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SELECTED CASES

Employment

WorkPac Pty Ltd v Rosatto [\[2018\] FCA 2100](#) (test case on the distinction between casual and permanent employment under the *Fair Work Act*)

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](#) (abuse of process)

Industrial law

Francois v Industrial Relations Secretary (Department of Corrective Services) [\[2019\] NSWIRComm 1058](#) (public sector disciplinary appeal)

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Secretary for Industrial Relations [\[2018\] NSWIRComm 1061](#) (appeal proceedings – 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](#) (hearing on penalty for 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)

Allison v Commissioner of Police [\[2018\] NSWIRComm 1005](#) (removal of police officer under s 181D of the *Police Act 1990*)

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

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

Commissions/Inquiries

Independent Commission Against Corruption - Operation Acacia: 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* (current)

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)

Work Health and Safety

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)

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)
