

CUMULATIVE DIGEST

MATTERS REFERRED TO IN DECISIONS OF THE INDUSTRIAL APPEAL COURT, INDUSTRIAL RELATIONS COMMISSION AND INDUSTRIAL MAGISTRATES COURT CONTAINED IN VOL. 103 PART 2, SUB PARTS 1 - 9.

Digest Headings

* Denotes New Heading

Industrial Appeal Court	Public Service Appeal Board
Full Bench	Public Service Arbitrator
Commission In Court Session	Commissioner
Board of Reference	Industrial Magistrate
Police Appeal	

Page

Editor's Note: The Registrar wishes to advise that as from January 2004, the format of the "Cumulative Digest" published at the back of the Western Australian Industrial Gazette has changed to incorporate "Catchword Phrases", please refer to the Notice at (83WAIG3937).

All documents within the above headings are in chronological order.

FULL BENCH

Industrial law (WA) - Appeal instituted from a decision of Public Service Appeal Board - Full Bench has no jurisdiction to hear appeals from Public Service Appeal Board - Appeal dismissed - Robert Donald Goddard -v- Governing Council of North Metropolitan Tafe - FBA 2 of 2023 - Full Bench - Chief Commissioner S J Kenner/Commissioner T Emmanuel/Commissioner T Kucera - 11/08/2023.....	1545
Industrial law (WA) - Questions of law - Referral to the Full Bench - Operation of the Industrial Relations Act 1979 (WA) - Relationship between awards and industrial agreements - Statutory interpretation - Principles applied - Operation and effect of s 41(9) of the Act - Legislative history of s 41 of the Act - Inconsistency between an award and an agreement - Agreement prevails - Whether the registration of Individual Flexibility Agreements clauses are contrary to and inconsistent with the Act - Individual Flexibility Agreements clauses invalid and of no effect - Whether the Commission can require that an agreement be varied under s 41(3) of the Act before registration - Obligation on Commission to register an agreement imposed under s 41(2) of the Act - City of Cockburn -v- Western Australia Municipal, Administrative, Clerical and Services Union of Employees (WASU), Local Government, Racing And Cemeteries Employees Union (LGRCEU), Minister for Industrial Relations - Inte - FBM 1 of 2023 - Full Bench - Chief Commissioner S J Kenner/Commissioner T Emmanuel/Commissioner T Kucera - 3/10/2023	1723
Industrial Law (WA) – Appeal against a decision of the Industrial Magistrate – Interlocutory application seeking permission to amend grounds of appeal – Substitution of new grounds of appeal – Respondent opposes leave being granted – Factors to consider – Notice of appeal to ‘clearly and concisely set out the grounds of appeal and what alternative decision the appellant seeks’ – Grounds must specify particulars relied on to demonstrate that it is against the evidence and the weight of evidence and specific reasons of what is alleged to be wrong in law – Timing – Reasons for amendments – Do the amended grounds of appeal reveal a reasonably arguable ground of appeal? – Consequences to the appellant if the amendments are not allowed – Prejudice to the respondent – Leave granted to amend grounds of appeal - The Civil Service Association of Western Australia Incorporated -v- Director General as the Employing Authority, Department of Justice - FBA 1 of 2023 - Full Bench - Senior Commissioner R Cosentino/Commissioner T Emmanuel/Commissioner C Tsang - 5/10/2023	1715

