

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	17/11/2025 8:32:03 PM AEDT
Date Accepted for Filing:	18/11/2025 6:20:25 PM AEDT
File Number:	VID1503/2025
File Title:	DAKOTA JACKSON & ANOR v MCDONALD'S AUSTRALIA & ANOR
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

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.

Form 19
Rule 9.32

Originating application starting a representative proceeding under Part IVA of the Federal Court of Australia Act 1976

No. VID of 2025

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

Dakota Jackson and another according to the schedule

First Applicant

McDonald's Australia Limited and another according to the schedule

First Respondent

To the Respondents

The Applicants apply 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:

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

Date:

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

Filed on behalf of	_____
Prepared by	_____
Law firm	Shine Lawyers
Tel	_____ Fax _____
Email	_____
Address for service	Level 6, 299 Elizabeth Street, Sydney, NSW 2000

Details of claim

On the grounds stated in the accompanying statement of claim or other document prescribed by the Rules, the Applicants claim on their own behalf and on behalf of Group Members:

1. Pursuant to s 545 of the *Fair Work Act 2009* (Cth) (**FW Act**) and, or in the alternative, s 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**):
 - (a) a declaration that the First Respondent and the Second Respondent contravened s 50 of the FW Act by failing to pay employees based in South Australia (other than level 4 employees) at the rate of 200% of the weekly minimum wage, for all time worked on a Sunday, in addition to any other rates they were entitled to be paid for that work (such as overtime), in contravention of cl 32.5 of the *McDonald's Australia Enterprise Agreement 2013* (**McDonald's Agreement**);
 - (b) a declaration that the First Respondent and the Second Respondent contravened s 50 of the FW Act by failing to engage employees based in South Australia and who worked on Sundays, for a minimum of a three hours, in contravention of cl 32.6 of the McDonald's Agreement;
 - (c) a declaration that the First Respondent and the Second Respondent contravened s 45 of the FW Act by failing to pay full time and part time employees at the rate of 225%, and casual employees at the rate of 250%, for ordinary hours of work performed on a Sunday, in contravention cl 30.4 (up to 27 July 2022) and cll 27.3 and 21 (on and from 28 July 2022) of the *Fast Food Industry Award 2020* (**Fast Food Award**);
 - (d) a declaration that the First Respondent and the Second Respondent contravened s 45 of the FW Act by failing, in relation to employees based in South Australia, to pay full time and part time employees at the rate of 250%, and casual employees at the rate of 275%, for overtime performed on a Sunday in contravention of cl 26 (up to 27 July 2022) and cll 20.6 and 27.3 (on and from 28 July 2022) of the Fast Food Award;
 - (e) a declaration that the First Respondent and the Second Respondent contravened s 45 of the FW Act by failing, in relation to employees who had agreed to take time off in lieu of payment for overtime, to give such employees time off in lieu at the overtime equivalent and pay such employees the balance of any overtime that had not been taken by those employees as time off in lieu at the earliest of:
 - (i) the employee requesting to be paid for the overtime instead of taking the time off;
 - (ii) 6 months after the overtime was worked; or
 - (iii) the termination of the employee's employment

in contravention of cl 26 (up to 27 July 2022) and cl 20.7 (on and from 28 July 2022) of the Fast Food Award.
 - (f) a declaration that the First Respondent and the Second Respondent contravened s 44 of the FW Act by deducting the annual leave balances of full-time and part-time employees

based in South Australia for work purposes for paid annual leave taken on a Sunday, in contravention of s 89 of the FW Act;

- (g) a declaration that the First Respondent and the Second Respondent contravened s 44 of the FW Act by deducting the personal/carer's leave balances of full-time and part-time employees based in South Australia for work purposes for paid personal/carer's leave taken on a Sunday, in contravention of s 98 of the FW Act; and
 - (h) a declaration that the First Respondent contravened s 558B of the FW Act by reason of the matters set out in paragraphs 115 to 124 of the statement of claim.
2. An order, under s 545 of the FW Act, that the First Respondent pay compensation to the Applicants and Group Members.
 3. In the alternative to 2 above, an order under:
 - (a) s 545 of the FW Act; further or alternatively
 - (b) s 33Z(1)(e) of the FCA Act; further or alternatively
 - (c) s 33Z(1)(f) of the FCA Act,
 that the First Respondent pay compensation to the Applicants and Group Members in an aggregate amount.
 4. An order, under s 546 of the FW Act, that the First Respondent pay a pecuniary penalty for each contravention of the FW Act as may be found by the Court, with that penalty to be paid to the Applicants and Group Members in such sum or sums as may be determined by the Court.
 5. Interest on a compound basis.
 6. Such further or other orders as the Court considers appropriate.

Questions common to claims of group members

The questions of law or fact common to the claims of the Group Members are:

(All defined terms have the same meaning as in the statement of claim)

1. Whether the McDonald's Agreement applied to the Applicants and some or all of the Group Members.
2. Whether the Fast Food Award applied to the Applicants and some or all of the Group Members.
3. Whether, in the State of South Australia, Sunday was a public holiday for the purposes of the FW Act.
4. Whether the Applicants and some or all of the Group Members were entitled, under the McDonald's Agreement, to be paid at the public holiday rates prescribed by that Agreement for work performed on Sundays.
5. Whether some or all of the Group Members were entitled, under the McDonald's Agreement, to be engaged for a minimum of three hours on Sundays.

