File Title:** James Hunter Ashby v Commonwealth of Australia & Another  
**District Registry:** NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



★ **Date:** 21/05/2012

**Registrar**

*Warwick Soden*

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the document. The Notice must be included in the document served on each party to the proceeding.

Form 81  
Rule 34.05(1)



**Amended Originating application under the Fair Work Act 2009  
alleging discrimination**

No. NSD 580 of 2012

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

**James Hunter Ashby**

Applicant

**Commonwealth of Australia**

First Respondent

**Peter Slipper**

Second Respondent

To the respondents

The applicant applies for the relief set out in this amended application.

The Court will hear this amended application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing:** 9:30am on 18 May 2012

**Place:**

Law Courts Building  
Queens Square  
Sydney NSW 2000

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Filed on behalf of James Ashby, **Applicant**

Prepared by Michael Harmer

**HARMERS WORKPLACE LAWYERS**

**Address for service:**

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SYDNEY NSW 2000

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[Form approved 01/08/2011]

Date: 18 May 2012

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Signed by an officer acting with the authority of  
the District Registrar

**Details of claim under the Fair Work Act & other relief**

On the grounds stated in the accompanying statement of claim, the applicant asks the Court for:

- (a) a pecuniary penalty to be imposed on each of the respondents pursuant to section 546(1) of the *Fair Work Act 2009* (FWA);
- (b) an order that any pecuniary penalties imposed be paid to a particular person being the applicant pursuant to section 546(3) of the FWA;
- (c) statutory compensation, pursuant to section 545(1) of the FWA;
- (d) damages for breach of contract against the first respondent;
- (e) interest up to judgment on any amounts awarded (other than any pecuniary penalty) pursuant to section 51A of the *Federal Court of Australia Act 1976* or section 547 of the FWA;
- (f) an order, pursuant to section 545(1) of the FWA, that the second respondent undergo counselling and training in the area of anti-discrimination;
- (g) such further or other order as the Court deems fit.

**Accompanying document**

The application initiating this proceeding was not accompanied by a certificate issued by Fair Work Australia under section 369 of the FWA, as this matter does not involve termination of employment. The application was accompanied by a Genuine Steps statement to the extent that the proceeding is not an excluded proceeding.

**Employee / Employment details**

The applicant commenced employment on or about 22 December 2011, working as an adviser to the second respondent, the Speaker for the House of Representatives, at the second respondent's local electoral office in Buddina, Queensland and his Parliamentary Office at Parliament House, Canberra, Australian Capital Territory.

**Applicant's address**

The applicant's address for service is:

Place: c/- Harmers Workplace Lawyers  
Level 28, St Martins Tower  
31 Market Street  
SYDNEY NSW 2000

Email: michael.harmer@harmers.com.au

**Service on the Respondents**

It is intended to serve this amended application on the respondents.

Date: 18 May 2012



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Signed by Michael Daniel Harmer  
Lawyer for the applicant