COMMISSION IN COURT SESSION

State Wage order – Commission’s own motion – Minimum wage for employees under the Minimum Conditions of Employment Act 1993 – Award rates of wage – Award minimum wage – State Wage principles - Commission's Own Motion -v- (Not Applicable) - CICS 1 of 2023 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel/Commissioner T B Walkington - 16/06/2023	733
Industrial law (WA) - Application pursuant to s 71(7) of the Industrial Relations Act 1979 (WA) for approval of financial agreement made under s 71(6), between State organisation and Federal body – Where a previous agreement had been approved – Where the previous agreement was terminated because the former s 71 certificate became invalid – Requirements of s 71(6) considered - Agreement approved - Australian Rail, Tram and Bus Industry Union of Employees, Western Australia Branch -v- (Not Applicable) - CICS 6 of 2023 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Kucera - 14/07/2023	1443
Industrial Law (WA) - Application pursuant to s 62(2) - Alteration of registered rules to change name of organisation - Application granted - The State School Teachers' Union of W.A (Incorporated) -v- (Not Applicable) - CICS 7 of 2023 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner C Tsang - 15/08/2023	1547
Industrial Law (WA) – Commission’s Own Motion – s 37D – Variation to scope of private sector award – Connected to the State of Western Australia – Express application to labour hire organisations – s 37C – Whether proposed variations extend to and bind employee and employer covered by public sector award for purpose of s 37C(3) – Criteria for reducing the scope of the Award under s 37D(5) – Award scope varied - Commission's Own Motion -v- (Not Applicable) - CICS 4 of 2023 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel - 6/10/2023	1750
Industrial Law (WA) – Commission’s Own Motion – s 37D – Variation to scope of private sector award – Replacement of outdated terms – Connected to the State of Western Australia – Express application to labour hire organisations – s 37C – Whether proposed variations extend to and bind employee and employer covered by public sector award for purpose of s 37C(3) – Criteria for reducing the scope of the Award under s 37D(5) – Award scope varied - Commission's Own Motion -v- (Not applicable) - CICS 5 of 2022 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel - 6/10/2023	1752
Industrial Law (WA) – Commission’s Own Motion – s 37D – Variation to scope of private sector award – Removal of outdated terms – extension of scope to dairy industry – Extension of scope to aquaculture industry – Transitional period for commencement of variations – Connected to the State of Western Australia – Express application to labour hire organisations – Award scope varied - Commission's Own Motion -v- (Not applicable) - CICS 18 of 2022 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel - 14/11/2023	1937
Industrial Law (WA) – Commission’s Own Motion – s 37D – Variation to scope of private sector award – Replacement of list of industries – New definition of metal trades and associated industries and occupations – Comprehensive industry and occupation coverage – Express application to labour hire organisations – Award scope varied - Commission's Own Motion -v- (Not applicable) - CICS 15 of 2022 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel - 14/11/2023	1943