6. Whether the First and Second Respondents contravened cl 32.5 of the McDonald's Agreement, and thereby s 50 of the FW Act.
7. Whether the First and Second Respondents contravened cl 32.6 of the McDonald's Agreement, and thereby s 50 of the FW Act.
8. The appropriate means of measuring any loss and damage suffered by Group Members as a result of the contraventions of the McDonald's Agreement.
9. Whether the Applicants and some or all of the Group Members were entitled, under the Fast Food Award, to be paid the public holiday rates prescribed by the Award for work performed on a Sunday.
10. Whether the First and Second Respondents contravened cl 30.4 (up to 27 July 2022) and cll 27.3 and 21 (on and from 28 July 2022) of the Fast Food Award, and thereby s 45 of the FW Act.
11. Whether the First and Second Respondents contravened cl 26 (up to 27 July 2022) and cll 20.6, 20.7 and 27.3 (on and from 28 July 2022) of the Fast Food Award, and thereby s 45 of the FW Act.
12. The appropriate means of measuring any loss and damage suffered by Group Members as a result of the contraventions of the Fast Food Award.
13. Whether some or all Group Members were entitled, under 89 of the FW Act, to not be taken to be on paid annual leave on a Sunday, if the Group Members took paid annual leave on that Sunday.
14. Whether some or all Group Members were entitled, under 98 of the FW Act, to not be taken to be on paid personal/carer's leave on a Sunday, if the Group Members took paid personal/carer's leave on that Sunday.
15. Whether the First and Second Respondents contravened s 89 of the FW Act, and thereby s 44 of the FW Act.
16. Whether the First and Second Respondents contravened s 98 of the FW Act, and thereby s 44 of the FW Act.
17. The appropriate means of measuring any loss and damage suffered by Group Members as a result of the contraventions of ss 89 and 98 of the FW Act.
18. Whether each Franchise Store was substantially or materially associated with intellectual property relating to the McDonald's Franchise.
19. Whether each Franchisee (including Jameri) was a franchisee entity of MAL's within the meaning of s 558A of the FW Act.
20. Whether MAL was a franchisor in relation to the McDonald's Franchise and had a significant degree of influence or control over the Franchisees' affairs.
21. Whether MAL was a responsible franchisor entity for each of the Franchisees within the meaning of s 558A(2) of the FW Act.
22. Whether MAL knew the matters alleged at paragraph 120 of the statement of claim.

23. Whether MAL took any, or any reasonable step, to alert or inform Franchisees that Sunday was, or require or direct Franchisees to treat Sunday as, a public holiday for Franchise Employees in the State of South Australia.
24. Whether MAL could reasonably be expected to have known that a contravention by each of the Franchisees, including Jameri, of the same or a similar character to the Jameri Contraventions was likely to occur.
25. Whether MAL contravened s 558B of the FW Act.
26. The appropriate means of measuring any loss and damage suffered by Group Members as a result of the contraventions of s 558B of the FW Act.

Representative action

The Applicant brings this application as a representative party under Part IVA of the *Federal Court of Australia Act 1976*.

The group members to whom this proceeding relates are all persons:

- (a) who in the period from 17 November 2019 to 31 December 2023:
 - (i) were employed by MAL; or
 - (ii) were employed by Jameri; or
 - (iii) were employed at a McDonald's store operated by any McDonald's franchisee other than Jameri;
- (b) to whom, in their employment in (a):
 - (i) the Fast Food Award, further or alternatively
 - (ii) the McDonald's Agreement,
 applied;
- (c) who, during their employment in (a):
 - (iv) were based in South Australia for work purposes;
 - (v) on one or more Sundays during the said employment:
 - (1) performed work but were not paid at the public holiday rate(s) prescribed by the McDonald's Agreement or the Fast Food Award (as applicable) for that work; or
 - (2) to the extent that the McDonald's Agreement applied to them, were engaged to work for less than a minimum of three hours; or
 - (3) were employed on a full-time or part time basis and –
 - (a) took paid annual leave or paid personal/carer's leave on one or more such Sundays; and
 - (b) were taken by their employer to be on paid annual leave or paid personal/carer's leave on the Sunday(s) referred to in (a); and

- (c) by reason of (b) – had their annual or paid personal/carer's leave balance deducted in relation to the leave referred to in (a).

Applicant's address

The Applicant's address for service is:

Place: Level 6, 299 Elizabeth Street, Sydney, NSW 2000

Email: [REDACTED]

The Applicant's address is Level 6, 299 Elizabeth Street, Sydney 2000.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 17 November 2025

A handwritten signature in black ink, appearing to be 'V. [unclear]', written over a light grey rectangular background.

Signed by [REDACTED]
Lawyer for the Applicants

Schedule

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

No. VID of 20

Max Jennings
Second Applicant

Jameri Pty Ltd
Second Respondent

Date: 17 November 2025