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

2025

#### **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 338 — PART 4** 

**PAGES 312-482** 

# The mode of citation of this part will be: $338\ IR$

### TABLE OF CASES REPORTED

Part 4 — Pages 312-482

Australian Competition and Consumer Commission v J Hutchinson Pty	
Ltd (High Ct of Aust)	193
Australian Rail, Tram and Bus Industry Union v Pacific National	
Executive Services Pty Ltd (Industrial Court of New South Wales)	168
Australian Workers Union v Cement Australia Pty Ltd (Fair Work	
Commission)	227
Bateup v Mornington Shire Council (Qld Indus Relations Commn)	256
Baya Casal v Deputy Commissioner of Taxation (Fed Ct of Aust)	264
Communications Electrical Electronic Energy Information Postal	
Plumbing and Allied Services Union of Australia v Sydney Trains	
(Fed Ct of Aust)	301
Communications, Electrical, Electronic, Energy, Information, Postal,	
Plumbing and Allied Services Union of Australia v Elecnor	
Australia Pty Ltd (Fed Ct of Aust)	58
Downer EDI Rail Pty Ltd v Communications, Electrical, Electronic,	
Energy, Information, Postal, Plumbing and Allied Services Union of	
Australia (Fair Work Commission)	
Dupre v Excell Protective Group Pty Ltd (Fair Work Commission)	1
Infosys Technologies Ltd v Fox (Qld Ct of App)	97
Morrison v Tasmania (Tas Sup Ct)	288
Primerano v Schisan Investments Pty Ltd (Fed Ct of Aust)	29
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312
United Firefighters Union of Australia v Fire Rescue Victoria (Fed Ct	
of Aust)	48
Witherden v DP World Sydney Ltd (Fair Work Commission)	115
Woolworths Group Ltd v United Workers Union (Fair Work	
Commission)	108
(Cases in <b>bold</b> 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 4 — Pages 312-482

#### INDUSTRIAL LAW

Whistleblower protection — Application for compensation and other remedies under Pt 9.4AAA of Corporations Act 2001 (Cth) — Claims that employer engaged in conduct detrimental to whistleblower by rendering role redundant	
and terminating employment with immediate effect — Additional claims of	
employer engaging in conduct detrimental to whistleblower by rejecting claim for time in lieu and perpetrating workplace bullying and harassment — Where	
applicant purports to disclose successive instances of misconduct and	
improprieties to directors and officers of respondent — Where instances include	
allegations of improper reverse engineering of intellectual property and	
unmitigated strategic and financial risks arising from joint venture — Where instances also include allegations of forgery of purchase order and demeaning	
treatment by superiors — Where applicant purports to disclose alleged	
misconduct and improprieties verbally and in writing pursuant to Pt 9.4AAA of	
Corporations Act 2001 (Cth) — Where applicant's role subsequently rendered	
redundant during period of restructuring by respondent — Where applicant's	
employment thereafter terminated with immediate effect by respondent — Where respondent concedes redundancy and termination constituted detrimental	
conduct within meaning of s 1317ADA of Corporations Act 2001 (Cth) —	
Where respondent makes similar concession with respect to bullying and	
harassment pleaded by applicant — Where respondent denies rejection of time	
in lieu claim capable of constituting detrimental conduct — Whether applicant had adduced sufficient evidence suggesting reasonable possibility that	
respondent had engaged in detrimental conduct — Whether rejection of time in	
lieu claim capable of amounting to detrimental conduct — Whether allegations	
of bullying and harassment established on evidence — Whether respondent had	
discharged onus of disproving applicant's claims of detrimental conduct — Allegations of bullying and harassment not established on evidence — Rejection	
of time in lieu claim capable of amounting to detrimental conduct — Onus of	
disproving applicant's claims discharged — Application dismissed — Acts	
Interpretation Act 1901 (Cth), ss 15AA, 15AB — Corporations Act 2001 (Cth),	
ss 9, 124, 127, 134, 198A, 1317AA, 1317AAA, 1317AAB, 1317AAC,	
1317AAD, 1317AADA, 1317AAE, 1317AB, 1317AC, 1317ADA, 1317AE, 1317AG, 1317AH, 1317AI, 1317E — Corporate Law Economic	
Reform Program (Audit Reform and Corporate Disclosure) Act 2004 (Cth),	
Sch 4, Pt 2 — Fair Work Act 2009 (Cth), ss 337BA, 346, 360, 361, 789FD —	
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019	
(Cth).  Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	
Retche v Neometals Lta (No 2) (Fea Ct of Aust)312	2
WORDS AND PHRASES	
*Policyce or supporte" Corporations Act 2001 (Cth.) s 1217AD(1)(b)	

"Believes or suspects" — Corporations Act 2001 (Cth), s 1317AD(1)(b).	
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312
"Detriment" — Corporations Act 2001 (Cth), ss 1317AD(1)(a), 1317ADA.	
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312

#### **INDEX**

WORDS AND PHRASES — continued	
"Improper state of affairs or circumstances" — Corporations Act 2001 (Cth), s 1317AA(4).	,
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312
"Person" — Corporations Act 2001 (Cth), s 1317AD(1).	
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312
"Reason" — Corporations Act 2001 (Cth), s 1317AD(1)(c).	
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312
"Reasonable grounds to suspect" — Corporations Act 2001 (Cth), s 1317AA(4).	
Reiche v Neometals Ltd (No 2) (Fed Ct of Aust)	312