

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 14/03/2025 4:42:00 PM AEDT  
Date Accepted for Filing: 17/03/2025 2:00:42 PM AEDT  
File Number: NSD719/2020  
File Title: ETIENNE ALEXIOU v AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522)  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: To Be Advised  
Time and date for hearing: To Be Advised  
Place: To Be Advised



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



**Further Amended Originating Application**

No. NSD719 of 2020

Federal Court of Australia  
District Registry: NSW  
Division: General

**Etienne Alexiou**

Applicant

**Australia and New Zealand Banking Group Limited**  
**ACN: 005 357 522**

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this 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:**  
**Place:** Law Courts Building, Queens Square, Sydney, New South Wales

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Filed on behalf of (name & role of party) Etienne Alexiou  
Prepared by (name of person/lawyer) Stewart Alan Levitt & Mike Gutzinger, Solicitors Timothy Price  
Law firm (if applicable) Levitt Robinson Solicitors YPOL Lawyers  
Tel 02 9286 3133 02 9231 7000 Fax 02 9283 0005  
Email mgutzinger@levittrobinson.com and slevitt@levittrobinson.com tprice@ypol.com.au  
**Address for service** Ground Floor, 162 Goulburn Street, Sydney East NSW 2010 Level 4, 1 Chifley Square  
SYDNEY NSW 2000 (include state and postcode) ..... [Version 2 form approved 09/05/2013]



Date:

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



### Details of claim

On the grounds stated in the statement of claim, the Applicant claims:

1. Pursuant to s 1317AD of the *Corporations Act 2001* (Cth) and/or section 52D of the *Banking Act 1959* (Cth), compensation for loss or damage (including aggravated damages).
2. Pursuant to ss 545 and 546 of the *Fair Work Act 2009* (Cth):
  - a. Compensation for loss or damage;
  - b. Pecuniary penalties;
  - c. Orders that pecuniary penalties levied against the Respondent be made payable to the Applicant.
3. Further, or alternatively, damages for breach of contract.
4. Further or alternatively, a declaration that the Respondent has engaged in unconscionable conduct.
5. Further or alternatively, a declaration that the Respondent is estopped from relying on the grounds proffered for:
  - a. Exercising its discretion not to award the 2014 Performance Bonuses (as defined in the Statement of Claim); and
  - b. Exercising its discretion to forfeit deferred equity held on trust for the Applicant by ANZEST Pty Ltd as Trustee for the ANZ Employee Share Acquisition Plan (**Trustee**).
6. Further or alternatively, a declaration that the Respondent waived any entitlement to rely upon the grounds proffered for:
  - a. Exercising its discretion not to award the 2014 Performance Bonuses (as defined in the Statement of Claim); and
  - b. Exercising its discretion to forfeit the deferred equity held on trust for the Applicant by the Trustee.
7. Further or alternatively, a declaration that the Respondent elected to affirm the Applicant's contract of employment and not to exercise any rights to clawback shares held on trust for the Applicant by the Trustee or to not award the 2014 Performance Bonuses to the Applicant.



- 8. Further or alternatively, a declaration that the Applicant is entitled to relief against forfeiture of shares held on trust for him by the Trustee as at 3 September 2015.
- 9. Further alternatively, an order that ANZ pay to the Applicant an amount equal to the value of the deferred equity held on trust for the Applicant by the Trustee as at the vesting dates as pleaded in the statement of claim.
- 10. Interest.
- 11. Costs.
- 12. Such further orders as the Court thinks fit.

**Applicant's address**

The Applicant's address for service is:

Place: ~~Levitt Robinson Solicitors at Ground Floor, 162 Goulburn Street, Sydney East, NSW, 2040~~ Level 4, 1 Chifley Square, SYDNEY NSW 2000

The Applicant's address is: 109 Manning Road WOOLLAHRA NSW 2025

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: ~~15 July 2024~~ 14 March 2025

Signed by

~~Stewart Alan Levitt~~ Timothy Randolph Price  
~~Levitt Robinson Solicitors~~ YPOL  
Lawyers  
Lawyer for the Applicant