CUMULATIVE DIGEST—continued

	Page
COMMISSION IN COURT SESSION—continued	
Industrial law (WA) - Application to amend application under s 27(1)(l) of the Industrial Relations Act 1979 (WA) - Applications under s 72A of the Act - Respondent opposed - Amendment consistent with s 26(1)(a) of the Act - Allows all issues in dispute and the real controversy to be resolved - No demonstrated substantial prejudice - No excessive delay - Amendment granted - Western Australian Municipal, Administrative, Clerical and Services Union of Employees; The Construction, Forestry, Mining and Energy Union of Workers -v- (Not Applicable), The Construction, Forestry, Mining and Energy Union of Workers - Section 29b Party, Local Government, Racing and Cemeteries Employees Union (WA) - Intervenor; (Not Applicable), Western Australian Municipal, Administrative, Clerical and Services Union of Employees (Section 29b Party) - CICS 5 of 2023 and CICS 8 of 2023 - Commission in Court Session - Chief Commissioner S J Kenner/Senior Commissioner R Cosentino/Commissioner T Emmanuel - 22/11/2023	1929
INDUSTRIAL MAGISTRATE	
Industrial Law – Claim for shift penalty – claim for additional annual leave – longstanding agreement to start work before “ordinary hours” as defined by instrument – agreement requested by employee – meaning of “night shift” and “continuous shift worker” – existence of roster – estoppel - Construction, Forestry, Mining and Energy Union of Workers -v- North Metropolitan Health Service - M 174 of 2021 - Industrial Magistrate - Industrial Magistrate E. O'Donnell - 28/06/2023	785
Industrial Law – Claim for personal (sick) leave – Enforcement of State industrial instrument – Alleged breach of instrument – Interpretation of industrial agreement – Application of Minimum Conditions of Employment Act 1993 – Meaning of reasonable evidence – Breach found – Claim proven - Western Australian Prison Officers' Union of Workers -v- Minister for Corrective Services - M 22 of 2022 - Industrial Magistrate - Industrial Magistrate T. Kucera - 17/07/2023	1454
Industrial Law – Awarding of Indemnity Costs – Abuse of Process - Relevant principles applied – Application for Costs Dismissed - Relative Networks Pty Ltd, Marco Vicario -v- Rosalba Vicario-Adams - M 123 of 2021 - Industrial Magistrate - Industrial Magistrate B. Coleman - 28/07/2023	1451
Industrial Law – entitlement to purchased leave – requirement to consult with officers - Western Australian Prison Officers' Union of Workers -v- Minister for Corrective Services - M 6 of 2022 - Industrial Magistrate - Industrial Magistrate E. O'Donnell - 24/08/2023 ...	1616
Industrial Law – Interpretation of industrial agreement – correct classification of medical practitioners – Consultant / Specialist – general practitioners - Australian Medical Association Western Australia -v- Western Australia Country Health Service, North Metropolitan Health Service - M 60 of 2021 - Industrial Magistrate - Industrial Magistrate E. O'Donnell - 24/08/2023	1601
Industrial Law – Claim for overtime – Enforcement of State industrial instrument – Alleged breach of instrument – Interpretation of industrial instrument – Analysis of previous industrial agreements – Absence of Principal Officer Monday to Friday Plus Public Holidays classification – Consideration of classification definitions – Consideration of public holidays and ordinary hours of work clauses – Breach found – Claim proven - Western Australian Prison Officers' Union of Workers -v- Minister for Corrective Services - M 145 of 2022 - Industrial Magistrate - Industrial Magistrate T. Kucera - 28/08/2023	1620
Industrial Law (WA) – Long Service Leave Act 1958 (WA) – Fair Work Act 2009 (Cth) – Claimant's application for leave to further amend the Amended Originating Claim and adjourn hearing of strike out application – Claimant's failure to comply with programming of strike out application – Claimant's application not supported by a minute of proposed amendments – Unable to assess whether the orders proposed will have any utility – Claimant's application dismissed – Respondent's application to strike out Amended Originating Claim – Principles applying in strike out applications – Multiple claims of transfer of business to establish continuous service for long service leave claim – Failure to detail material facts for transfer of business – Failure to detail material facts for accrual of entitlements claimed – Claim for payment in lieu of notice embarrassing – Respondent made out a proper basis to strike out Originating Claim in its entirety – Whether leave should be granted to replead Amended Originating Claim – Leave granted to re-plead annual leave and long service leave – Respondent's application granted in part - Cameron Tweedie -v- Zenitas Healthcare Pty Ltd ACN 009 074 588, APM Lifecare Trusco Pty Ltd - M 55 of 2022 - Industrial Magistrate - Industrial Magistrate R. Cosentino - 4/09/2023	1608
