

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/11/2020 2:21:00 PM ACDT 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: SAD169/2020

File Title: MARTIN SHINA v 'ROMEO NSW PARTNERSHIP', BEING THE PARTNERSHIP OPERATED BY ROMEO NSW INVESTMENTS PTY LTD & THE TRUSTEE FOR ROMEO NSW HOLDING TRUST (ABN 11 807 080 683)

Registry: SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Reason for Listing: First Directions

Time and date for hearing: 01/02/2021, 9:30 AM

Place: Court No. 8 Level 7, Roma Mitchell Commonwealth Law Courts Building Level 5, 3 Angas Street, Adelaide



*Sia Lagos*

Dated: 20/11/2020 2:00:38 PM ACDT

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.



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

No. of 20

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

**Martin James Shina**

Applicant

**'Romeo NSW Partnership', being the partnership operated by Romeo NSW Investments Pty Ltd & The Trustee for Romeo NSW Holding Trust (ABN 11 807 080 683)**

First Respondent

**Romeo NSW Investments Pty Ltd (ACN 156 756 544)**

Second Respondent

**Romeo NSW Holdings Pty Ltd (ACN 156 757 809)**

Third Respondent

To the Respondents

The Applicant applies for the relief set out in this application.

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Filed on behalf of (name & role of party)	The 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
<b>Address for service</b> (include state and postcode)	5 Torrens Street, Braddon ACT 2612

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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

### **Details of claim**

On the grounds stated in the accompanying statement of claim, the Applicant claims:

1. Declarations that the First Respondent has contravened sections 45, 323 and 535 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 Applicant and each Group Member 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 pursuant to section 546 of the FW Act, to be paid to the Applicant and each Group Member 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 the Group Members are detailed in paragraph 80 of the statement of claim.

**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 the Group Members as defined in paragraph 5 of the statement of claim.

**Applicant's address**

The Applicant's address for service is:

Place: 5 Torrens Street, Braddon ACT 2612

Email: [Rory.Markham@aderolaw.com.au](mailto:Rory.Markham@aderolaw.com.au)

The Applicant's address is 13 Melaleuca Grove Greenacre, NSW.

**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 17 November 2020

A handwritten signature in black ink, appearing to be "RM" followed by a long horizontal stroke.

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Signed by Rory Markham  
Lawyer for the Applicant

**Schedule**

No. of 20

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

**Applicant**

Applicant: Martin James Shina

**Respondents**

First Respondent: 'Romeo NSW Partnership', being the partnership operated by Romeo NSW Investments Pty Ltd & The Trustee for Romeo NSW Holding Trust (ABN 11 807 080 683)

Second Respondent: Romeo NSW Investments Pty Ltd (ACN 156 756 544)

Third Respondent: Romeo NSW Holdings Pty Ltd (ACN 156 757 809)

Date: 17 November 2020