

## Paul O'Grady QC



Paul O'Grady QC has a broad employment and industrial law practice

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### QUALIFICATIONS

Bachelor of Commerce (Melb)

Bachelor of Laws (Melb)

### CORRESPONDENCE

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### CHAMBERS

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### EMPLOYMENT & INDUSTRIAL

Appellate | Confidential Information | Discrimination | Employment Contracts | Industrial Disputes | Public Sector Appeals | Restraint of Trade | Statutory Employment Rights | Work Health & Safety | Workers Compensation

### PUBLIC LAW

Administrative Law | Discrimination | Judicial Review

Since joining the Victorian Bar in May 2002, Paul has practised in the areas of Employment and Industrial Relations Law, Discrimination and Equal Opportunity Law, Administrative Law and Occupational Health and Safety Law.

This practice has seen Paul appear predominantly in the federal jurisdiction in the Federal Court of Australia, the Federal Circuit Court of Australia and industrial tribunals. Paul also appears in the Supreme Court of Victoria and the County Court of Victoria.

Paul is an Honorary Senior Fellow of the University of Melbourne Law School and the Editor of the Practice and Procedure Section of the Australian Journal of Labour Law. He also co-authored "Macken's Law of Employment", Thomson Reuters, 4th ed (1997), 5th ed (2002), 6th ed (2009), 7th ed (2011) and 8th ed (2016).

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## Recent Cases

### EMPLOYMENT LAW

*Tattsbet Limited v Morrow* [2015] FCAFC 62 (11 May 2015, Allsop CJ, Jessup and White JJ)\* appeal from finding that a Tattsbet agent was an employee. Cross-appeal in relation to a general protections claim and other claims.

*Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (No.2)* [2015] FCA 199 (13 March 2015, Mansfield J) concerning the taking of action on a building site to coerce an employer to pay a fee to a union and improper conduct while exercising rights of entry onto the building site.

*Shea v EnergyAustralia Services Pty Ltd* (2014) 242 IR 159; [2014] FCAFC 167 (8 December 2014, Rares, Flick and Jagot JJ)\*, appeal from refusal of trial judge to grant relief in a claim that an employer terminated the employee's employment because the employee had made various complaints in relation to her employment. See also related costs decision [2015] FCAFC 14.

*Grocon & Ors v Construction, Forestry, Mining and Energy Union & Ors* (2013) 234 IR 59; [2013] VSC 275 (24 May 2013, Cavanough J)\*, appearing for Grocon in bringing contempt proceedings against the CFMEU in relation to conduct contrary to court orders concerning a mass protest in Lonsdale Street at the Myer Melbourne site.

*Construction, Forestry, Mining and Energy Union v State of Victoria*(2013) 302 ALR 1; [2013] FCA 445 (17 May 2013, Bromberg J)\*; *Construction, Forestry, Mining and Energy Union v McCorkell Constructions Pty Ltd and the State of Victoria (No 2)* (2013) 232 IR 290; [2013] FCA 446 (17 May 2013, Bromberg J)\* concerning whether the State of Victoria acted contrary to the General Protections provisions in Part 3-1 of the *Fair Work Act* in relation to the selection of contractors at the Bendigo Hospital site and the Circus Oz project.

*Gamboni v Bendigo and Adelaide Bank Ltd* (2013) 39 VR 578; [2013] VSCA 92 (2 May 2013, Harper and Tate JJA and Kyrou AJA) concerning a claim for severance pay.

*Construction, Forestry, Mining and Energy Union v Eco Recyclers Pty Ltd and the State of*

*Victoria* [2013] FCA 24 (24 January 2013, Bromberg J), being an application for interlocutory injunctions in relation to the Circus Oz project.

*Klein v Metropolitan Fire and Emergency Services Board* (2012) 208 FCR 178, [2012] FCA 1402 (10 December 2012, Gordon J), \*concerning a claim for the imposition of penalties for contraventions of the general protections provisions in Part 3-1 of the *Fair Work Act*.

*Board of Bendigo Regional Institute of TAFE v Barclay* (2012) 248 CLR 500\*, appearing for the Bendigo TAFE on appeal from the Full Court of the Federal Court in a decision which determines the approach to the question of whether adverse action was taken “because” of a particular proscribed attribute under the general protections provisions in the Fair Work Act 2009 (C’t). See also the related costs decision [2012] HCA 42 (2012) 248 CLR 549.

*Alfred v CFMEU* [2012] FCA 450 (2 May 2012, Bromberg J) appearing for the former Australian Building and Construction Commissioner in a proceeding concerning alleged coercion to join a union and enter an enterprise agreement.

*White v CFMEU* [2011] FCA 192 (7 March 2011), [2010] FCA 835, (2010) 198 IR 470, which concerned the principles applicable when considering overlapping conduct when drawing pleadings and ultimately determining penalty for breach of civil penalty provisions.

## Memberships

Australian Labour Lawyers Association

Victorian Bar - Industrial Bar Association