**Selected Case Examples** (hyperlinked and client indicated in **bold** text)

**HIGH COURT OF AUSTRALIA**

[*Milford v* ***Coles Supply Chain Pty Ltd*** *& Anor [2021] HCASL 37*](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCASL/2021/37.html)(Led by R Kenzie QC; instructed by Herbert Smith Freehills) – Application for special leave to appeal from a judgment of the Full Court of the Federal Court of Australia refused.

**FULL COURT OF THE FEDERAL COURT OF AUSTRALIA**

[*Wardman v* ***Macquarie Bank Limited*** *(No 2)* [2023] FCAFC 125](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2023/2023fcafc0125) (Led by A Moses SC; instructed by Kingston Reid) – Application to set aside final orders on the basis of a compromise between the parties.

[*Wardman v* ***Macquarie Bank Limited*** [2023] FCAFC 13](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2023/2023fcafc0013) (Led by A Moses SC; instructed by Kingston Reid) – Appeal relating to first instance judgment concerning statutory and contractual interpretation as relating to employee entitlements and interaction of instruments.

[***D&D Traffic Management Pty Ltd*** *v The Australian Workers’ Union* [2022] FCAFC 113](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2022/2022fcafc0113) *–* (Led by S Prince SC; instructed by Ai Group Workplace Lawyers) – Application for judicial review of decision of Fair Work Commission not to approve an enterprise agreement.

[*Knowles v* ***BlueScope Steel Limited*** [2021] FCAFC 32](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2021/2021fcafc0032) (Led by I Taylor SC; instructed by Hall & Wilcox) –Judicial review of Fair Work Commission decision alleging significant error of fact going to jurisdiction.

[***Coles Supply Chain Pty Ltd*** *v Milford*](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0152)[2020] FCAFC 152 (Unled; instructed by Herbert Smith Freehills) – Application for judicial review of decision of the Fair Work Commission relating to statutory interpretation.

[***Teekay Shipping (Australia) Pty Ltd v Auld* [2020] FCAFC 206**](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0206)(Led by S Prince SC; instructed by Kingston Reid) – Interpretation of industrial agreement and whether the model consultation term supplements or supplants existing but deficient consultation provisions in enterprise agreement and modern award.

[***Teekay Shipping (Australia) Pty Ltd*** *v Auld* [2020] FCAFC 19](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0019) (Led by S Prince SC; instructed by Kingston Reid) – Application for constitutional writs and related relief in respect of a decision of the Fair Work Commission.

[***CPB Contractors Pty Limited*** *v Construction, Forestry, Maritime, Mining and Energy Union*[2019] FCAFC 70](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2019/2019fcafc0070)(Led by G Hatcher SC; instructed by K & L Gates) – Application for judicial review and whether a coverage clause providing for an opt-put is unlawful under the Fair Work Act

*[Mahony v](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2016/2016fcafc0160)* ***[Dr White, Executive Director of Catholic Schools and legal representative of the Catholic Education Office, Sydney](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2016/2016fcafc0160)*** [[2016] FCAFC 160 (Led by M Kimber SC; instructed by Makinson d’Apice Lawyers) – Applications for constitutional writs in respect of decisions of the Fair Work Commission.](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2016/2016fcafc0160)

**FEDERAL COURT OF AUSTRALIA**

[***Assi*** *v Department of Climate Change, Energy, the Environment and Water* [2022] FCA 1592](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2022/2022fca1592) (Unled; instructed by Attia Lawyers) – Application for interlocutory injunction seeking to restrain Commonwealth department from terminating the applicant’s employment.

[*Patrick Stevedores Holdings Pty Limited v Construction, Forestry, Maritime, Mining and Energy Union (No 5)* [2021] FCA 1645](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2021/2021fca1645) (Unled; instructed by Seyfarth Shaw Australia) – Costs application.

[*Patrick Stevedores Holdings Pty Limited v Construction, Forestry, Maritime, Mining and Energy Union (No 4)* [2021] FCA 1481](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2021/2021fca1481) (Led by J Darams SC; instructed by Seyfarth Shaw Australia) – Imposition of penalties and compensation for loss and damage to “remedy the effect” of unlawful industrial action.

