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

No: VID1662/2025

MIA TROY
Applicant

GRILL'D PTY LTD (ACN 106 297 394)
Respondent

ORDER

JUDGE: Justice Snaden

DATE OF ORDER: 8 October 2026

WHERE MADE: Melbourne

THE COURT NOTES THAT:

1. The Opt-out orders are made on the basis that the Mail House (as defined in Order 10 below) will keep the List of Potential Group Members (as defined in Order 11 below) confidential and will not disclose it to any person (which, for the avoidance of doubt, includes the parties to the proceeding, other than the party which provided the List of Potential Group Members to the Mail House) and nor will it use the List of Potential Group Members for any purpose other than the purpose specified in these Orders.

2. The List of Potential Group Members is subject to the implied undertaking as to its use.

THE COURT ORDERS THAT:

Timetabling Orders

Mediation

1. By 4:00pm on 31 May 2027, the parties attend a mediation to be conducted by the agreed mediator or, if the agreed mediator is unavailable, the agreed alternate mediator.

2. By 4:00pm seven (7) days following the date of the mediation, the parties are

to report to the Associate to Justice Snaden on the outcome of the mediation.

Expert Evidence

3. On or before 4:00pm on 19 February 2027, the Applicant file and serve any expert reports on which she intends to rely.

4. On or before 4:00pm on 16 April 2027, the Respondent file and serve any expert reports on which they intend to rely.

5. On or before 4:00pm on 7 May 2027 the Applicant file and serve any expert reports in reply.

Case Management Hearing

6. The case management of the proceeding is adjourned to 9:30 am on 9 December 2026, for setting down for trial.

Opt-out Orders

Time for opt-out

7. Pursuant to ss 33J and 33ZF of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), 4:00pm (AEST) on 12 February 2027 (**Class Deadline**) be fixed as the time and date by which a person who is or may be a group member may opt out of the class action.

Approval and distribution of notices

8. Pursuant to s 33X of the FCA Act, notice be given to group members of their right to opt out of the proceeding.

9. Pursuant to s 33X(1)(a) and (5) and s 33Y of the FCA Act, the terms of the following notices be approved:

   (a) the notice set out in Annexure A to these Orders (**Written GM Notice**);

   (b) the frequently asked questions document set out in Annexure B to these Orders (**FAQ**); and

   (c) the "opt-out form", being Form 21 in accordance with r 9.34 of the *Federal Court Rules 2011* (Cth), set out in Annexure C to these Orders.

10. By 4:00pm on 30 October 2026, the applicant is, for the purposes of Orders 11, 12 and 13 below, to:

    (a) engage a third-party mail house to be utilised (**Mail House**);

    (b) provide a copy of these Orders to the Mail House; and

    (c) inform the respondent of the name and contact details of the Mail House.

11. By 4:00pm on 6 November 2026, the respondent is to provide to the Mail House a list of all persons who, according to its records, are or may be group members in an electronic format agreed between the parties, together with the last known email address and mobile phone number of each such person according to the respondent's records (**List of Potential Group Members**).

12. Pursuant to s 33Y(3) and/or s 33ZF of the FCA Act, by 4:00pm on 20 November 2026 (**Distribution Date**) notice be given to group members of the commencement of the proceeding and of their right to opt out according to the following procedure:

    (a) the solicitors for the applicant cause:

        (i) a copy of the Written GM Notice and FAQ document in the terms set out at Annexure B to be posted prominently until the expiry of the Class Deadline on:

            A. the website of Gordon Legal;

            B. the website of Shop, Distributive and Allied Employees Association;

        (ii) a link to the Written GM Notice and FAQ document to be available and prominently displayed until the expiry of the Class Deadline on:

            A. the Facebook and Instagram pages of Gordon Legal;

            B. the Facebook and Instagram pages of Shop, Distributive and Allied Employees Association;

(b) the solicitors for the applicant cause the Mail House to send:

(i) to each unique mobile telephone number on the List of Potential Group Members an SMS text message including:

A. the words "Federal Court Notice – Grill'd Breaks Class Action"; and

B. a link to the Written GM Notice;

(ii) to each unique email address on the List of Potential Group Members an email including:

A. in the subject line the words "Federal Court Notice – Grill'd Breaks Class Action";

B. in the body of the email (not as an attachment) the text of the Written GM Notice and a link to the FAQ;

(c) for the purposes of Order 12(b)(ii) above, the solicitors for the applicant cause the Mail House to create a no-reply email address that includes the words "grilldclassaction" or similar and will direct the Mail House to use that email address for the purpose of sending the communications in Order 12(b)(ii) above.