Industrial Law – Fair Work Act – Interpretation of industrial agreement – Spread shift – Duration of spread break – applicability of agreement to part-time employees - Carl Ashley Parker -v- Swan Transit Services Pty Ltd - M 54 of 2022 - Industrial Magistrate - Industrial Magistrate E. O'Donnell - 20/09/2023	1787
Industrial Law – Claim for Personal (sick) leave – Enforcement of State industrial instrument – Whether caution or pecuniary penalty should issue – Discretion to impose a caution – Role of a caution – Consideration of appropriateness of caution – Effect of caution in the context of increased pecuniary penalties – Caution issued - Western Australian Prison Officers' Union of Workers -v- Minister for Corrective Services - M 22 of 2022 - Industrial Magistrate - Industrial Magistrate T. Kucera - 6/11/2023	1878
Summary dismissal application – whether claim has no reasonable prospects of success – on-call allowance – issues and evidence ought to be tested at trial – summary dismissal application dismissed – costs – Fair Work Act 2009 s 570(2)(b) – no order as to costs - The Australian Maritime Officers' Union -v- Mid West Ports Authority - M 71 of 2023 - Industrial Magistrate - Industrial Magistrate R. Cosentino - 8/11/2023	1979
Industrial Law – Hearing to determine two preliminary questions – Whether the IMC has jurisdiction to make enforcement orders in relation to an amount arising under a redundancy policy – Whether the redundancy policy is incorporated into the employee's employment contract – Found that IMC does not have jurisdiction - Monica Gibbs -v- Woodside Energy Limited (ABN 63 005 482 986) - M 138 of 2022 - Industrial Magistrate - Industrial Magistrate C. Tsang - 28/11/2023	1965
Travel concession entitlement; Request for reimbursement of annual leave and travel concession; Employer refusal of employee request; Interpretation of Industrial Agreement. - Western Australian Police Union of Workers -v- Commissioner of Police, Western Australia Police Force - M 102 of 2022 - Industrial Magistrate - Industrial Magistrate B. Coleman - 30/11/2023	1983
PUBLIC SERVICE APPEAL BOARD	
Industrial Law (WA) – Appeal against decision to terminate employment – misconduct – secondary employment – degree of involvement in secondary employment activities - lawful and reasonable direction – reliance on legal advice. - Christopher Shane Maseyk -v- Department of Mines, Industry Regulation and Safety - PSAB 35 of 2021 - Public Service Appeal Board - Commissioner T B Walkington - 24/07/2023	1496
Public Service Appeal Board - Clinton Victor Jude Durham -v- Director General, Department of Communities - PSAB 9 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 28/07/2023	1506
Public Service Appeal Board – Termination of Employment – Retirement on grounds of ill health – Call to retire – Failure of appellant to progress appeal - Appeal dismissed - Mary Jennifer Meunier -v- Housing Authority - PSAB 34 of 2021 - Public Service Appeal Board - Commissioner T B Walkington - 31/07/2023	1525
Public Service Appeal Board – dismissal – misconduct – alternate deployment – failure of employee to comply with Employer Direction to be vaccinated against COVID-19 – appellant disobeyed a reasonable lawful order – Dismissal not unfair - Luke Conti-Nibali -v- Main Roads Western Australia - PSAB 35 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 1/08/2023	1511
Public Service Appeal Board - Failure to prosecute - Appeal dismissed - Peter O'Callaghan -v- Metropolitan Cemeteries Board - PSAB 10 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 4/08/2023	1530
Public Service Appeal Board - Matter dismissed under s 27(1)(a) of the Industrial Relations Act 1979 (WA) – Applicant bound by agreement made in application before the Commission – Finding it would not be in accordance with equity and good conscience for the matter to proceed - Margaret Meo -v- Department of Communities - PSAB 54 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 8/08/2023	1519
Public Service Appeal Board – appeal against decision to terminate employment – whether the appellant committed a serious offence – consideration of appellant's criminal conviction – dismissal proportionate in the circumstances – appeal dismissed - Stan Matveev -v- Department of Communities - PSAB 37 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 10/08/2023	1699
Public Service Appeal Board – Dismissal – Mandatory vaccination – Appellant unable to perform full scope of duties because of vaccination status – Appellant disobeyed a reasonable lawful order – Dismissal not unfair - Pia Steele -v- The Director General, Department of Justice - PSAB 62 of 2022 - Public Service Appeal Board - Commissioner T Emmanuel - 10/08/2023	1690
Public Service Appeal Board – failure to prosecute – appeal dismissed - Lloyd Osborne -v- Director General, Department of Communities - PSAB 24 of 2022 - Public Service Appeal Board - Commissioner T B Walkington - 11/08/2023	1686

