

FEBRUARY 2025

---

Industrial Reports from the High Court, Federal Court, the State and Territory Supreme Courts, and Federal and State Industrial Courts and Tribunals

Incorporating the Authorised Reports of the Fair Work Commission, the Industrial Relations Commission of NSW, the Industrial Court of Queensland and the Queensland Industrial Relations Commission

---

# INDUSTRIAL REPORTS

## 2024

### CONSULTANTS

The Honourable JUSTICE ADAM HATCHER  
*President of the Fair Work Commission*

The Honourable JUSTICE INGMAR TAYLOR  
*President of the  
Industrial Relations Commission of New South Wales*

The Honourable LANCE WRIGHT KC  
*former President of the  
Industrial Relations Commission of New South Wales*

ALICIA ASH BA LLB (Hons)

### MANAGING EDITOR

MAHREEN HASAN BCom (Hons) LLB, MPP

**VOL 334 — PART 3**

**PAGES 245-384**

The mode of citation of this part will be:  
334 IR

---

---

## TABLE OF CASES REPORTED

Part 3 — Pages 245-384

AA v Trustees, Roman Catholic Church, Diocese of Maitland-Newcastle (NSW Sup Ct) .....	70
Danaratna v Arunatilaka (Fed Ct of Aust) .....	52
Kuiper Australia Pty Ltd v Australian Workers Union (Fair Work Commission) .....	125
Pilbrow v University of Melbourne (Fed Ct of Aust) .....	141
<b>Professional Engineers, Scientists and Managers, Australia, Association of v Great Southern Energy Pty Ltd (Fair Work Commission) .....</b>	<b>245</b>
Transport Workers Union of Australia v Qantas Airways Ltd (Fed Ct of Aust) .....	187
TT v Diocese of Saint Maron, Sydney (No 3) (NSW Sup Ct) .....	1

---

---

(Cases in **bold** reported in this part)

---

---



# INDEX

Part 3 — Pages 245-384

## ENTERPRISE AGREEMENT

- Single interest employer authorisation for proposed multi-enterprise agreement — Application — Significance of objects of Fair Work Act 2009 (Cth) — How burden of proof of rebutting statutory presumptions relevant to grant of authorisation operate — Application of Fair Work Commission's discretion in deciding method of determining wishes of employees — Effectiveness and validity of ballot — Change in number of employers to be covered by agreement — Effect — Identification of common interests — Relevant test — Whether common interests had to be self-evident — Whether identification process purely mathematical — Commercial interests of employers — Whether employment conditions of employees thereby affected — Common location of employers in New South Wales — Effect — Whether all respondent companies had common interests relevant to bargaining — Whether all interests of nominated employers matched — Effect if not matched — Significance of geographical location of such employers — Whether contrary to public interest — Whether operations and business activities of such companies were reasonably comparable — Relevant criteria — Method of assessment — Relevance of broader group structure of those companies — Commission's power to vary authorisation — Fair Work Act 2009 (Cth), ss 3, 171, 228, 229, 234, 237, 240, 248, 249, 249A, 250, 251, 252.
- Association of Professional Engineers, Scientists and Managers, Australia v Great Southern Energy Pty Ltd (Fair Work Commission)* ..... 245

## WORDS AND PHRASES

- “Business activities” — Fair Work Act 2009 (Cth), s 249(1)(b)(vi).  
*Association of Professional Engineers, Scientists and Managers, Australia v Great Southern Energy Pty Ltd (Fair Work Commission)* ..... 245
- “Clearly identifiable” — Fair Work Act 2009 (Cth), s 249(3)(a).  
*Association of Professional Engineers, Scientists and Managers, Australia v Great Southern Energy Pty Ltd (Fair Work Commission)* ..... 245
- “Operations” — Fair Work Act 2009 (Cth), s 249(1)(b)(vi).  
*Association of Professional Engineers, Scientists and Managers, Australia v Great Southern Energy Pty Ltd (Fair Work Commission)* ..... 245