*Australian Licensed Aircraft Engineers Association of Australia v* ***Virgin Australia Airlines Pty Ltd and Others –***NSD 1040/2021 (Led by Y Shariff SC; instructed by Seyfarth Shaw Australia) – Alleged breach of privacy laws relating to Covid policy (matter settled).

[*Tetley v****Goldmate Group Pty Ltd***[2020] FCA 913](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2020/2020fca0913)(Unled; instructed by People + Culture Strategies) – Application for in person hearing rather than remote hearing.

[***Patrick Stevedores Holdings Pty Limited*** *v Construction, Forestry, Maritime, Mining and Energy Union*[2019] FCA 451](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2019/2019fca0451)(Led by J Darams; instructed by Seyfarth Shaw Australia) – Contraventions of the *Fair Work Act 2009* (Cth) for unprotected industrial action which was organised.

*Daniel Sutherland v* ***Slater and Gordon Limited***(No. QUD323 of 2019) – case settled (Led by C Murdoch KC; instructed by Arnold Bloch Leibler) – Unlawful adverse action claim against law firm (matter settled).

[*Tomvald v****Toll Transport Pty Ltd***[2018] FCA 969](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2018/2018fca0969)(Led by S Prince SC; instructed by Thrive Workplace Consulting & Legal) – Interlocutory application to strike out pleadings or, alternatively, dismiss the proceedings.

[*Reurich v* ***Vincentia Golf Club Pty Ltd*** [2018] FCA 681](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2018/2018fca0681) (Unled; instructed by K&L Gates) – Application for summary judgment or in the alternative strike out of pleading relating to discrimination claim.

[*Reurich v****Acciona Infrastructure Australia Pty Limited***[2018] FCA 682](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2018/2018fca0682)(Unled; instructed by K&L Gates) – Application for summary judgment or in the alternative strike out of pleading relating to discrimination claim.

[*Tomvald v* ***Toll Transport Pty Ltd*** [2017] FCA 1208](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2017/2017fca1208) (Unled; instructed by Laycock Burke Castaldi Lawyers) – Claims by application of unlawful adverse action and breaches of enterprise agreement.

[*Putland v* ***Royans Wagga Pty Limited***[2017] FCA 910](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2017/2017fca0910) (Unled; instructed by Commins Hendriks Pty Ltd) – Claim about whether applicants were employees or independent contractors.

**SUPREME COURT OF NSW**

[*Saridas v* ***Papuan Oil Search Ltd*** *(No 4)* [2023] NSWSC 1190](https://www.caselaw.nsw.gov.au/decision/18afde8efa84ee64432eeb56) (Led by I Neil SC; instructed by Kingston Reid) – Application for advance ruling in relation to evidence.

[*Saridas v* ***Papuan Oil Search Ltd*** *(No 2)* [2022] NSWSC 1032](https://www.caselaw.nsw.gov.au/decision/18257ca547bdfb845601fce8) (Led by I Neil SC; instructed by Kingston Reid) – Application to strike out pleadings involving claims of contraventions of whistleblower protections under *Corporations Act 2001* (Cth).

[*Saridas v* ***Papuan Oil Search Ltd***[2022] NSWSC 825](https://www.caselaw.nsw.gov.au/decision/1818935cc5f33c4384c1a091)(Led by I Neil SC; instructed by Kingston Reid) – Application to strike out pleadings involving claims of contraventions of whistleblower protections under *Corporations Act 2001* (Cth).

[***United Muslims New South Wales Inc*** *v Australian Federation of Islamic Councils Inc (No 2); Islamic Council of Victoria Inc v Australian Federation of Islamic Councils Inc* [2022] NSWSC 868](https://www.caselaw.nsw.gov.au/decision/181b18b987df79a12c6136d6) (Led by T Dixon; instructed by Taylor & Associates Lawyers) – Construction of association rules and decisions made by executive committee invalid.

*Erin Sellars & Ors v* ***Slater and Gordon Limited***(Case Number 2020/00248634) (Led by S Prince SC; instructed by Arnold Bloch Leibler) – Breach of restraint of trade provisions (matter settled).

***El-Khatib*** *v State of NSW South Wales and Secretary of the Department of Transport,* Case Number 2016/00138909 (Led by S Prince SC) – Interlocutory application to restrain employer from terminating employment (matter settled).