13. By 4:00pm on 13 November 2026:

(a) the solicitors for the applicant direct the Mail House to provide written confirmation to the solicitors for the applicant that they have communicated with the List of Potential Group Members in accordance with Orders 12(b) and 12(c); and

(b) the applicant file and serve an affidavit as to compliance with Order 12.

14. The costs of and incidental to the distribution of the Written GM Notice and Annexures B and C to these orders including in relation to any enquiries received from group members about the same, shall be costs in the proceeding but be paid, in the first instance, by the applicant.

15. The Written GM Notice and Annexures B and C to these orders may be

amended by agreement between the parties before they are sent or published and without any further approval of the Court in order to correct any typographical error or any email, website, postal address or telephone number details.

Return of opt-out notices

16. Any group member who wishes to opt out of the proceeding is to either file with the Federal Court Registry, or provide to the solicitors for any party, a completed opt out form (in the form set out at Annexure C) by the Class Deadline.

17. If the solicitors for a party receive a form purporting to be an opt out form by or after the Class Deadline, they are to file the form in the Victorian Registry of the Federal Court within seven days of receipt with a notation specifying the date it was received and the notice will be treated as having been filed on the date it was received by the solicitors (for the avoidance of doubt, forms received and filed after the Class Deadline will not, without further order, be treated as having been filed before the Class Deadline).

18. The solicitors for the parties be granted leave to inspect the Court file and to copy, or obtain electronically from the Federal Court Registry, any opt out form.

19. By not later than seven days after the Class Deadline, the applicant is to serve on the respondent

    (a) a list identifying any persons who filed opt-out forms before the Class Deadline; and

    (b) a list identifying any persons who filed opt-out forms after the Class Deadline.

Date orders authenticated: 9 October 2026

Registrar

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

ANNEXURE A – WRITTEN GM NOTICE

OPT OUT NOTICE TO CURRENT AND FORMER GRILL'D PTY LTD EMPLOYEES
ISSUED BY ORDER OF THE FEDERAL COURT OF AUSTRALIA
GRILL'D 10-MINUTE REST BREAKS CLASS ACTION

You are receiving this notice because you might be a group member in a class action being run in the Federal Court of Australia on behalf of current and former employees of Grill'd Pty Ltd (**Grill'd**).

If you want to remain in the class action, you do not need to do anything. If you want to remove yourself from the class action, you **must opt out by 4pm on 12 February 2027.** These options are further explained at (6) below.

1. What is this notice?

A class action has been commenced in the Federal Court of Australia by Mia Troy, a former Grill'd employee, alleging that Grill'd did not provide employees 10-minute rest breaks on shifts of 4 hours or more. Grill'd denies the allegations and is defending the class action.

The Federal Court has ordered that this notice be published for the information of persons who might be members of the class. You have been identified as a potential group member. You should read this notice carefully – the choice that you make in response to this notice is important as it may affect your legal rights.

If you have further questions after reading this notice, please refer to the FAQ page **here**. You may also contact Gordon Legal on 9630 3000 or seek independent legal advice.

2. What is a class action?

A class action is an action that is brought by one or more persons (**Applicant(s)**) on their own behalf and on behalf of a class of people (**group members**) against other persons or companies (**Respondent(s)**) where the Applicant(s) and the group members have similar claims against the Respondent(s).

You can be a group member in a class action even if you have not signed up or taken any steps to join it. If you are a group member, you will remain part of the class action unless you choose to opt out.

3. What is this class action?

In this class action the applicant alleges that, during the period 17 December 2019 to 17 December 2025:

(a) she and other Grill'd employees were entitled to 10-minute rest breaks on shifts of 4 hours or more under the *Grill'd Enterprise Agreement 2015* and the *Grill'd Enterprise Agreement 2020* (**Agreements**);

(b) Grill'd did not comply with the Agreements because it did not provide those 10-minute rest breaks on shifts of 4 hours or more.

The class action claims:

(a) monetary compensation to be paid to the Applicant and group members; and

(b) penalties against Grill'd for not providing the 10-minute rest breaks. Penalties are like a fine. A union, the Shop Distributive and Allied Employees Association (**SDA**), who is funding the class action, is seeking that any penalties against Grill'd be paid to the SDA. The Court will decide if Grill'd has to pay any penalties and who they should be paid to.

Grill'd denies the allegations and is defending the class action.

4. Who are the group members?

You likely to be a group member if you worked at a restaurant operated by Grill'd Pty Ltd between 17 December 2019 and 17 December 2025 and:

i. you were covered by the Agreements;

ii. you worked a shift of 4 hours or more; and

iii. you did not get a 10-minute rest break on one or more shifts of 4 hours or more.

