

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/10/2017 1:17:43 PM AEDT 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 - Form 15 - Rule 8.01(1)
File Number: VID1151/2017
File Title: THE AUSTRALIAN WORKERS' UNION v REGISTERED ORGANISATIONS COMMISSIONER & ANOR
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Interlocutory Hearing
Time and date for hearing: 25/10/2017, 3:00 PM
Place: Court Room Not Assigned, Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 25/10/2017 2:43:05 PM AEDT

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.

Form 15
Rule 8.01(1), 8.04(1)



Originating application

No. of 2017

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

The Australian Workers' Union

Applicant

Registered Organisations Commissioner and another named in the schedule

Respondents

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: 305 William Street, Melbourne, Victoria 3000

The Court ordered that the time for serving this application be abridged to

Date: 25 October 2017

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

| | |
|--|---|
| Filed on behalf of (name & role of party) | The Applicant |
| Prepared by (name of person/lawyer) | Hamid Mohamed Kamal Farouque |
| Law firm (if applicable) | Maurice Blackburn Lawyers |
| Tel | 03 9605 2847 |
| Fax | 03 9258 9613 |
| Email | kfarouque@mauriceblackburn.com.au |
| Address for service (include state and postcode) | Level 10, 456 Lonsdale Street, Melbourne VIC 3000 |



Details of claim

On the grounds stated in the accompanying affidavit affirmed by Hamid Mohamed Kamal Farouque dated 25 October 2017, the Applicant applies for the following relief under section 39B of the *Judiciary Act 1903* (Cth) and/or sections 21 and 24 of the *Federal Court of Australia Act 1976* (Cth):

1. A declaration that the National Office Search Warrant and the Victorian Branch Search Warrant are invalid.
2. A declaration that the First Respondent's decision under s 331 of the *Fair Work (Registered Organisations) Act 2009* (Cth) to commence an investigation is invalid.
3. An order in the nature of certiorari quashing the First Respondent's decision under s 331 of the *Fair Work (Registered Organisations) Act 2009* (Cth) to commence an investigation.
4. An order in the nature of prohibition prohibiting the First Respondent from giving any further effect to his decision under s 331 of the *Fair Work (Registered Organisations) Act 2009* (Cth) to commence an investigation.
5. An order in the nature of prohibition prohibiting the Second Respondent from giving any further effect to the National Office Search Warrant and the Victorian Branch Search Warrant.
6. In the alternative to order 1, an injunction prohibiting the Second Respondent from giving any further effect to the National Office Search Warrant and the Victorian Branch Search Warrant.
7. An injunction requiring the Second Respondent to return to the Applicant the documents seized in the execution of the Second Respondent and from giving any further effect to the National Office Search Warrant and the Victorian Branch Search Warrant.
8. Such further or orders as the Court considers appropriate.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

1. An interlocutory injunction prohibiting the First Respondent from receiving documents from the Second Respondent seized in the execution of the National Office Search Warrant and the Victorian Branch Search Warrant until further order.
2. An interlocutory injunction prohibiting the Second Respondent from giving to the First Respondent the documents seized in the execution of the National Office Search Warrant and the Victorian Branch Search Warrant until further order.

**Applicant's address**

The Applicant's address for service is:

Place: Level 10, 456 Lonsdale Street, Melbourne VIC 3000

Email: kfarouque@mauriceblackburn.com.au

The Applicant's address is Level 10, 456 Lonsdale Street, Melbourne VIC 3000.

Service on the Respondents

It is intended to serve this application on both of the Respondents.

Date: 25 October 2017

A handwritten signature in blue ink, appearing to read "Farouque", written over a horizontal line.

Signed by Hamid Mohamed Kamal Farouque
Lawyer for the Applicant



Schedule

No. of 2017

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

Respondents

Second Respondent: Commissioner of the Australian Federal Police

Date: 25 October 2017