[*BGC Partners (Australia) Pty Limited v* ***Hickey* [2016] NSWSC 90**](https://www.caselaw.nsw.gov.au/decision/56c41a83e4b0e71e17f4f465)(Led by R Goot SC and S Prince SC; instructed by Toomey Pegg Lawyers) –Alleged breach of restraint of trade provisions and interpretation of employment contract.

**FEDERAL CIRCUIT AND FAMILY LAW COURT OF AUSTRALIA**

# [*Meshram v Bing Lee Electrics Pty Ltd (No 2)* [2023] FedCFamC2G 784](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FedCFamC2G/2023/784.html?context=1;query=rauf;mask_path=au/cases/cth/FedCFamC2G) (Unled; instructed by Coleman Greig Lawyers) – Alleged racial and sex discrimination against individuals and employer.

[*Nolan v* ***Grace Worldwide (Australia) Pty Ltd*** [2023] FedCFamC2G 623](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FedCFamC2G/2023/623.html?context=1;query=rauf;mask_path=au/cases/cth/FedCFamC2G) (Unled; instructed by Matthews Folbigg Lawyers) – Claim of unlawful adverse action against employer.

# [*El-Hajje v Rissalah College Limited* [2022] FedCFamC2G 260](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FedCFamC2G/2022/260.html?context=1;query=rauf;mask_path=au/cases/cth/FedCFamC2G) (Unled; instructed by Thrive Workplace Consulting & Legal) – Interlocutory application relating to unlawful adverse action claim.

# [*Wardman & Ors v Macquarie Bank Limited; Briody & Ors v Macquarie Bank Limited* [2020] FCCA 2725](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/2725.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G) (Led by A Moses SC; instructed by Kingston Reid) – Claims by multiple applicants involving statutory and contractual interpretation to determine employee entitlements and interaction of instruments.

*[Cameron v](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1541.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G)* ***[Goldwind Australia Pty Ltd](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1541.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G)***[[2019] FCCA 1541 (Led by Yaseen Shariff; instructed by K&L Gates) – Resisting application for interlocutory injunction to restrain employer from proceeding with termination of applicant’s employment.](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1541.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G)

[*Adachi v Qantas Airways Ltd* [2019] FCCA 1107](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1107.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G)(Unled; instructed by Ashurst Australia) – Application to strike out points of claim.

# [*Khoreich v Cisco Systems Australia Pty Ltd* [2019] FCCA 3845](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3845.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA+au/cases/cth/FMCA+au/cases/cth/FMCAfam+au/cases/cth/FAMCAFC+au/cases/cth/FAMCA+au/cases/cth/FedCFamC1A+au/cases/cth/FedCFamC1F+au/cases/cth/FedCFamC2F+au/cases/cth/FedCFamC2G)(Unled; instructed by Seyfarth Shaw Australia) – Resisting application for extension of time.

[*Foster & Anor v* ***Corporate Protection Australia Group Pty Ltd & Ors*** [2018] FCCA 3070](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2018/3070.html?context=1;query=rauf;mask_path=au/cases/cth/FCCA)(Unled; instructed by Carter Newell Lawyers) – Application to strike out statement of claim.

[*Adcock v* ***Blackmores Ltd*** *and Ors* [2016] FCCA 265](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2016/265.html?context=1;query=adcock;mask_path=au/cases/cth/FCCA) (Led by I Taylor SC; instructed by HWL Ebsworth) – Repudiation of contract; entitlement to redundancy under enterprise agreement.

[*Adcock v* ***Blackmores Ltd*** *& Ors* [2015] FCCA 1958](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2015/1958.html?context=1;query=adcock;mask_path=au/cases/cth/FCCA) (Unled; instructed by HWL Ebsworth) – Notice of objection to subpoena.

**DISTRICT COURT**

[*SafeWork NSW v* ***N Moit & Sons (NSW) Pty Ltd*** [2023] NSWDC 205](https://www.caselaw.nsw.gov.au/decision/188c23a7a25f0edfb2666ba5) (Unled; instructed by Source Legal) – Sentencing hearing relating to contravention of *Work Health and Safety Act 2011* (NSW).

[*SafeWork NSW v* ***Qantas Ground Services Ltd*** *(No. 2)* [2023] NSWDC 146](https://www.caselaw.nsw.gov.au/decision/187f959d40bd832b578e7ee7) (Led by B Hodgkinson SC; instructed by Ashurst Australia) – Application for stay of proceedings unless prosecutor elects to withdraw two of the four summonses in proceedings under *Work Health and Safety Act 2011* (NSW).

