

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 15/07/2024 4:28:56 PM AEST
Date Accepted for Filing: 16/07/2024 9:08:20 AM AEST
File Number: NSD189/2024
File Title: ANTOINETTE LATTOUF v AUSTRALIAN BROADCASTING CORPORATION
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 28/10/2024, 9:30 AM
Place: Court No. 5, Level 7, Harry Gibbs Commonwealth Law Courts Building Level 6, 119 North Quay, Brisbane



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 15
Rules 8.01(1); 8.04(1)



Consolidated Amended Originating application

No. NSD189 of 2024

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

Antoinette Lattouf

Applicant

Australian Broadcasting Corporation

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: [Registry will insert time and date]

Place: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

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

Filed on behalf of (name & role of party) Antoinette Lattouf, Applicant

Prepared by (name of person/lawyer) Josh Bornstein, Lawyer for the Applicant

Law firm (if applicable) Maurice Blackburn Lawyers

Tel 02 8267 0940

Fax

Email jbornstein@mauriceblackburn.com.au; pparker@mauriceblackburn.com.au

Address for service Level 29, 161 Castlereagh Street, Sydney NSW 2000
(include state and postcode)



Details of claim

On the grounds stated in the accompanying statement of claim, the applicant claims the following relief:

1. Declarations pursuant to s 545 of the *Fair Work Act 2009* (Cth) (**FW Act**) and/or s 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) that the respondent contravened s 50 of the FW Act by not complying with clauses 55.2.1(a), 55.2.1(b), 55.2.1(c), 55.2.1(f) and 55.2.2 of the ABC Enterprise Agreement 2022-2025 (**Enterprise Agreement**) after an allegation of misconduct had been made.
 2. A declaration pursuant to s 545 of the FW Act and/or s 21 of the FCA Act that the respondent contravened s 50 of the FW Act by purporting to summarily dismiss the applicant when she was not guilty of and had not committed serious misconduct within the meaning of clauses 55.6.1 and 57.1.1(a) of the Enterprise Agreement.
 3. In the alternative to paragraph 2, a declaration pursuant to s 545 of the FW Act and/or s 21 of the FCA Act that the ABC contravened s 50 of the FW Act by purporting to terminate the applicant's employment on a basis not set out in clause 57.1.1 of the Enterprise Agreement.
 4. In the alternative to paragraphs 2 and 3, a declaration pursuant to s 545 of the FW Act and/or s 21 of the FCA Act that the ABC contravened s 50 of the FW Act by not allowing the applicant to present the Mornings program on 21 and 22 December 2023, which was not a sanction available under the ABC Enterprise Agreement 2022-2025.
- 4A. A declaration pursuant to s 545 of the FW Act and/or s 21 of the FCA Act that the ABC contravened s 772(1)(f) of the FW Act by terminating her employment on 20 December 2023 for reasons that included:
- a. one or more of the applicant's political opinions in paragraph 1A of the consolidated amended statement of claim;
 - b. one or more of the applicant's political opinions in paragraph 1A of the consolidated amended statement of claim and:
 - i. her race (Lebanese and/or Arab and/or Middle Eastern); and/or
 - ii. national extraction (her Lebanese and/or Arab and/or Middle Eastern heritage and that she is a descendant of foreign immigrants).
5. An order pursuant to s 545(2)(c) of the FW Act for reinstatement of the applicant to a commensurate position to that from which the respondent dismissed her.



6. An order pursuant to s 545(2)(b) of the FW Act, that the respondent pay the applicant compensation for loss suffered as a result of the contraventions declared in paragraphs 1 to 4A above.
7. An order pursuant to s 546(1) and (3) of the FW Act that the respondent pay pecuniary penalties to the applicant for the contraventions declared in paragraphs 1 to 4A above.
8. An order that the respondent implement a compliance program for a minimum of 12 months to educate its management on the requirements of clause 55 of the Enterprise Agreement.
9. Such further or other orders as the Court considers appropriate.

The applicant's address for service is:

Place: Maurice Blackburn Lawyers
Level 29
161 Castlereagh Street
Sydney NSW 2000

Email: jbornstein@mauriceblackburn.com.au pparker@mauriceblackburn.com.au

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: ~~22 February 2024~~ 15 July 2024

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

Signed by Josh Bornstein
Lawyer for the Applicant