

## 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: 16/10/2024 10:07:29 AM AEDT  
Date Accepted for Filing: 17/10/2024 9:33:32 AM AEDT  
File Number: VID1036/2024  
File Title: JAYSON LLOYD GILLHAM v MELBOURNE SYMPHONY ORCHESTRA  
PTY LTD ABN 47 078 925 658 & ORS  
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.



## **Further Amended Originating Application**

No. VID1036 of 2024

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

### **Jayson Lloyd Gillham**

Applicant

**Melbourne Symphony Orchestra Pty Ltd ABN 47 078 925 658** and others named in the  
Schedule

Respondents

To the Respondents

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:** 305 William Street, Melbourne Vic 3000

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

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Filed on behalf of (name & role of party) Jayson Gillham, Applicant  
Prepared by (name of person/lawyer) Michael Bradley  
Law firm (if applicable) Marque Lawyers  
Tel 02 8216 3000 Fax N/A  
Email michaelb@marquelawyers.com.au; laureng@marquelawyers.com.au;  
aliceo@marquelawyers.com.au  
**Address for service** Level 4, 343 George St  
(include state and postcode) Sydney NSW 2000



## Details of claim

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

1. Pursuant to s 545 of the *Fair Work Act 2009* (Cth) (**FWA**), declarations that:
  - (a) the First Respondent took adverse action against the Applicant in contravention of s 340 of the FWA;
  - ~~(b) the Second Respondent is liable for the First Respondent's contravention of s 340 of the FWA;~~
  - (c) the Third Respondent was involved, within the meaning of s 550 of the FWA, in the First Respondent's contravention of s 340 of the FWA; and
  - (d) the Fourth Respondent was involved, within the meaning of s 550 of the FWA, in the First Respondent's contravention of s 340 of the FWA.
2. Pursuant to s 545(2)(b) of the FWA, an order that the Respondents compensate the Applicant for the loss which he has suffered as a result of the contraventions of s 340 of the FWA declared at 1 above.
3. Pursuant to s 545(1) of the FWA, an order that:
  - (a) the First Respondent make a public apology to the Applicant for the matters outlined at 1(a) above;
  - ~~(b) the Second Respondent make a public apology to the Applicant for the matters outlined at 1(b) above; and~~
  - (c) the Third Respondent make a public apology for the matters outlined at 1(c) above; and
  - (d) the Fourth Respondent make a public apology for the matters outlined at 1(d) above.
4. Pursuant to s 546(3)(c) of the FWA, orders that the Respondents pay a pecuniary penalty to the Applicant for each of their contraventions of s 340 of the FWA declared at 1 above, in the maximum amount payable under s 546 of the FWA.
5. Further or other order as the Court sees fit.

## Applicant's address

The Applicant's address for service is:

Place: Level 4, 343 George St Sydney NSW 2000

Email: [michaelb@marquellawyers.com.au](mailto:michaelb@marquellawyers.com.au)

The Applicant's address is 6 Patrick Street, Dalby QLD 4405.



**Service on the Respondents**

It is intended to serve this application on all Respondents.

Date: 16 4-October 2024

A handwritten signature in black ink, appearing to read "M Bradley", written over a horizontal dotted line.

Signed by Michael Bradley  
Lawyer for the Applicant



## Schedule

No. VID of 2024

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

### Respondents

~~Second Respondent~~ ~~Symphony Services Australia Limited ABN 69 121 149 755~~

Third Respondent: Ms Sophie Galaise

Fourth Respondent: Mr Guy Ross

Date: 16 4-October 2024