Importantly, this class action does not cover employees who worked at Grill'd restaurants operated by franchisees. If you worked at a Grill'd-branded restaurant but your employer was not *Grill'd Pty Ltd* you are **not** included in the class action and you do not need to take any action in response to this notice.

You can view a list of the stores operated by Grill'd Pty Ltd that are covered by the class action on the next page.

5. What are my options?

Option 1: do nothing and remain in the class action

If you are a group member and do nothing, then your compensation claim will continue to be dealt with in the class action. You will be bound by any decision made by the Court. You will not be able take individual legal action to pursue to your claim.

If you do nothing and the class action proceeds and is successful, you may be eligible for monetary compensation. However, if the class action fails then you will not be able to raise your claims in other legal proceedings.

There are no out-of-pocket or upfront costs.

If the class action is unsuccessful, you won't have to pay anything. If you are awarded compensation, it is likely that the Court will order that you pay part of it towards lawyers' fees and to the SDA, which is providing funding to run the case.

Option 2: opt out of the class action

If you opt out of the class action, you will cease to be a group member and you will no-longer be covered by the class action.

In that case, you will not be eligible for any monetary compensation if the class action is successful.

If you opt out you will be able to bring your own legal claim if you wish. If you opt out and later decide that you wish to be part of the class action, you will have to apply to the Court to reinstate you as a group member.

If you are considering opting out under Option 2, you should seek independent legal advice promptly, as time limits may apply to any claim you may have.

6. How do I opt out?

To opt out, complete the form at this **link** and submit it to Gordon Legal at grilld@gordonlegal.com.au by no later than 4pm on 12 February 2027.

7. What about registration?

If you choose to remain in the class action, then you may consider registering with Gordon Legal. Registering will help ensure that you get future communications about the class action. You can register via the Gordon Legal website. Registering is optional and whether or not you do so will not affect your rights as a group member at this stage.

LIST OF STORES OPERATED BY GRILL'D PTY LTD

VICTORIA:

1. Melbourne Airport
2. South Yarra
3. Degraves
4. Highpoint
5. Frankston
6. Carlton
7. Balaclava
8. QV
9. Hawthorn
10. Burwood
11. Windsor
12. Collingwood
13. Glen Waverley
14. South Melbourne
15. Plenty Valley
16. Chirnside Park
17. Woodgrove
18. Melbourne Central
19. Eastland
20. Swan Street
21. Victoria Point
22. Casey
23. Southern Cross
24. Doncaster
25. Northland
26. Flinders Lane
27. Melbourne Emporium
28. Chadstone
29. Malvern
30. Little Bourke Street
31. Southgate
32. Bundoora
33. Heatherton
34. Hampton
35. Eltham
36. Mornington
37. Croydon
38. Tunstall Square
39. Karingal
40. Chadstone Village
41. Fountain Gate
42. Chadstone Centre
43. Coburg North
44. Altona North
45. Melbourne

QUEENSLAND:

46. Cairns Esplanade
47. North Lakes
48. Noosa
49. Camp Hill
50. Southbank
51. Surfers Paradise
52. Eatons Hill
53. Carindale
54. Wintergarden
55. Emporium
56. Albert Street
57. Eagle Street Pier
58. Browns Plains
59. Nobby Beach
60. Springfield Orion
61. Newmarket
62. Pacific Fair
63. Fairfield Gardens
64. Kawana
65. Tweed City
66. Chermside
67. Garden City
68. Bulimba
69. Toowong
70. Indooroopilly
71. Toowoomba
72. Harbour Town
73. Everton Park
74. Victoria Point
75. Robina
76. Robina
77. Burpengary
78. Logan
79. Cannon Hill
80. Kenmore
81. Coolangatta
82. Cairns Central
83. Upper Coomera
84. Mt Ommaney
85. Benowa Gardens
86. Byron Bay
87. Ascot
88. Rosalie

NEW SOUTH WALES:

89. Kotara
90. Chatswood
91. Macquarie Park
92. Bondi Junction
93. Erina
94. Darlinghurst - Crown
95. Tuggerah
96. Broadway
97. Harbourside
98. Penrith
99. Westfield Sydney
100. World Square
101. Westfield Parramatta
102. Leichhardt
103. Neutral Bay
104. Crows Nest
105. Wetherill Park
106. Kirrawee
107. Rouse Hill
108. Miranda
109. Macarthur Square
110. Galeries
111. Dee Why
112. Parramatta (Church St)
113. Balgowlah
114. Narellan
115. West Gosford
116. Newcastle - Charlestown
117. Lane Cove
118. Blacktown
119. Baulkham Hills
120. Drummoyne
121. Bondi Beach
122. Top Ryde
123. Barangaroo

