

NOTICE OF FILING

Details of Filing

Document Lodged:	Defence - Form 33 - Rule 16.32
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	29/04/2025 4:27:19 PM AEST
Date Accepted for Filing:	29/04/2025 5:29:34 PM AEST
File Number:	VID835/2024
File Title:	GENERAL MANAGER OF THE FAIR WORK COMMISSION v DIANA ASMAR & ORS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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.



Form 33
Rule 16.32

Defence of the First Respondent

No. VID835/2024

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

GENERAL MANAGER OF THE FAIR WORK COMMISSION

Applicant

DIANA ASMAR and others

Respondents

The First Respondent claims, and reserves her right to claim, the privilege against exposure to civil penalties and says further that if by the making of any admission in this defence she waives the privilege, such waiver is intended to operate only in respect of the specific allegation in response to which the admission is made and is not intended to operate as a general waiver of privilege in this proceeding or at all.

The First Respondent says as follows by way of defence to the Statement of Claim dated 23 August 2024:

1. She admits paragraph 1.
2. She admits paragraph 2.
3. She admits paragraphs 3(a) and 3(b).
4. She admits paragraphs 4(a), 4(b) and 4(c).
5. As to paragraph 5:
 - (a) she admits paragraph 5(a) and 5(b); and
 - (b) she does not know and therefore cannot admit paragraph 5(c).
6. She admits paragraphs 6(a), 6(b) and 6(c).
7. She admits paragraphs 7(a) and 7(b).
8. She admits paragraphs 8(a), 8(b) and 8(c).
9. She admits paragraphs 9(a), 9(b), 9(c).
10. She admits paragraphs 10(a), 10(b), 10(c).

Filed on behalf of	Diana Asmar, the first respondent	
Prepared by	Sofia Saba, solicitor for the first respondent	
Law firm	Cornwalls	
Tel	(03) 9608 2006	Fax
Email	j.munro@cornwalls.com.au ; s.saba@cornwalls.com.au	
Address for service	Level 4, 380 Collins Street, Melbourne VIC 3000	

11. She admits paragraph 11(a).

12. She admits paragraph 12(a).

B. POWERS AND DUTIES OF THE RESPONDENTS

13. She does not plead to the allegations in paragraph 13-18 because she has invoked the privilege against self-exposure to a penalty.

C. BREACHES OF DUTIES – NON-EXISTENT EXPENSES CONDUCT

C1. Claims for reimbursement of illegitimate business expenses

19. She does not plead to the allegations in paragraph 19-22 because she has invoked the privilege against self-exposure to a penalty.

C2. Contraventions by Ms Asmar of the FWRO Act (reimbursement of illegitimate business expenses)

23. She does not plead to the allegations in paragraph 23-32 because she has invoked the privilege against self-exposure to a penalty.

C7. Contraventions by Ms Georgiev of the FWRO Act (reimbursement of illegitimate business expenses)

33. She does not plead to the allegations in paragraphs 33-36 because she has invoked the privilege against self-exposure to a penalty.

D. PLEA IN THE ALTERNATIVE – NON-EXISTANT EXPENSES CONDUCT WAS IN BREACH OF REIMBURSMENT POLICY

D1. Conduct in contravention of Reimbursement Policy

37. She does not plead to the allegations in paragraphs 37-38 because she has invoked the privilege against self-exposure to a penalty.

D2. Contraventions by Ms Asmar of the FWRO Act (contravention of the Reimbursement Policy)

39. She does not plead to the allegations in paragraphs 39-40 because she has invoked the privilege against self-exposure to a penalty.

E. BREACHES OF DUTIES – FURTHER REIMBURSEMENT CONTRAVENTIONS

E.1 Further transfers

E.1.1 Transfer 1

41. She does not plead to the allegations in paragraphs 41-45 because she has invoked the privilege against self-exposure to a penalty.

E.1.2 Transfer 2

46. She does not plead to the allegations in paragraphs 46-50 because she has invoked the privilege against self-exposure to a penalty.

E.1.3 Transfer 3

51. She does not plead to the allegations in paragraphs 51-55 because she has invoked the privilege against self-exposure to a penalty.

E.1.4 Transfer 4

56. She does not plead to the allegations in paragraphs 56-60 because she has invoked the privilege against self-exposure to a penalty.

E.1.5 Transfer 5

61. She does not plead to the allegations in paragraphs 61-65 because she has invoked the privilege against self-exposure to a penalty.