[*SafeWork NSW v* ***Qantas Ground Services Pty Ltd*** [2022] NSWDC 540](https://www.caselaw.nsw.gov.au/decision/184540b3a47a0a9c90d4033f) (Led by B Hodgkinson SC; instructed by Ashurst Australia) – Application for stay of proceedings unless prosecutor elects to withdraw two of the four summonses in proceedings under *Work Health and Safety Act 2011* (NSW).

**OTHER JURISDICTIONS**

*National Heavy Vehicle Regulator v* ***FNW Industries Pty Ltd***(charges in Local Court of NSW commenced 2023) – Pending proceedings involving alleged contraventions under Heavy Vehicle National law (NSW).

*Inspector Stephen Orr v* ***Boral Resources (NSW) Pty Ltd***(Case Number 2020/153099 and others in Local Court of NSW) (Led by Bruce Hodgkinson SC) – Prosecution under work health and safety laws relating to exposure of employees to substances exceeding the standard in the Workplace Exposure Standards for Airborne Contaminants.

*Selamawit Mulholland v State of Queensland and* ***Wavelength International Pty Ltd*** (QIRC Matter No: AD/2020/33) (Unled; instructed by Wotton Kearney) – Discrimination claims (matter settled).

*Hardwick v* ***Qantas Ground Services Pty Ltd* 2016 WAIRC 00713** (Unled; instructed by Ashurst Australia) – Decision by Western Australian Industrial Magistrates Court about whether a higher duty allowance is payable to a cargo driver who works without direct supervision.

**FAIR WORK COMMISSION AND TRIBUNALS (INCLUDING FULL BENCH DECISIONS)**

**Full Bench**

[*Georgiou v* ***Transurban Ltd*** [2022] FWCFB 155](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDgvQzIwMjItMzQ4NUdlb3JnaW91dlRyYW5zdXJiYW5MdGQtMTVBdWd1c3RGSU5BTDI1NDY5ODYxOWM3OTY0OWUtMTJkMy00MTExLThmYmUtZWYxMjc5MzY5MDRlNDhmYWFjNGMtZTUzYy00YmQ2LWEzOTctMmI2ZGRjMjQwOWQ0LnBkZg2?sid=&q=rauf) (Unled; instructed by King & Wood Mallesons) – Appeal against decision to refuse extension of time.

[***Sydney Water Corporation*** *v Reem Yelda* [2022] FWCFB 67](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDUvQzIwMjE4ODg1LURlY2lzaW9uLVN5ZG5leVdhdGVyQ29ycG9yYXRpb252TXJzUmVlbVllbGRhLVBSNzQxMjY3MjI1NzU5MDc2OTQzYmFmZC1jZDZhLTQ3ZDAtYWVhZC04ZTdlMjNjMTA2ZTRlODk5NTExNS1jNjRjLTRkYzMtYjYwMC00NzZmNmE3YzEwOTUucGRm0?sid=&q=rauf) – (Unled; instructed by Bartier Perry) – Appeal against decision that the Respondent was dismissed.

[***Ricegrowers Limited*** *T/A SunRice, CopRice Feeds and Australian Grain Storage Pty Ltd v United Workers' Union* [2022] FWCFB 205](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FWCFB/2022/205.html?context=1;query=ricegrowers;mask_path=au/cases/cth/FWCFB) (Led by C O’Grady KC; instructed by King & Wood Mallesons) – Appeal of decision relating to interpretation of enterprise agreement ad applicable allowances.

[***BlueScope Steel Limited*** *v Knowles* [2020] FWCFB 3439](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjEvMDIvMjc5OUI2Qzc2RTVFMThCMkZCMzhFMEIwRTFCQkU0OEQ3MDM4X2RvY3g3MDQwLnBkZg2?sid=&q=rauf) (Unled; instructed by Hall & Wilcox) – Appeal against unfair dismissal decision in relation to a safety incident.

