

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 24/06/2020 10:26:05 AM AEST 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:	NSD2004/2019
File Title:	CAMERON BAKER v WOOLWORTHS LIMITED ABN 88 000 014 675
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	First Case Management Hearing
Time and date for hearing:	24/07/2020, 9:30 AM
Place:	Please check Daily Court List for details



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

Dated: 24/06/2020 10:48:55 AM AEST

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.



**Amended**  
**Originating application**  
**Part IVA Federal Court of Australia Act 1976**  
**(filed pursuant to the orders of the Honourable Justice Perram made on 22 June 2020)**

No. NSD 2004 of 2019

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

**Cameron Baker**  
First Applicant  
**Rhys Piro**  
Second Applicant

**Woolworths Group Limited**  
(ABN 88 000 014 675)  
First Respondent

**Woolworths (South Australia) Pty Limited**  
(ABN 34 007 873 118)  
Second Respondent

**To the Respondents**

Each of the applicants 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:**

Filed on behalf of  
Law firm  
Telephone  
Email  
**Address for service**

The Applicants, Cameron Baker and Rhys Piro  
Adero Law  
(02) 6189 1022 Fax n/a  
Rory.Markham@Aderolaw.com.au  
5 Torrens Street,  
Braddon ACT 2601



Date:

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



## **Representative Action**

Each of the Applicants bring this application as a representative party under Part IVA of the Federal Court of Australia Act 1976.

## **Details of claim**

In respect of each contravention of each civil remedy provision alleged in the Statement of Claim filed herewith the Applicants, on the grounds stated therein (and adopting the terms therein defined), claims on his own behalf, ~~or~~ and on behalf of each Group Member of the Sub-group of which he is the representative as the case may be:

1. an order pursuant to s 545(2)(b) FWA that Woolworths or Woolworths (South Australia) P/L, as the case may be, pay to the Applicant or the relevant Sub-group Member compensation for the loss she or he suffered because of that contravention;
2. an order pursuant to s 546(1) and (3) FWA that Woolworths or Woolworths (South Australia) P/L, as the case may be, pay a pecuniary penalty
  - (a) to the Applicant or the relevant Sub-group Member;
  - (b) on the basis that each contravention was a "serious contravention" within the meaning of s 557A FWA; and
3. pursuant to s 547 FWA, interest up to judgment on the above amounts.

## **The Groups**

4. The First Applicant brings these proceedings
  - (1) for himself, and
  - (2) as the representative of a group constituted by of all persons;
    - (a) employed by the First Respondent ("**Woolworths**") at any time within the period of 6 years ending on the date of the filing of the Originating Application herein (the "**Relevant Period**"),
    - (b) in a position in a
      - (i) supermarket, or



(ii) Big W Discount Department Store (including Big W Optical),

in the “general retail industry” within the meaning of that phrase in the General Retail Industry Award 2010 (the “**Award**”),

- (c) which was undertaken as a “full time employee” or “part time employee” as those terms are defined in the Award,
- (d) the title of which position was, or included the word, “manager” (a “**Manager Position**”), and
- (e) who in any Pay Period worked a rostered hour
  - (i) which was on a Monday to Friday on what was for the purposes of the Award an evening,
  - (ii) outside the spread of hours from time to time prescribed in the Award for undertaking ordinary hours, or
  - (iii) on a Saturday, Sunday or Public Holiday,

(the “**Woolworths Sub-group**” and a/the “**Woolworths Sub-group Member/s**”).

5. The Second Applicant brings these proceedings

- (1) for himself, and
- (2) as the representative of a group constituted of all persons;
  - (a) employed by the Second Respondent (“**Woolworths SA**”) at any time within the period of 6 years ending on the date of the filing of the Originating Application herein (the “**Relevant Period**”),
  - (b) in a position in a
    - (i) supermarket, or
    - (ii) Big W Discount Department Store (including Big W Optical),

in the “general retail industry” within the meaning of that phrase in the General Retail Industry Award 2010 (the “**Award**”),
  - (c) which was undertaken as a “full time employee” or “part time employee” as those terms are defined in the Award,



- (d) the title of which position was, or included the word, "manager" (a "Manager Position"), and
- (e) who in any Pay Period worked a rostered hour
- (i) which was on a Monday to Friday on what was for the purposes of the Award an evening,
- (ii) outside the spread of hours from time to time prescribed in the Award for undertaking ordinary hours, or
- (iii) on a Saturday, Sunday or Public Holiday,

(the "Woolworths SA Sub-Group" and a/the "Woolworths SA Sub-group Member/s").

6. Hereinafter

- (1) the Woolworths Sub-group and the Woolworths SA Sub-Group are collectively hereinafter referred to as the Group.
- (2) the Woolworths Sub-group Member/s and the Woolworths SA Sub-group Member/s are collectively hereinafter referred to as a/the Group Member/s.

**Common Questions**

7. Whether the Award applied to each Group Member in respect of their his or her employment from time to time in the Relevant Period by Woolworths or Woolworths SA as the case may be.
8. Whether the Award as it applied to the Applicant and each Group Member from time to time during the Relevant Period required that any work undertaken by any Group Member as specified in [2(c)] above be paid at a rate attracting one or more of the:
- (1) Evening Work Loadings;
- (2) Night Work Loadings;
- (3) Saturday Work Loadings;
- (4) Sunday Work Loadings;



(5) Public Holidays Work Loadings; or

(6) Overtime Rates.

**Applicant's address for Service**

Place: Adero Law  
5 Torrens Street  
Canberra ACT 2612

Email: Rory.Markham@aderolaw.com.au

**Service on  
the Respondent**

It is intended to serve this amended application on the Respondents.

Date: 24 June 2020 ~~November 2019~~

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

Signed by Rory Markham  
Lawyer for the applicant