WESTERN AUSTRALIA:

124. Rockingham
125. Fremantle
126. Shafto Lane
127. Mt Lawley
128. Applecross
129. Mandurah
130. Cockburn
131. Joondalup
132. Carousel
133. Great Eastern Highway (Ascot)
134. Cottesloe
135. Midland
136. Victoria Park
137. Subiaco
138. Ocean Keys
139. Brookfield Place
140. Hillarys
141. Claremont
142. Casuarina
143. Leederville
144. Scarborough
145. Whitford City
146. Fremantle
147. Karrinyup

148. Madeley (Kingsway SC)
149. 140 William St Perth
150. Currambine
151. Harrisdale
152. Baldivis
153. Innaloo
154. Waterford Plaza

SOUTH AUSTRALIA:

155. Rundle St
156. Tea Tree Plaza
157. Marion
158. Unley

AUSTRALIAN CAPITAL TERRITORY:

159. Woden
160. Canberra Centre
161. Belconnen
162. Manuka
163. Gungahlin

TASMANIA:

164. North Hobart

NORTHERN TERRITORY:

165. Casuarina

ANNEXURE B – FAQ

GRILL'D 10-MINUTES REST BREAKS CLASS ACTION

FREQUENTLY ASKED QUESTIONS

1. What is a class action?

A class action is a type of legal proceeding in which one or more persons (called the lead applicant or lead applicants) brings a claim on behalf of a wider group of people who have been affected in a similar way, or by the same conduct. The people in this wider group are called group members.

The person who commences the proceeding, the lead applicant, does not have to get permission from the group members before commencing the proceeding.

2. What is the class action about?

The class action alleges that current and former employees of Grill'd Pty Ltd (**Grill'd**):

(a) were entitled to receive 10-minute breaks on shifts of four hours or more; but

(b) did not receive these breaks.

The class action claims that these employees should receive money compensation for each occasion on which they were entitled to a 10-minute rest break but did not receive one, as well as compensation for the loss of amenity as a result of not receiving these breaks. The class action also seeks that Grill'd be required to pay a penalty, if the breaches are proven.

3. Who is covered?

You are likely a group member in the class action if you:

(a) are a current or former employee of Grill'd; and

(b) were, during your employment, covered by the *Grill'd Enterprise Agreement 2015* and/or the *Grill'd Enterprise Agreement 2020*; and

(c) worked a shift 4 hours or more in duration between 17 December 2019 and 17 December 2025; and

(d) were not provided with a 10-minute rest break on one or more shifts of 4 hours or more.

Importantly, this class action does not cover employees who worked at Grill'd restaurants operated by franchisees. If you worked at a Grill'd-branded restaurant but you were employed by a company other than Grill'd Pty Ltd you are not included in the class action.

4. How do I know if I was employed by Grill'd, or a franchisee?

Your payslip will identify who paid your wages. This is the best place to start.

If *Grill'd Pty Ltd* was paying your wages, you were probably employed by Grill'd.

If a person or company other than Grill'd was paying your wages, you were probably employed by a franchisee.

5. Who is running the class action?

Gordon Legal are the solicitors who are acting on behalf of the applicant and group members in the class action.

6. Is the class action funded?

Yes, the class action is being partly funded by a union called the Shop, Distributive and Allied Employees Association, or SDA. If the class action is successful, then the SDA is likely to seek an order that it be reimbursed for the costs incurred in funding the class action from the compensation payable to group members, plus interest on that amount.

7. Will I have to pay anything?

You will not be asked to pay any out-of-pocket costs in the class action.

If you remain in the class action and it succeeds, the lead applicants will ask the Court to make an order that all group members pay a share of their compensation towards the legal costs and the funding provided by the SDA.

8. If the class action is successful. How much will go to legal fees?

It is not possible to work out in advance how much of your compensation will be deducted for legal fees.

However, the Court must approve any amounts that are deducted as being fair and reasonable in the circumstances.

9. How can I be a group member if I didn't ask for anyone to lodge a claim for me?

The lead applicant (the class representative) does not need permission to start the class action on behalf of all group members. However, the Court rules for class actions require that the group members be given an opportunity to get out of the class action. This is a process called 'opting out' and we explain it below.

