

Form 116
Rule 34.163(1)



Originating application under the Australian Human Rights Commission Act 1986

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: General

Cyril Rioli and others

Applicants

Hawthorn Football Club Ltd

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: Federal Court of Australia, 305 William St., Melbourne, Vic., 3000

Date:

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

.....
Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Peter Seidel and Leon Zwier
Law firm (if applicable) Arnold Bloch Leibler
Tel 61 3 9229 9692 Fax _____
Email pseidel@abl.com.au; lzwier@abl.com.au
Address for service Level 21, 333 Collins Street, Melbourne, 3000
(include state and postcode) _____



Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claim that, as pleaded in the Statement of Claim filed together herewith, the Respondent:

1. Has engaged in unlawful conduct within the meaning of sections 9(1) and 15(1)(b) of the *Racial Discrimination Act 1975* (Cth) ("**RD Act**") in relation to the First Applicant (Cyril Rioli), causing him injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
2. Has engaged in unlawful conduct within the meaning of section 9(1) of the RD Act in relation to the Second Applicant (Shannyn Ah Sam-Rioli), causing her injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
3. Has engaged in unlawful conduct within the meaning of sections 9(1) and 15(1)(b) of the RD Act in relation to the Third Applicant (Jermaine Miller-Lewis), causing him injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
4. Has engaged in unlawful conduct within the meaning of section 9(1) of the RD Act in relation to the Fourth Applicant (Montanah-Rae Lewis), causing her injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
5. Has engaged in unlawful conduct within the meaning of sections 9(1) and 15(1)(b) of the RD Act in relation to the Fifth Applicant (Carl Peterson), causing him injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
6. Has engaged in unlawful conduct within the meaning of sections 9(1) and 15(1)(b) of the RD Act in relation to the Sixth Applicant (Leon Egan), causing him injury, loss, or damage, as pleaded in the Statement of Claim filed together herewith.
7. Was negligent and breached the duties of care it owed to each of Mr Rioli, Mr Peterson, and Mr Miller-Lewis, causing them injury, loss, and damage, as pleaded in the Statement of Claim filed together herewith.

Legislation

The Applicants claim that the discrimination complained of is unlawful under sections 9 and 15 of the RD Act.



Remedy sought

The Applicants ask the Court for:

1. Orders, pursuant to section 46PO(4)(a) of the *Australian Human Rights Commission Act 1986* (Cth) ("**AHRC Act**") or otherwise, declaring that the Respondent has committed the unlawful discrimination alleged in the Statement of Claim, and directing the Respondent not to repeat or continue such unlawful discrimination.
2. Orders, pursuant to section 46PO(4)(d) of the AHRC Act or otherwise, requiring the Respondent to pay to the Applicants damages (including aggravated damages) by way of compensation for loss or damage suffered because of Respondent's unlawful discrimination alleged in the Statement of Claim.
3. Orders, under section 46PO(4)(b) or otherwise, that the Respondent give apologies to each of the Applicants.
4. Damages (including aggravated damages) in respect of the loss or damage suffered by Mr Rioli, Mr Peterson, and Mr Miller-Lewis because of the Respondent's breaches of the duties of care it owed to each of them.
5. Exemplary damages in respect of the negligence claims made by Mr Rioli, Mr Peterson, and Mr Miller-Lewis.
6. Interest.
7. Such order as to costs as the Court considers to be appropriate.
8. Such further or other Order as the Court considers to be necessary or appropriate.

Accompanying documents

This application is accompanied by a copy of:

1. A copy of the original complaint to the Australian Human Rights Commission, constituted by:
 - (a) the Complaint Form document dated 2 June 2023 (17 pages)
 - (b) Documents 1 to 19 contained in the zip file dated 5 June 2023



2. The notice of termination of complaint given by the President of the Australian Human Rights Commission on 27 May 2024, having as its annexures:
- (a) Attachment A, containing reasons for decision
 - (b) Attachment B being the Applicants' complaint as terminated, constituted by:
 - (i) the Complaint Form document dated 2 June 2023 (17 pages)
 - (ii) Documents 1 to 19 contained in the zip file dated 5 June 2023
 - (iii) Reply letter dated 14 June 2023 (4 pages)
 - (iv) Table of Acts (135 pages)

3. Statement of Claim.

Applicants' details

The Applicants' relationships to the Respondent are that they are:

- 1. in the case of Cyril Rioli, Carl Peterson, Jermaine Miller-Lewis and Leon Egan, former employees of the Respondent;
- 2. in the case of Shannyn Ah-Sam Rioli and Montanah-Rae Lewis, the partners of Cyril Rioli and Jermaine Miller-Lewis and respectively.

All Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Level 21, 333 Collins Street, Melbourne, 3000

Email: lzwier@abl.com.au and pseidel@abl.com.au

The Applicants' address is c/o Arnold Bloch Leibler, Level 21, 333 Collins Street, Melbourne VIC 3000.



Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 26 July 2024

A handwritten signature in black ink, appearing to read "L. Zwier".

A handwritten signature in black ink, appearing to read "P. Seidel".

Signed by Leon Zwier, Arnold Bloch Leibler
Lawyer for Applicants

Signed by Peter Seidel, Arnold Bloch Leibler
Lawyer for Applicants

**Schedule**

No. VID of 2024

Federal Court of Australia
District Registry: Victoria
Division: General

Applicants

Second Applicant:	Shannyn Ah Sam-Rioli
Third Applicant	Jermaine Miller-Lewis
Fourth Applicant	Montanah-Rae Lewis
Fifth Applicant	Carl Peterson
Sixth Applicant	Leon Egan

Date: 26 July 2024

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application Under the Australian Human Rights Commission Act 1986 - Form 116 - Rule 34.163(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	26/07/2024 3:09:19 PM AEST
Date Accepted for Filing:	26/07/2024 3:48:28 PM AEST
File Number:	VID728/2024
File Title:	CYRIL RIOLI & ORS v HAWTHORN FOOTBALL CLUB LTD
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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.