

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/11/2020 12:10:01 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Reply - Form 34 - Rule 16.33
File Number: NSD542/2020
File Title: MARIA PABALAN v COLES SUPERMARKETS AUSTRALIA PTY LTD
ABN 45 004 189 708
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 2/11/2020 12:10:07 PM AEDT

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 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.



Reply

No. NSD542 of 2020

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

MARIA PABALAN

Applicant

COLES SUPERMARKETS AUSTRALIA PTY LTD ABN 45 004 189 708

Respondent

1. In reply to paragraphs 4(2)(c) and (3), 14(4), 17(4), 20(3), 23(3), 26(3) and 29(4) of the Defence filed 7 October 2020, the Applicant says that at all material times clause 2.2 of the Award contravened s 136 of the *Fair Work Act 2009* (Cth) (**FW Act**) and by virtue of s 137 of the FW Act had no effect.

Particulars

Clause 2.2 of the Award contravened s 136 of the FW Act because it was not permitted or required by any of the provisions of the FW Act referred to in s 136(1)(a) – (d).

Filed on behalf of (name & role of party)	Pabalan Applicant		
Prepared by (name of person/lawyer)	Rory Markham		
Law firm (if applicable)	Adero Law		
Tel	(02) 6152 9185	Fax	
Email	rory.markham@aderolaw.com.au		
Address for service	5 Torrens Street		
(include state and postcode)	Braddon ACT 2612		

Certificate of lawyer

I Rory Markham certify to the Court that, in relation to the reply filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 2 November 2020

A handwritten signature in black ink, appearing to be 'RM', with a long horizontal stroke extending to the right.

Signed by Rory Markham
Lawyer for the Applicant