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SELECTED CASES

Employment

WorkPac v Rossato [\[2021\] HCA 23](#) (High Court ruling on the common law meaning of casual employment); and see the proceedings below: *WorkPac Pty Ltd v Rossato* [\[2020\] FCAFC 84](#) and *WorkPac Pty Ltd v Rosatto* [\[2018\] FCA 2100](#)

Skene v WorkPac Pty Ltd [\[2018\] FCCA 3628](#) (compensation and penalty for mischaracterisation of employee as casual rather than permanent)

Fair Work Ombudsman v Raying Holding Pty Ltd (No. 2) [\[2017\] FCCA 2148](#); *Fair Work Ombudsman v Raying Holding Pty Ltd (No 3)* [\[2018\] FCCA 668](#) (accessorial liability for contraventions of the *Fair Work Act* by reason of wilful blindness)

Westpac Banking Corporation v Wittenberg [\[2016\] FCAFC 33](#) (redundancy policy, implied term of reasonable notice, negligent misstatement, representations in trade and commerce)

Bartlett v Australia and New Zealand Banking Group Limited [\[2014\] NSWSC 1662](#) (wrongful termination / serious misconduct)

Charltons CJC Pty Ltd v Fitzgerald (No 3) [\[2013\] NSWSC 1945](#) (damages for breach of post-termination restraint)

Ashby v Commonwealth of Australia (No 4) [\[2012\] FCA 1411](#) (sexual harassment claim against the Speaker of the House of Representatives - abuse of process)

Industrial law

Fair Work Ombudsman v Lam [\[2021\] FCA 205](#) (underpayment of domestic worker and nanny involving media allegations of modern slavery)

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia & Anor v KONE Elevators Pty Ltd [\[2021\] FWC 108](#) (dispute concerning the interpretation of a superannuation clause in an enterprise agreement)

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Industrial Relations Secretary (on behalf of the Office of Environment and Heritage) and Australian Workers' Union, New South Wales [\[2020\] NSWIRComm 1015](#) (application for demarcation orders and award variation)

Browne v Industrial Relations Secretary on behalf of the Department of Communities and Justice [\[2020\] NSWIRComm 1056](#) (public sector appeal)

Crown Employees (School Administrative and Support Staff) Award [\[2019\] NSWIRComm 1082](#) (pay equity claim to rectify gender-based undervaluation for school assistants across NSW)

Turner v Tesa Mining (NSW) Pty Limited [\[2019\] FCA 1644](#) (security for costs against a litigation funder in an industrial class action)

Dumas v Industrial Relations Secretary (on behalf of Department of Communities and Justice) [\[2019\] NSWIRComm 1071](#) (appeal concerning the power to order reinstatement)

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Secretary for Industrial Relations [\[2018\] NSWIRComm 1061](#) (appeal concerning the NSW Industrial Relations Commission's powers to interpret documents including "instruments" under s 175 of the *Industrial Relations Act 1996* (NSW))

Fair Work Ombudsman v Transpetrol TM As [\[2019\] FCA 400](#); [\[2017\] FCA 311](#)
(underpayment of foreign crew of foreign-flagged vessel engaged in coastal trading)

Australian Building and Construction Commissioner v O'Connor (No 4) [\[2018\] FCA 1293](#)
(penalties for unlawful threats to take industrial action)

Commissions/Inquiries

Independent Commission Against Corruption - Operation Aero: Inquiry into whether officials of ALP NSW and Country Labor, members of Chinese Friends of Labor, political donors and others entered into a scheme to evade the *Election Funding, Expenditure and Disclosures Act 1981*, 13 August 2019 (appeared for a senior official in compulsory conference)

Royal Commission into Trade Union Governance and Corruption – Construction, Forestry, Mining and Energy Union ACT hearing, 20-28 July 2015 (appeared for Milin Builders Pty Ltd)

Royal Commission into Institutional Responses to Child Sexual Abuse – Case Study 22: Yeshivah Melbourne and Yeshiva Bondi, 2-13 February 2015 (appeared as junior counsel for Rabbi Moshe Gutnick)

Independent Commission Against Corruption - Operation Acacia: Inquiry concerning mining exploration licences, 2013 (appeared for the Commonwealth Minister for Climate Change, Industry and Innovation)

Arbitration before the London Beth Din, Court of the Chief Rabbi, 2009

Independent Commission Against Corruption - Investigation into Corruption in the Provision of Security Industry Training, 2009 (appeared for the Commissioner of Police)

Re Inquiry into matters relating to the availability of work at Tristar Steering and Suspension Australia Ltd (2007) 161 IR 50 (appeared as junior counsel for the NSW Minister for Industrial Relations)

Work Health and Safety

Attorney General v Jamestrong Packaging Australia Pty Ltd [\[2020\] NSWCCA 319](#)
(appeal against sentence – manifest inadequacy)

SafeWork NSW v Grey Colt Pty Ltd [\[2019\] NSWDC 68](#) (sentencing)

SafeWork NSW v Turfco Australia Pty Ltd [\[2018\] NSWDC 191](#) (sentencing resulting in one of the largest fine imposed by the District Court)

SafeWork New South Wales v Waycon Bulk Pty Ltd [\[2015\] NSWDC 254](#) (sentencing of a trustee)

Inspector Childs v Area Concrete Pumping Pty Ltd and others [\[2013\] NSWIRComm 110](#)
(leave to withdraw pleas of guilty)

Inspector James v Paul [\[2011\] NSWIRComm 82](#) (Appeal against application of s 10 Crimes (Sentencing Procedure) Act 1999)
