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 335 — PART 3

PAGES 197-370

The mode of citation of this part will be: $335\ IR$

TABLE OF CASES REPORTED

Part 3 — Pages 197-370

Alouani-Roby v National Rugby League Ltd (Fed Ct of Aust)	176
Australian Municipal, Administrative, Clerical and Services Union v	
Central Goldfields Shire Council (Fair Work Commission)	110
Diona Pty Ltd v SafeWork NSW (NSW Indus Relations Commn)	139
Harman v Opus Recruitment Solutions — Australia Pty Ltd (Fed Ct of	
Aust)	169
Laing O'Rourke Australia Management Services Pty Ltd v Haley	
(Fed Ct of Aust)	197
Loram Pty Ltd v Australian Rail, Tram and Bus Industry Union (Fair	
Work Commission)	101
Ma v Yan Massage Wynnum West Pty Ltd (Fair Work Commission)	. 57
Qube Ports Pty Ltd v Construction, Forestry and Maritime Employees	
Union (Fed Ct of Aust)	. 73
Sydney Trains y Goodsell (Fair Work Commission)	1

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



© 2025 Thomson Reuters (Professional) Australia Limited
Lawbook Co. ABN 64 058 914 668 Published in Sydney

ISSN 0728-8417

INDEX

Part 3 — Pages 197-370

APPEAL
Purpose — Whether opportunity for appellant to run case different to that advanced at first instance — Delay in proceedings at first instance — Whether ground of appeal per se — Effect of delay — Assumption Federal Court hearing appeal could access materials identified in Index to Appeal Book — Whether assumption correct — Whether Federal Court on appeal could quash factual findings made at first instance — Role of Federal Court on appeal — Appellate review — Relevant principles. **Laing O'Rourke Australia Management Services Pty Ltd v Haley** (Fed Ct of Aust)
INDUSTRIAL LAW
Adverse action by corporate entity against its employee — Proof of entity's intent
— Whether necessary for it to call evidence from all involved in decision-making process — Statutory presumption as to intent unless contrary
proven — Absence of evidence from decision-maker — Effect — Relevant
principles — Whether employee's imprudent conduct amounted to serious misconduct justifying termination — Relevant principles — Contractual
obligation of employee not to cause risk of reputational harm to employer —
Objective determination required — Corporate entity's decision-making —
Relevant principles — Whether employee's conduct amounted to serious misconduct — Relevant principles — Fair Work Act 2009 (Cth), s 361.
Laing O'Rourke Australia Management Services Pty Ltd v Haley
(Fed Ct of Aust)
TERMINATION OF EMPLOYMENT
Statutory requirement of written notice to employee of termination day — No
statutory specification of how notice to be given — Fair Work Act 2009 (Cth), s 117(1).
Laing O'Rourke Australia Management Services Pty Ltd v Haley
(Fed Ct of Aust)