

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

|                            |                                                                    |
|----------------------------|--------------------------------------------------------------------|
| Document Lodged:           | Originating Application - Form 15 - Rule 8.01(1)                   |
| Court of Filing:           | FEDERAL COURT OF AUSTRALIA (FCA)                                   |
| Date of Lodgment:          | 23/08/2024 12:43:28 PM AEST                                        |
| Date Accepted for Filing:  | 23/08/2024 4:57:52 PM AEST                                         |
| File Number:               | VID835/2024                                                        |
| File Title:                | GENERAL MANAGER OF THE FAIR WORK COMMISSION v DIANA<br>ASMAR & ORS |
| Registry:                  | VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA                     |
| Reason for Listing:        | To Be Advised                                                      |
| Time and date for hearing: | To Be Advised                                                      |
| Place:                     | To Be Advised                                                      |



A handwritten signature in blue ink that reads "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.



## Originating application

No. VID                      of 2024

Federal Court of Australia  
District Registry: Victoria  
Division: Fair Work

### GENERAL MANAGER OF THE FAIR WORK COMMISSION

Applicant

**DIANA ASMAR & OTHERS** as set out in the attached schedule

Respondents

To the Respondents

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:** Federal Court of Australia  
305 William Street  
Melbourne VIC 3000

The Court ordered that the time for serving this application be abridged to .

Date:

|                                                               |                                                                    |
|---------------------------------------------------------------|--------------------------------------------------------------------|
| Filed on behalf of (name & role of party)                     | The Applicant                                                      |
| Prepared by (name of person/lawyer)                           | Jon Lovell                                                         |
| Law firm (if applicable)                                      | Ashurst Australia                                                  |
| Tel                                                           | (03) 9679 3559                                                     |
| Email                                                         | <a href="mailto:jon.lovell@ashurst.com">jon.lovell@ashurst.com</a> |
| Fax                                                           |                                                                    |
| <b>Address for service</b><br>(include state and<br>postcode) | Level 16, South Tower<br>80 Collins Street<br>MELBOURNE VIC 3000   |



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



## Details of claim

On the grounds stated in the accompanying statement of claim, the applicant claims:

1. Declarations that the first respondent engaged in conduct which contravened civil penalty provisions, being sections 285(1), 286(1)(a), 286(1)(b), 287(1)(a) and 287(1)(b) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**), as alleged in the statement of claim.
2. Declarations that the second respondent engaged in conduct which contravened civil penalty provisions, being sections 287(1)(a) and 287(1)(b) of the FWRO Act, as alleged in the statement of claim.
3. Declarations that the third respondent engaged in conduct which contravened civil penalty provisions, being sections 285(1), 286(1)(a), 286(1)(b), 287(1)(a) and 287(1)(b) of the FWRO Act, as alleged in the statement of claim.
4. Declarations that the fourth respondent engaged in conduct which contravened civil penalty provisions, being sections 286(2) and 287(2) of the FWRO Act, as alleged in the statement of claim.
5. Declarations that the fifth respondent engaged in conduct which contravened a civil penalty provision, being section 285(1) of the FWRO Act, as alleged in the statement of claim.
6. Declarations that the sixth respondent engaged in conduct which contravened a civil penalty provision, being section 285(1) of the FWRO Act, as alleged in the statement of claim.
7. Declarations that the seventh respondent engaged in conduct which contravened a civil penalty provision, being section 285(1) of the FWRO Act, as alleged in the statement of claim.
8. Declarations that the contraventions by the first and fourth respondents referred to in Part F of the statement of claim are serious contraventions.
9. Orders pursuant to section 306(1) of the FWRO Act, imposing pecuniary penalties on each of the first to seventh respondents for their declared contraventions of the civil penalty provisions in 1-7 above.
10. An order pursuant to section 306(2) of the FWRO Act, requiring that any pecuniary penalties imposed on the respondents under 8 above, be paid to the Commonwealth of Australia within 28 days of the Court's order.



11. An order pursuant to section 307(1) of the FWRO Act that each of the first to ~~fourth~~ respondents pay compensation to the Health Services Union for damage suffered by it because of their declared contraventions in 1-4 above.
12. An order pursuant to section 307A(1) of the FWRO Act disqualifying the first respondent and fourth respondent from holding any office in any registered organisation for a period of 5 years.
13. Such further or other orders as the Court thinks fit.

### **Applicant's address**

The Applicant's address for service is:

Place: C/ Ashurst Australia  
Attn: Mr Jon Lovell  
Level 16, South Tower,  
80 Collins Street, MELBOURNE VIC 3000

Email: [jon.lovell@ashurst.com](mailto:jon.lovell@ashurst.com)

The Applicant's address is Level 4/11, Exhibition Street, MELBOURNE VIC 3000

### **Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 23 August 2024

*Ashurst Australia*

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Signed by Jon Lovell  
Ashurst Australia  
Lawyer for the Applicant



## Schedule of parties

No. VID of 2024

Federal Court of Australia  
District Registry: Victoria  
Division: Fair Work

|                    |                       |
|--------------------|-----------------------|
| Second Respondent  | <b>Kerry Georgiev</b> |
| Third Respondent   | <b>Nick Katsis</b>    |
| Fourth Respondent  | <b>David Asmar</b>    |
| Fifth Respondent   | <b>David Eden</b>     |
| Sixth Respondent   | <b>Lee Atkinson</b>   |
| Seventh Respondent | <b>Rhonda Barclay</b> |

Date: 23 August 2024