



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 07 Jul 2023 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

#### Details of Filing

File Number: M16/2023  
File Title: Rehmat & Mehar Pty Ltd & Anor v. Hortle  
Registry: Melbourne  
Document filed: Form 27B - Appellant's chronology  
Filing party: Plaintiffs  
Date filed: 07 Jul 2023

#### Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. 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 and whenever the document is reproduced for use by the Court.

BETWEEN: REHMAT & MEHAR PTY LTD (ACN 640 452 991)  
First Plaintiff

and

GAURAV SETIA  
Second Plaintiff

and

ROBERT HORTLE  
Defendant

## PLAINTIFFS' CHRONOLOGY

### PART I: PUBLICATION CERTIFICATION

---

This chronology is in a form suitable for publication on the internet.

### PART II: CHRONOLOGY

---

Date	Event	Ref
17 Jun 2009	The <i>Fair Work (Referral Act) 2009</i> (Vic) ( <b>Referral Act</b> ) commenced as a law of the State of Victoria.  By the Referral Act, the State of Victoria referred legislative power subject matter to the Commonwealth in accordance with its terms.	ASOC [7]  DB127
1 Jul 2009	The <i>Fair Work Act 2009</i> (Cth) ( <b>FW Act</b> ) commenced as a law of the Commonwealth.  By the FW Act, the Commonwealth acted to legislate upon the State of Victoria's referral of legislative power subject matter.	ASOC [8]  DB127
1 Jul 2021	The <i>Wage Theft Act 2020</i> (Vic) ( <b>WT Act</b> ) commenced as a law of the State of Victoria.	ASOC [19]  DB128

Date	Event	Ref
At all material times	<p>The <i>Restaurant Industry Award 2020 (RIA)</i>:</p> <p>(a) was a modern award made under the FW Act;</p> <p>(b) was in force according to its terms;</p> <p>(c) covered and applied to the First Plaintiff; and</p> <p>(d) covered and applied to the First Plaintiff's employees.</p>	ASOC [11]-[12] DB128
27 Jul 2021 - onwards	<p>Hortle (by his delegates and Inspectors) commenced an investigation into the Plaintiffs for alleged offences of the WT Act.</p> <p>Inspectors therefrom exercised the powers of investigation provided in Part 4 of the <i>Wage Theft Act 2020 (Vic)</i> in respect of the investigation into the Plaintiffs.</p>	ASOC [14]-[15] DB128
24 Nov 2022	<p>Hortle filed 47 charges against the First Plaintiff in the Magistrates Court of Victoria, all of which alleged contraventions of section 6(1) of the WT Act.</p> <p>The 47 charges allege that the First Plaintiff dishonestly withheld entitlements owed to four employees under the RIA.</p>	ASOC [16]-[18] DB4-54, 129
24 Nov 2022	<p>Hortle filed 47 charges against the Second Plaintiff in the Magistrates Court of Victoria, all of which alleged contraventions of section 6(7)(a) of the WT Act.</p> <p>The 47 charges allege that the Second Plaintiff dishonestly withheld entitlements owed to four employees under the RIA.</p>	ASOC [16]-[18] DB55-105, 129
23 Feb 2023	<p>The Plaintiffs commenced this proceeding in this Court's original jurisdiction by way of a writ of summons and statement of claim.</p>	DB106

Date	Event	Ref
14 Mar 2023	The Magistrates Court of Victoria at Broadmeadows adjourned Hortle's prosecutions in light of the proceeding the Plaintiffs commenced in this Court.	-
16 May 2023	Following conferrals between the parties, the Plaintiffs filed an Amended Statement of Claim to facilitate Hortle's proposed demurrer.	DB125-133
19 May 2023	Hortle filed his demurrer.	DB135
22 May 2023	Justice Gordon ordered that the proceeding be referred for consideration by a Full Court in Canberra.	DB137

Dated: 7 July 2023



.....  
Justin L Bourke KC  
Level 16  
Aickin Chambers  
T (03) 9225 8317  
F (03) 9225 8668  
E jlbourke@vicbar.com.au



.....  
Leigh R Howard  
Level 21  
Aickin Chambers  
T (03) 9225 7103  
F (03) 9225 8668  
E leigh.howard@vicbar.com.au