

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 30/10/2020 1:09:20 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:	Notice of Cross-Claim - Form 31 - Rule 15.02(1)
File Number:	VID488/2020
File Title:	PAUL BRADSHAW & ANOR v BSA LIMITED
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



Dated: 30/10/2020 2:40:12 PM AEDT

A handwritten signature in blue ink, reading "Sia Lagos".

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.



Notice of cross-claim

No. No. VID488 of 2020

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

Paul Bradshaw and another

Applicants

BSA Limited (ACN 088 412 748)

Respondent

AND BETWEEN

BSA Limited (ACN 088 412 748)

Cross-Claimant (Second Cross-claim)

Scott Uren

First Cross-Respondent (Second Cross-claim)

Escom Communications Pty Ltd (ACN 618 520 433)

Second Cross-Respondent (Second Cross-claim)

Marcomm Communications Pty Ltd (ACN 099 642 118)

Third Cross-Respondent (Second Cross-claim)

To **Scott Uren, Escom Communications Pty Ltd (ACN 618 520 433), and Marcomm Communications Pty Ltd (ACN 099 642 118)**, the Cross-Respondents

The Cross-Claimant, the Respondent in the proceeding, applies for the relief set out in this cross-claim.

Filed on behalf of (name & role of party)

BSA Limited (ACN 088 412 748), Cross-claimant/Respondent

Prepared by (name of person/lawyer) Paul Reidy

Law firm (if applicable) Johnson Winter & Slattery

Tel 02 8274 9544

Fax 02 8274 9500

Email paul.reidy@jws.com.au

Address for service

Level 25, 20 Bond Street, Sydney NSW 2000

(include state and postcode)



The Court will hear this cross-claim, 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.

If you have not already done so, 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 St, Melbourne, VIC, 3000

Date:

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

Further notice to Second and Third Cross-respondents

You have been brought into this proceeding by this notice of cross-claim.

You may seek copies of all or any of the pleadings or documents previously filed in this proceeding by filing a notice under rule 15.09(1)(b) (Form 32).

Details of cross-claim

On the grounds stated in the statement of cross-claim, accompanying affidavit or other document prescribed by the Rules, the Cross-Claimant claims:

- A. Declarations, pursuant to s 163A of the *Competition and Consumer Act 2010* (Cth), s 216 of the *Australian Consumer Law and Fair Trading Act 2012* (Vic) (**Fair Trading Act**), and/or s 21 of the *Federal Court Act 1976* (Cth) (**FC Act**), that the Second Cross-Respondent:
 - (a) contravened s 18 of Sch 2 to the *Competition and Consumer Act 2010* (Cth) (**ACL Cth**);
 - (b) contravened s 18 of the *Australian Consumer Law (Victoria)* (**ACL Vic**); and
 - (c) was involved in any contravention by the First Cross-Respondent of the ACL Vic.
- B. Declarations, pursuant to s 163A of the *Competition and Consumer Act 2010* (Cth), s 216 of the Fair Trading Act, and/or s 21 of the FC Act, that the First Cross-Respondent .
 - (a) contravened s 18 of the ACL Vic; and
 - (b) was involved:
 - (i) in any contravention by the Second Cross-Respondent of the ACL Vic, further and alternatively



(ii) in any contravention by the Second Cross-Respondent of the ACL Cth.

- C. Compensation pursuant to s 236 of the ACL Cth and ACL Vic, alternatively, s 217 of the Fair Trading Act.
- D. Further or alternatively to A to C above, declarations that the Escom Agreement and Escom Services Contracts set aside as void in equity; and/or restitution from the First Cross-Respondent and/or the Second Cross-Respondent in the sum of the Escom Payments (as those terms are defined in the Statement of Cross-Claim).
- E. Interest pursuant to statute.
- F. Costs.
- G. Such further or other orders as the Court deems fit.

Cross-claimant's address

The Cross-claimant's address for service is:

Place: Johnson Winter & Slattery
Level 25, 20 Bond St
Sydney NSW 2000

Email: paul.reidy@jws.com.au

The Cross-claimant's address is care of Johnson Winter and Slattery, Level 25, 20 Bond St, Sydney NSW 2000.

Service on the Cross-Respondents

It is intended to serve this cross-claim on all Cross-respondents.

Date: 30 October 2020

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

Signed by Signed by Paul Reidy

Lawyer for the Cross-Claimant



Schedule

No. No. VID488 of 2020

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

Applicants

First Applicant: Paul Bradshaw

Second Applicant: Scott Uren

Details of all cross-claims in the proceeding

First Cross-claim

Cross-claimants

First Cross-claimant: BSA Limited (ACN 088 412 748)

Cross-respondents

First Cross-respondent: Paul Bradshaw

Second Cross-respondent: Southern Electrical and Data Pty Ltd (ACN 090 860 549)

Second Cross-claim

Cross-claimants

First Cross-claimant: BSA Limited (ACN 088 412 748)

Cross-respondents

First Cross-respondent: Scott Uren

Second Cross-respondent: Escom Communications Pty Ltd (ACN 618 520 433)

Third Cross-respondent: Marcomm Communications Pty Ltd (ACN 099 642 118)

Date: 30 October 2020