CUMULATIVE DIGEST—continued

	Page
PUBLIC SERVICE APPEAL BOARD—continued	
Public Service Appeal Board – Jurisdiction – Board to address three questions: Did the appellant resign by submitting a Form 2 - Unfair Dismissal Application? Was the resignation a constructive dismissal? Does the Board have jurisdiction to hear the dismissal? – Public health directions – Appellant unable to enter workplace due to vaccination status – Appellant's conduct inconsistent with ongoing employment – Finding that appellant was not forced to resign – Appeal dismissed for want of jurisdiction - Lianne Carter -v- Director General, Department of Education - PSAB 66 of 2022 - Public Service Appeal Board - Commissioner C Tsang - 9/11/2023	2058
Industrial Law (WA) – Public Service Appeal Board – Review of the employer's decisions de novo – Vaccination Direction – Employer Direction to be vaccinated against COVID-19 not complied with – Breach of discipline – Decision to dismiss made under s 78(1)(b) of the Public Sector Management Act 1994 (WA) – Chief Health Officer's WA Police Force Worker (Restrictions on Access) Directions revoked before the dismissal decision – Reasons for not complying with the Employer Direction – Whether reasons objectively reasonable – Seriousness/gravity of conduct – Alleged inadequate consideration given to unique circumstances – Breach of discipline warranted dismissal – Appeals dismissed - Clive Peter Jenkins; Michael Gregory John Cowley -v- Commissioner of Police, Western Australia Police Force; Commissioner of Police, Western Australia Police Force - PSAB 7 of 2023 and PSAB 9 of 2023 - Public Service Appeal Board - Senior Commissioner R Cosentino - 29/11/2023	2047
COMMISSIONER	
Senior Prison Officer – breach of code of conduct – failing to remain alert while on duty – meaning of alert and vigilant - disciplinary action not harsh or disproportionate - Wendyl Kevin Tennent -v- Minister for Corrective Services - APPL 32 of 2021 - Commissioner T Emmanuel - 29/06/2023	816
Industrial law (WA) - Application under s 66 of the Industrial Relations Act 1979 (WA) for orders alleging breaches of union rules - Application made by respondent to dismiss application under s 27(1)(a) - Jurisdiction or power under s 66 to grant the relief sought - Relevant principles applied - No jurisdiction to make some orders sought - Other relief sought not relate to any existing or future obligations - Lapse of time - Interlocutory application granted - Section 66 application dismissed - Wendyl Kevin Tennent -v- WA Prison Officers Union of Workers - PRES 8 of 2022 - Chief Commissioner S J Kenner - 3/07/2023	796
Unfair dismissal – termination of employment – application referred outside of 28 day limit – application out of time – responsibility of applicant to progress the application – failure to prosecute application. - Carla Murdoch -v- The Trustee for Reilly Trust - U 25 of 2022 - Commissioner T B Walkington - 24/07/2023	1466
Whether Union seeks for Commission to regulate discipline in employment – Commission cannot exercise powers where provision exists in another statute for discipline and right of appeal – Objection to jurisdiction upheld - United Professional Firefighters Union of Western Australia -v- Department of Fire and Emergency Services - C 13 of 2023 - Commissioner T Emmanuel - 27/07/2023	1470
Industrial Law (WA) - Interpretation of Agreement - s 46 - WA Health System - United Workers Union (WA) - Enrolled Nurses, Assistants in Nursing, Aboriginal Health Workers, Ethnic Health Workers and Aboriginal Health Practitioners Industrial Agreement 2022 - WA Health System - United Workers Union (WA) - Hospital Support Workers Industrial Agreement 2022 - Clauses providing long service leave for casual employees - Dispute about the way service should be recognised for the purpose of long service leave under the casual LSL clauses - What is 'continuous service'? - Whether clauses are ambiguous - Ordinary meaning of continuous service - Whether service includes pre-registration service - Reference to history of clause in construction - Whether ordinary meaning of continuous service has retrospective effect on accrued rights or entitlements - Declaration issued - United Workers Union -v- Child and Adolescent Health Service and others - APPL 5 of 2023 - Senior Commissioner R Cosentino - 9/08/2023	1578
Industrial Law (WA) - Interpretation of Agreement - s 46 - Education Assistants' (Government) General Agreement 2023 - Government Services (Miscellaneous) General Agreement 2023 - Clauses providing long service leave for casual employees - Dispute about the way service should be recognised for the purpose of long service leave under the casual LSL clauses - What is 'continuous service'? - Whether clauses are ambiguous - Ordinary meaning of continuous service - Whether service includes pre-registration service - Declaration issued - United Workers Union -v- Director-General, Department of Education - APPL 6 of 2023 - Senior Commissioner R Cosentino - 9/08/2023	1564
Unfair dismissal – repudiation – requirement to be vaccinated – COVID-19 policy – inability to enter workplace because of vaccination status – duties cannot be done entirely remotely – refusal to comply with lawful and reasonable order – dismissal not unfair - Nicholas Maher -v- Roman Catholic Bishop of Bunbury - U 61 of 2022 - Commissioner T B Walkington - 14/08/2023	1661
