



Federal Court of Australia

District Registry: New South Wales Registry

Division: Fair Work

No: NSD2409/2025

GREGORY HOOPER and another named in the schedule
Applicants

OS MCAP PTY LTD (ACN 626 224 655) and another named in the schedule
Respondents

ORDER

JUDGE: Justice Kennett

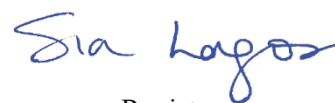
DATE OF ORDER: 13 March 2026

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. The Respondents are to file and serve their defence to the Applicants' statement of claim by 4.00pm on **22 May 2026**.
2. The Applicants are to file and serve any reply to the defence filed and served by the Respondents by 4.00pm on **19 June 2026**.
3. Communications between the Respondents and Group Members in relation to the proceeding are to be conducted in accordance with the protocol attached as Annexure A to these orders.
4. The proceeding be listed for case management and the hearing of any interlocutory application concerning the stating of a separate question on **9 July 2026** at 9.30am.

Date orders authenticated: 13 March 2026


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: NSD2409/2025

Federal Court of Australia

District Registry: New South Wales Registry

Division: Fair Work

Second Applicant JAMES SHARKIE

Second Respondent OS ACPM PTY LTD (ACN 623 848 895)



ANNEXURE A

Group Member Communications Protocol

1. All communications with Group Members must be fair and not misleading.
2. The Respondents must not directly contact the Applicants, or any Group Member who is known to the Respondents to be a client of the Applicants' solicitors (AEN Legal), in relation to this proceeding, otherwise than with the consent of AEN Legal or with the leave of the Court.
3. For any proposed communication with a Group Member by the Respondents in relation to the Proceeding for whom it is not known whether they are legally represented in the Proceeding, the Respondents shall first:
 - (a) inform the person that they may be a Group Member in the Proceeding; and
 - (b) ask the person to confirm if they are legally represented in the Proceeding.
4. Subject to complying with paragraphs 1 to 3 above, the Respondents are permitted to communicate with unrepresented Group Members in relation to factual issues in the Proceeding for the purposes of preparing their defence and evidence in the proceeding.
5. If a communication with an unrepresented Group Member concerns the person's rights or participation as a Group Member in the Proceeding (including where the communication could result in the settlement or resolution of the person's claim) the Respondents will ensure that the communication:
 - (a) is in writing;
 - (b) informs the person that they may be a Group Member in the Proceeding;
 - (c) includes a brief description of the nature of the claims in the Proceeding brought on behalf of Group Members, including a summary of the factual allegations, the cause of action and types of loss and damage claimed;
 - (d) provides the Group Member with the Originating Application and Statement of Claim (as may be amended from time to time);
 - (e) where the communication suggests that the Group Member do or not do something, explains the consequences of both options clearly in plain English;
 - (f) states that the person should strongly consider obtaining their own, independent legal advice in respect of the matters the subject of the communication; and
 - (g) provides the person with the contact details of the Applicants' solicitors (AEN Legal).
6. Nothing in this protocol is intended to interfere with, limit or impede the Respondents from communicating with Group Members in the ordinary course of business on matters directly related to, or ancillary to, the Respondents' ordinary course of business.