[***BlueScope Steel Limited T/A BlueScope Steel Limited Springhill Works*** *v Habak* [2019] FWCFB 5702](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTkvMTAvODdDRjAzQUQwMTFEQUFCNkU2QkNCODNBOEE3ODBEQjQzNzI4OV9kb2N4Mzc2MDkucGRm0?sid=&q=rauf) (Unled; instructed by K & L Gates) – Appeal against unfair dismissal decision in relation to a safety incident.

[*Sheldon-Collins v* ***Broadspectrum (Australia) Pty Ltd*** [2018] FWCFB 5764](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTgvMDkvRTZEQzREQzBDMDY0NzE3MUU2REM5MjgxRDkxOTI4NjU0Nzg4MV9kb2N4NDc4OTgucGRm0?sid=&q=rauf) (Unled; instructed by Dentons) – Appeal by employee relating to first instance decision dismissing unfair dismissal application.

[***Qantas Ground Services Pty Limited T/A QGS*** *v Transport Workers' Union of Australia* [2018] FWCFB 578](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTgvMDIvRkEyNUY1MjU2NUQyRDVFNjY2REIwMTM1MEU0NThDRkYyMDk2ODVfZG9jeDIwOTc4NS5wZGY1?sid=&q=rauf) (Led by C O’Grady KC; instructed by Ashurst Australia) – Appeal of decision relating to correct classification of employees.

[***Qantas Airways Limited*** *v McRae* [2017] FWCFB 4033](https://www.fwc.gov.au/documents/decisionssigned/html/2017fwcfb4033.htm) (Unled) – Appeal against decision providing extension of time.

[***TNT Australia Pty Ltd T/A TNT*** *v Transport Workers' Union of Australia* [2017] FWCFB 1510](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTcvMDUvQTQyQTk0MzkwQjE3OTBBMTI2M0JDMkUwQjJGNTRERjE2MDY5OV9kb2N4NjA3MjYucGRm0?sid=&q=rauf) (Led by F Parry KC; instructed by Ashurst Australia) – Appeal against decision about whether an employee was able to perform the inherent requirements of a role.

[Four yearly review of modern awards [2017] FWCFB 1001](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTcvMDMvRjFCRDBFODQ0RUUyQ0JDMTY3M0MwRjJDNzI4QURGQzkxMzI5NzIxMzMwMzcucGRm0?sid=&q=rauf) (Unled) – review of penalty rates in *Restaurant Industry Award 2010*.

[***BHP Coal Pty Ltd T/A BMA*** *v Schmidt; Schmidt v* ***BHP Coal Pty Ltd T/A BMA*** [2016] FWCFB 72](https://www.fwc.gov.au/documents/decisionssigned/html/2016fwcfb72.htm) (Unled; instructed by Ashurst Australia) – Appeal against decision concerning termination of employment for safety related incident.

[***BHP Coal Pty Ltd T/A BMA v Schmidt; Schmidt v BHP Coal Pty Ltd T/A BMA* [2016] FWCFB 1540**](https://www.fwc.gov.au/documents/decisionssigned/html/2016fwcfb1540.htm)(Unled; instructed by Ashurst Australia) – Rehearing following successful appeal against decision concerning termination of employment for safety related incident.

[*Construction, Forestry, Mining and Energy Union v* ***Port Kembla Coal Terminal Limited*** [2015] FWCFB 4075](file:///C%3A%5CUsers%5CBilal%5CCv%2C%20profile%5CContacts.docx) (Led by J Kirk SC; instructed by Ashurst Australia) – Appeal against decision concerning workplace drug testing.

**Single Member**

[*Australian Workers’ Union v* ***Vinidex Pty Limited*** [2023] FWC 2351](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjMvMDkvUDc2NjE5MDIwMjNGV0MyMzUxQzIwMjMyMTM1MzYxNTk0MTMyNzJhODdhZi1iYmI5LTRjNjctOWI1Ny00ODEyZTViNjlkMGM1NjkzNjNjNi02NmVmLTRkYTQtYWU2My03MjI1MjU3YzJlZWMucGRm0?sid=&q=rauf) 9 (Unled; instructed by HFW Legal) – Interpretation of enterprise agreement provisions and dispute about applicable rates of pay.