Unfair dismissal - Jurisdiction - National system employer - Trading corporation - Trading activities - Whether trading activities substantial - Not for profit - Brenda Courtenay-Clack -v- St Vincent de Paul Society (WA) Incorporated - U 12 of 2023 - Commissioner T B Walkington - 15/08/2023	1632
Unfair dismissal – refusal to wear face covering – inability to enter workplace – duties cannot be done entirely remotely – refusal to comply with lawful and reasonable order – dismissal not unfair - David Sparrow -v- Shire of Northam - U 27 of 2022 - Commissioner T B Walkington - 15/08/2023	1652
Industrial Law (WA) - s 29(1)(d) - Denied contractual benefit - Whether union organiser's elected position was employment for a fixed term - Whether dismissal at initiative of employer - Resignation - Mutual determination - Identity of employer - Assessment of damages - Mitigation - Claim dismissed - Christopher Frawley -v- Construction, Forestry, Maritime, Mining and Energy Union and another - B 111 of 2022 - Senior Commissioner R Cosentino - 18/08/2023	1636
Interpretation of industrial agreement – s 46 Industrial Relations Act 1979 (WA) – The Department of Justice Prison Officers' Industrial Agreement 2020 – cl 80 – annual leave – principles that apply to interpretation of agreements - Western Australian Prison Officers' Union of Workers -v- Minister for Corrective Services - APPL 18 of 2021 - Commissioner T Emmanuel - 22/09/2023	1777
Industrial Law (WA) – Whether Commission has jurisdiction over unfair dismissal claim – Trudi Ridge -v- Morrugl Pty Ltd - U 52 of 2023 - Commissioner C Tsang - 3/10/2023	1884
Industrial law (WA) - Application under s 66 – alleged irregularities in Union elections – Standing to challenge election result - Timing of election - Irregularity in connection with an election - Relevant principles - Whether failure to comply with orders of Commission regarding contravention of rules as to election - Whether union deliberately failed to distribute reasons to members - Whether this could constitute an irregularity - Relevant principles applied - Postal ballot and whether delays occurred by postal system - Whether an irregularity occurred - No irregularity - Application dismissed - Samantha Fenn -v- The Australian Nursing Federation, Industrial Union of Workers Perth, The Returning Officer, Western Australian Electoral Commission, The Registrar, Western Australian Industrial Relations Commission - PRES 10 of 2022 - Chief Commissioner S J Kenner - 10/10/2023	1793
Industrial Law (WA) — Commission's Own Motion review of Award — Local Government Officers (Western Australia) Award 2021 — s 40B — Whether provisions obsolete or in need of updating — Enterprise flexibility clause — Facilitative provisions — Whether clauses permit agreement to alter effect of Award obligations — Whether evidence of dispute justifies removal - Commission's Own Motion -v- (Not Applicable) - APPL 26 of 2023 - Senior Commissioner R Cosentino - 26/10/2023	1836
Industrial Law (WA) — Commission's Own Motion review of Award — Municipal Employees (Western Australia) Award 2021 — s 40B — Whether provisions obsolete or in need of updating — Enterprise flexibility clause — Facilitative provisions — Whether clauses permit agreement to alter effect of Award obligations — Whether evidence of dispute justifies removal - Commission's Own Motion -v- (Not Applicable) - APPL 27 of 2023 - Senior Commissioner R Cosentino - 26/10/2023	1851
Industrial law (WA) - Application to dismiss under s 27(1)(a) of the Industrial Relations Act 1979 (WA) applications under s 66 of the Act - Relevant principles considered and applied - Number of claims require consideration of factual issues - Some involve interpretation of union rules - One claim without merit - Claims to be heard and determined on the merits - Application otherwise dismissed - Romina Aida Raschilla and Others -v- Australian Nursing Federation Industrial Union Workers Perth - PRES 2 of 2023 and PRES 3 of 2023 and PRES 4 of 2023 and PRES 5 of 2023 and PRES 6 of 2023 and PRES 8 of 2023 and PRES 9 of 2023 and PRES 11 of 2023 and PRES 12 of 2023 and PRES 10 of 2023 - Chief Commissioner S J Kenner - 13/11/2023	2027
Industrial Law (WA) – s 46 – Interpretation of industrial agreement – Department of Justice Prison Officers' Industrial Agreement 2020 – Terms implied by the Minimum Conditions of Employment Act 1993 – Whether the Commission can make a declaration about terms implied by statute under s 46 – Payment errors clause ambiguous – True meaning of 'payment errors' – Effect of reference to 'agreed' on operation and recovery clause – Declaration issued - Minister for Corrective Services -v- Western Australian Prison Officers' Union of Workers - APPL 63 of 2023 - Senior Commissioner R Cosentino - 20/11/2023	1953

CUMULATIVE DIGEST—*continued*

	Page
COMMISSIONER— <i>continued</i>	
Industrial Law - Phillip Trestrail; Phillip Trestrail -v- City of Karratha; City of Karratha - B 28 of 2023 and U 28 of 2023 - Commissioner C Tsang - 23/11/2023	2003
Industrial Law - The State School Teachers' Union of W.A. -v- Governing Council of North Metropolitan TAFE - C 38 of 2023 - Commissioner C Tsang - 1/12/2023	2011
Industrial Law - Natalie Thomas -v- JVS Real Estate Australia Pty Ltd - B 33 of 2023 - Commissioner C Tsang - 5/12/2023	1990