E.1.6 Transfer 6

66. She does not plead to the allegations in paragraphs 66-70 because she has invoked the privilege against self-exposure to a penalty.

E.1.7 Transfer 7

71. She does not plead to the allegations in paragraphs 71-75 because she has invoked the privilege against self-exposure to a penalty.

E.2 Contraventions by Ms Asmar of the FWRO Act (further reimbursement contraventions)

76. She does not plead to the allegations in paragraphs 76-85 because she has invoked the privilege against self-exposure to a penalty.

E.3 Contraventions by Ms Georgiev of the FWRO Act (further reimbursement contraventions)

86. She does not plead to the allegations in paragraphs 86-89 because either no allegations are made against her or she has invoked the privilege against self-exposure to a penalty.

E.4 Contraventions by Mr Katsis of the FWRO Act (further reimbursement contraventions)

90. She does not plead to the allegations in paragraphs 90-99 because either no allegations are made against her or she has invoked the privilege against self-exposure to a penalty.

F. BREACHES OF DUTIES - FEES FOR NO SERVICE CONDUCT

F.1 Fees for no goods or service conduct

100. She does not plead to the allegations in paragraphs 100-105 because she has invoked the privilege against self-exposure to a penalty.

F.2 Cashback transactions

F.2.1 Table B, Transaction 68: 25 September 2018 – 26 September 2018

104. She does not plead to the allegations in paragraphs 104-105 because she has invoked the privilege against self-exposure to a penalty.

F.2.2 Table B, Transactions 74 and 75: 24 October 2018 – 31 October 2018

106. She does not plead to the allegations in paragraphs 106-110 because she has invoked the privilege against self-exposure to a penalty.

F.2.3 Table B, Transaction 80: 15 January 2019 – 23 January 2019

111. She does not plead to the allegations in paragraphs 111-116 because she has invoked the privilege against self-exposure to a penalty.

F.2.4 Table B, Transaction 89: 15 March 2019 – 19 March 2019

117. She does not plead to the allegations in paragraphs 117-119 because she has invoked the privilege against self-exposure to a penalty.

F.2.5 Table B, Transaction 104: 1 July 2019 – 4 July 2019

120. She does not plead to the allegations in paragraphs 120-123 because she has invoked the privilege against self-exposure to a penalty.

F.2.6 Table B, Transaction 113: 2 September 2019 – 5 September 2019

124. She does not plead to the allegations in paragraphs 124-126 because she has invoked the privilege against self-exposure to a penalty.

F.3 Knowledge of Ms Asmar and Ms Georgiev

127. She does not plead to the allegations in paragraphs 124-126 because she has invoked the privilege against self-exposure to a penalty.

F.4 Contraventions by Ms Asmar of the FWRO Act (fees for no goods or service conduct / cashback transactions)

128. She does not plead to the allegations in paragraphs 128-139 because she has invoked the privilege against self-exposure to a penalty.

F.5 Contraventions by Ms Georgiev of the FWRO Act (fees for no goods or service conduct)

140. She does not plead to the allegations in paragraphs 140-145 because she has invoked the privilege against self-exposure to a penalty.

G. ACCESSORIAL LIABILITY OF DAVID ASMAR WITH RESPECT TO THE CASHBACK TRANSACTIONS PLEADED IN PART F.2 OF THE STATEMENT OF CLAIM

146. She does not plead to the allegations in paragraphs 146-150 because she has invoked the privilege against self-exposure to a penalty.

H. SERIOUS CONTRAVENTIONS

151. She does not plead to the allegations in paragraphs 151-152 because she has invoked the privilege against self-exposure to a penalty.

I. COMMBIZ CONTRAVENTIONS

153. She does not plead to the allegations in paragraphs 153-174 because she has invoked the privilege against self-exposure to a penalty.

Date: 28 April 2025

Cornwalls

Signed by Cornwalls

Lawyers for the first respondent

Certificate of lawyer

I, Sofia Saba, certify to the Court that, in relation to the defence filed on behalf of the first respondent the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 28 April 2025



Signed Sofia Saba
Cornwalls
Lawyer for the first respondent

Schedule

No: VID835/2024

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

Second Respondent	KERRY GEORGIEV
Third Respondent	NICK KATSIS
Fourth Respondent	DAVID ASMAR
Fifth Respondent	DAVID EDEN
Sixth Respondent	LEE ATKINSON
Seventh Respondent	RHONDA BARCLAY