[***Svitzer Australia Pty Ltd*** *v The Australian Maritime Officers’ Union* [2022] FWC 493](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDMvUFI3MzkwNTIyMDgwOTg3MWU5NTU4OTQ1LTc2N2ItNGZkNi1iNTAzLTBkMmViOGJmMWVkYjIwYzBlOTE5LWUwZDgtNDU1ZC05ZDk5LTAxOTIzZjJhYzg5MS5wZGY1?sid=&q=rauf) (Led by F Parry KC; instructed by Seyfarth Shaw Australia) - Application to suspend or terminate protected industrial action.

[*Application by* ***Svitzer Australia Pty Ltd*** [2022] FWC 1438](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDYvUFI3NDI0MjEyMzU3NzU4MjhkMDRhOTMyLTFkYTktNDE3YS04Yzc1LTlkZTQ2ZjMyOTY3ZWVmMGI2NmI2LWI5YWItNGRlMy04OGQ2LWZjNTJiNGRlNGZjNS5wZGY1?sid=&q=rauf) (Unled; instructed by Seyfarth Shaw Australia) – Resisting application for production of documents.

[*Shepheard v* ***Calvary Health Care T/A Little Company Of Mary Health Care Limited*** [2022] FWC 92](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDEvUFI3Mzc2MDcxOTQ4MTkxNWZiMDE1Njg4LWIxZTgtNGU4Ni1hMjRmLTk4NzdiYTlhOGYzZTJmZTRmMjgxLWNkZGMtNDMzYi1iMTUzLWU5NWVhMTk4MTllYS5wZGY1?sid=&q=rauf) (Unled) – Application for relief from unfair dismissal and failure to comply with requirement to vaccinate against COVID-19.

[*Reem Yelda v J****ohn Gillett; Brendan Nicholson; Sydney Water Corporation*** [2021] FWC 6589](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjIvMDUvUFI3MzY2ODgyMjYxNTMwNGQ1OWE2N2JkLTZiOTktNDhhNy05YjY3LTgwZTVkM2FmOWJkYzc1ZGViYTlhLTQyZDAtNGNiNS1iZDNmLTg3NGViNDVkMWY0ZS5wZGY1?sid=&q=rauf) (Unled; instructed by Bartier Perry) – Application to deal with contraventions involving dismissal.

[*Application by the Australian Federation of Air Pilots* [2021] FWC 1012](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjEvMDYvODNBQUZDNTQ1NkJGMDQzNkNBRTVENkNEMDRCRUQ1NjY2NDIwX2RvY3g2NDMwLnBkZg2?sid=&q=rauf) (Unled; instructed by Ashurst Australia) – Application by AFAP for consent to alter eligibility rules to cover Qantas mainline pilots, part time pilots, and independent contractor pilots.

[*Transport Workers' Union of Australia v* ***Dnata Airport Services Australia***[2020] FWC 6720](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjAvMTIvODcxMENENTc4M0FFMjU0OTAyMTVCNUFCMUNBQjk1MjAxMjI1X2RvY3gxMjc4LnBkZg2?sid=&q=rauf) (Unled; instructed by Sparke Helmore Lawyers) – Interpretation of enterprise agreement to determine entitlement of airport ramp and ground handling services employees to loading.

[***Wills v The Government of New South Wales, Sydney Trains; Transport for NSW; Mr Grant Marley*** [2020] FWC 5890](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjAvMTEvRTQxNTkzMEYxNEQyNENDQjIwQ0FDMEY0RjZBMzE3NkQyNjg1X2RvY3gyNzEzLnBkZg2?sid=&q=rauf) (Unled; instructed by Kingston Reid) – Application for an FWC order to stop bullying relating to investigation process and disciplinary steps.

[*Application by CPSU, the Community and Public Sector Union* [2020] FWC 265](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMjAvMDEvQjUyMTIzMThGMjAyQjFFRjIzOTVGRTY1MTg5QTZFQjUzNjFfZG9jeDU0MC5wZGY1?sid=&q=rauf) (Unled; instructed by Ashurst Australia) – Application for a scope order.

[*Application by* ***Merlin Entertainments (Australia) Pty Ltd*** [2019] FWCA 646](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTkvMDkvRTQwRjdDOUU5NTM4Mzk5MjNDOUE1NDNFQjZGNjE4MTU5NDkyMl9kb2N4OTQ5OTkucGRm0?sid=&q=rauf) (Unled; instructed by Matthews Folbigg Lawyers) – Application for approval of enterprise agreement.