10. If I am not a group member in the class action, what do I need to do?

If you are not a group member in the class action (including because you worked at a Grill'd restaurant operated by a franchisee), you don't need to do anything.

11. I'm a group member, what do I need to do?

If you are a group member, you can either:

(a) Do nothing, in which case you continue to be a group member in the class action; or

(b) Opt-out of the class action, which means you will cease to be a group member but retain your right to bring your own claim subject to any relevant time limitations.

If you do not opt out, you can also register for the class action. See question 19 below for more information on how to register.

12. What are the consequences of opting out of the class action?

If you opt out of the class action, you will cease to be a group member.

This means that you will not be entitled to any compensation if the class action proceeds.

It also means that if the class action fails, you are not bound by the Court's decision.

13. What are the consequences of not opting out?

If you do not opt out of the class action (that is, you do nothing) you will remain part of the class action.

If the class action succeeds, whether by judgment or settlement you may be entitled to compensation and penalties.

If you are awarded compensation the Court will decide how much money will be deducted for legal fees and the funding provided by the SDA. This will occur before you receive your compensation.

If the class action fails, you will be bound by the outcome. This means that you will not get any compensation and you will not be able to join a different proceeding or to run your own proceeding, in relation to the same allegations.

14. Is there a deadline to opt out?

Yes, the deadline is 4pm on 12 February 2027.

15. Can I opt out later?

No, not without express permission from the Court.

Once the opt out period ends, you will not be able to opt out of the class action unless you make a formal application to the Court seeking permission to do so. This means that, absent any such application to the Court, you will continue to be a group member, even if you decide later on that you don't want to be in the class action.

16. Can I opt back in once I've opted out?

No, not without the express permission from the Court.

17. How do I opt out?

You can opt out by filling out a form (accessible here) and sending it to Gordon Legal at grilld@gordonlegal.com.au before the deadline.

18. Can I commence my own proceeding?

Yes, but only if you opt of the class action.

Before commencing your own proceeding, you will need to consider your prospects of success, the amount of your claim and the costs of running your own proceeding. Strict time limits apply.

If you decide to opt out of the class action and want to commence your own proceeding, you should urgently seek your own legal advice.

19. How do I register my interest in the class action?

You may register your interest in the class action with Gordon Legal on their website.

20. When is the case going to be heard?

The Court had not fixed a date an initial trial.

21. Trial or settlement?

Before a trial, the Court may order the parties to go to a mediation to try to settle the claims. Many class actions settle at mediation.

If the parties agree on a settlement of the class action, the settlement can't take effect unless it is approved by the Court. When deciding whether to approve a proposed settlement of a class action, the Court's role is to protect the interests of the group members and make sure the settlement is in their interests, in all the circumstances.

22. How much compensation will I get?

The Court is being asked by the applicant to order that group members be given:

(a) 10 minutes' worth of pay for each occasion on which you were entitled to a 10-minute rest break but did not receive it; and

(b) Compensation for the loss of amenity associated with not receiving those 10-minute rest breaks.

If a settlement or a Court judgment results in compensation being payable to the group members, the precise amount being claimed on your behalf may depend on your rate of pay at the time you were entitled to the 10-minute rest breaks, and the number of breaks you did not receive.

However, it is for the Court to decide whether to order compensation and if so, how to calculate the amount.

If you remain in the class action the amount you receive will be reduced by your share of the legal costs and any amount to be paid by the SDA to reimburse them for the funding they provide.

23. Will the class action succeed?

We are not able to give you advice on the likelihood of the class action succeeding.

24. Will the proceeding settle before the hearing?

It is not possible to say whether or not the proceeding will settle.

However, if the class action settles, the Court must approve the terms of any settlement.

25. Should I opt out?

This is for you to decide. In making your decision, you should weigh up each of the issues outlined in the opt out notice.

You can also obtain independent legal advice about your decision on whether or not to opt out.

ANNEXURE C – Opt Out Form

Form 21
Rule 9.34

Notice of Opting Out

No. VID1662 of 2025

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

MIA TROY
Applicant
GRILL'D PTY LTD
Respondent

To: The Registrar
Federal Court of Australia
Victorian Registry
305 William St, Melbourne, VIC, 3000

The person named below, a group member in this representative proceeding, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that the person is **opting out of** the representative proceeding.

Name of group member	
Name of parent or guardian (if required)*	
Postal address of group member	
Telephone contact	
Email address	

Signature ……..

Date ……..

Signed by …….. (print name)

Group member / Legal Representative / Parent or Guardian
(Cross out the titles above that do not apply to you)

*If a group member is under 18 at the time of the opt-out period this form must be signed by their parent or guardian