

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/08/2020 2:20:23 PM ACST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### 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
File Number:	SAD76/2020
File Title:	AARON FURNELL & ORS v SHAHIN ENTERPRISES PTY LTD ACN 008 150 543
Registry:	SOUTH AUSTRALIA 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'.

Dated: 27/08/2020 2:23:09 PM ACST

Registrar

### Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Form 19  
Rule 9.32



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

(amended pursuant to leave given by White J on 27 August 2020)

No. SAD 76 of 2020

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

**Aaron Furnell** and others named in the Schedule

Applicants

**Shahin Enterprises Pty Ltd** ACN 008 150 543

Respondent

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:**

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 (name & role of party) Aaron Furnell, Applicant  
Prepared by (name of person/lawyer) Rory Markham  
Law firm (if applicable) Adero Law  
Tel (02) 6189 1022 Fax N/A  
Email Rory.Markham@aderolaw.com.au  
**Address for service** Adero Law, 5 Torrens Street, Braddon ACT 2612  
(include state and postcode)



### **Details of claim**

On the grounds stated in the accompanying statement of claim, the Applicants claim:

1. Declarations that the Respondent has contravened sections 323 and 45 of the *Fair Work Act 2009 (Cth) (FW Act)* as set out in the statement of claim.
2. An order for compensation pursuant to section 545 of the FW Act for loss suffered by the Applicants and the members of each Group 1, 2, 3, 4 and 5 in connection with the contraventions of the FW Act as set out in the statement of claim.
3. An order for interest on such amounts of compensation pursuant to section 547 of the FW Act.
4. An order for payment of a pecuniary penalty, to be paid to each of the Applicants and members of each Group 1, 2, 3, 4 and 5 as set out in the statement of claim.
5. Such further order as the Court sees fit, including as to costs.

### **Questions common to claims of group members**

The questions of law or fact common to the claims of group members are detailed in paragraphs 105, 105A, 105B, 105C, 106, 106A, 107, 107A, 108, 109 and 110 of the further amended statement of claim.

### **Representative action**

The Applicants sue in a representative capacity as representatives of the members of each Group 1, 2, 3, 4 and 5 as defined in the further amended statement of claim.

### **Applicant's address**

The Applicant's address for service is:

Place: Adero Law, 5 Torrens Street, Braddon ACT 2612

Email: Rory.Markham@aderolaw.com.au

The Applicant's address is 338A Carrington Street, Adelaide SA 5000.



**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 13<sup>27</sup> May August2020

A handwritten signature in blue ink, appearing to be "Rory Markham", written over a horizontal line.

Signed by Rory Markham  
Lawyer for the Applicants

**Schedule**No. SAD 76 of 2020

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

<b>First Applicant</b>	Paul Young <u>Aaron Furnell</u>
<b>Second Applicant</b>	<del>Aaron Furnell</del> <u>Paul Young</u>
<b>Third Applicant</b>	Shannan Mahoney
<b>Fourth Applicant</b>	Christopher Palmer
<b>Fifth Applicant</b>	Laurence Lagoon Williamson
<b>Respondent</b>	Shahin Enterprises Pty Ltd ACN 008 150 543

Date: <sup>27</sup>~~13 May~~ August 2020