[***Milford v Coles Supply Chain Pty Ltd T/A Coles Heathwood Distribution Centre***[2019] FWC 4892](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTkvMTEvMzI2REE5QkEyODc2QTMwNzQ3NDcwMjFCMkQ3QjMwMzQ3NDUwOF9kb2N4NzQ1MTAucGRm0?sid=&q=rauf) (Unled; instructed by Herbert Smith Freehills) – Opposing application for extension of time.

[*Richmond v* ***Teekay Shipping (Australia) Pty Ltd*** [2019] FWC 3692](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTkvMDYvQUUxNUNGMzVGNDQzNjc3NDgyODRDMUE0MjBFM0VFRDAzMDIxNF9kb2N4MzAyMjUucGRm0?sid=&q=rauf) (Unled; instructed by K&L Gates) – Opposing unfair dismissal application.

[*Association of Professional Engineers, Scientists and Managers, Australia v* ***Mt Arthur Coal Pty Limited T/A Mt Arthur Coal*** [2018] FWC 2008](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTgvMDQvRUVCOURGOUZCNEIwRjNCMTk1RjQwOEY2ODc1ODUwNDE0NTg4X2RvY3g0ODM1LnBkZg2?sid=&q=rauf) (Unled; instructed by Herbert Smith Freehills) – Majority support determination.

[*Application by* ***Port Kembla Coal Terminal Limited*** [2018] FWCA 2391](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTgvMDQvOThGMjIwOThEM0FBRThENjk4RTk3MDQwQjYxOUJEQjQyNzQ1X2RvY3gyOTYzLnBkZg2?sid=&q=rauf) (Led by R Kenzie KC; instructed by Ashurst Australia) – Termination of agreement application.

[***Girdler*** *v Western Sydney Community Legal Centre Incorporated T/A Western Sydney Community Legal Centre* [2018] FWC 10](https://www.fwc.gov.au/document-search/view/1/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmUud2luZG93cy5uZXQvZGVjaXNpb25zLzIwMTgvMDEvODBCNTQ5QUI0M0EwQ0FDRDA3QkNEMjFFQzVDRjAyM0MyNTAyNV9kb2N4MjUwNjAucGRm0?sid=&q=rauf)(Unled) – Unfair dismissal application.

***Commonwealth of Australia (represented by the Department of Finance on behalf of the Special Minister of State***[2017] FWCA 2103 (Unled; instructed by Ashurst Australia) – Application for approval of an enterprise agreement.

*Frethey v* ***Anglo Coal (Dawson Services) Pty Ltd*** [2017] FWC 1026 (Unled; instructed by Ashurst Australia) – Unfair dismissal application.

[*Construction, Forestry, Mining and Energy Union v* ***Port Kembla Coal Terminal Limited* [2016]FWC3852**](https://www.fwc.gov.au/documents/decisionssigned/html/2016fwc3852.htm)(Unled; instructed by Ashurst Australia) – Interpretation of enterprise agreement.

**INDUSTRIAL RELATIONS COMMISSION OF NSW**

[*Secretary of the Department of Education v* ***X*** [2023] NSWIRComm 1061](https://www.caselaw.nsw.gov.au/decision/188d76c2e93651098b02c35f) (Led by R Goot SC; instructed by Thrive Workplace Consulting & Legal) – Appeal from dismissal of notice of motion seeking order that proceedings be dismissed for want of jurisdiction.

[***X*** *v Secretary, Department of Education* [2022] NSWIRComm 1070](https://www.caselaw.nsw.gov.au/decision/182c7e8cdf4f39b97f838d24) (Unled; instructed by Thrive Workplace Consulting & Legal) – Motion to set aside summons to produce.

*Transport Workers’ Union New South Wales v* ***Amazon Commercial Services Pty Ltd***(No. IRC 249573 of 2021) (Unled; instructed by Seyfarth Shaw) – Application for reinstatement of contract of carriage under Chapter 6 of the *Industrial Relations Act 1996* (NSW).

[*Construction, Forestry, Mining and Energy Union (New South Wales Branch) v* ***Acciona Infrastructure Australia Pty Ltd and Ferrovial Agroman***[2017] NSWIRComm 1029](https://www.caselaw.nsw.gov.au/decision/5937a129e4b058596cba762d)(Unled; instructed by Ashurst Australia) – Appeal against a concerning right of entry to the respondent’s premises.