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## **SELECTED CASES**

### Employment

*Fair Work Ombudsman v Raying Holding Pty Ltd (No. 2)* [\[2017\] FCCA 2148](#)  
(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](#) (abuse of process)

*O'Sullivan Partners (Advisory) Pty Ltd v Foggo* [\[2012\] NSWCA 40](#) (discretionary bonus payments)

### Industrial law

*Fair Work Ombudsman v Transpetrol TM As (Registration Number 884 423 082)*  
[\[2017\] FCA 311](#) (service out of jurisdiction based on the extension of the *Fair Work Act 2009* to temporary licensed, foreign-flagged and foreign-crewed ships)

*Hutchings v Coles Group Supply Chain Pty Ltd t/a Coles Kewdale Distribution Centre* [\[2017\] FWCFB 50](#) (interpretation of an incentive scheme provision in an enterprise agreement)

*Jennifer Wyborn v Australian Capital Territory as represented by ACT Health Directorate* [\[2015\] FWC 7835](#) (application for scope orders regarding proposed enterprise agreement)

*Director of the Fair Work Building Industry Inspectorate v Cartledge (No 2)* [\[2015\] FCA 851](#) (contempt of court)

*Re Australian Directors Guild Limited* [\[2015\] FWC 1174](#) (application for registration by an association of employees)

*West v Director-General, NSW Ministry of Health in respect of Western Sydney Local Health District* [\[2014\] NSWIRComm 1001](#) (public sector appeal – statutory interpretation)

*Fair Work Ombudsman v Valuair Limited (No 2)* [\[2014\] FCA 759](#) (extra-territorial application of the *Fair Work Act 2009*)

### Commissions/Inquiries

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)

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)

#### Occupational Health and Safety

*Safe Work 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)

*Inspector Spence v Gauci & Stephenson's Cranes Pty Ltd* [\[2011\] NSWIRComm 79](#) (sentencing – crane operations)

*Morrison v Liddell Coal Preparation Pty Ltd* [\[2011\] NSWIRComm 46](#) (sentencing – colliery holding)

*Inspector Hayes v Santos and Lorenzo* [\[2009\] NSWIRComm 163](#) (prosecution of directors of corporation; overturned on appeal in *Lorenzo and Santos v Inspector Peter Hayes* [\[2011\] NSWIRComm 54](#), following the High Court judgment in *Kirk v Industrial Court of New South Wales* (2010) 239 CLR 531)

#### Constitutional/Administrative

*Tristar Steering and Suspension Limited v Industrial Relations Commission of New South Wales* (2007) 158 FCR 104 (validity of a Ministerial reference inquiry – section 109 inconsistency)

*Building Professionals Board v Hans (No 2) (GD) [2008] NSWACTAP 48* (professional misconduct)

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