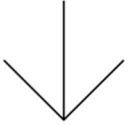
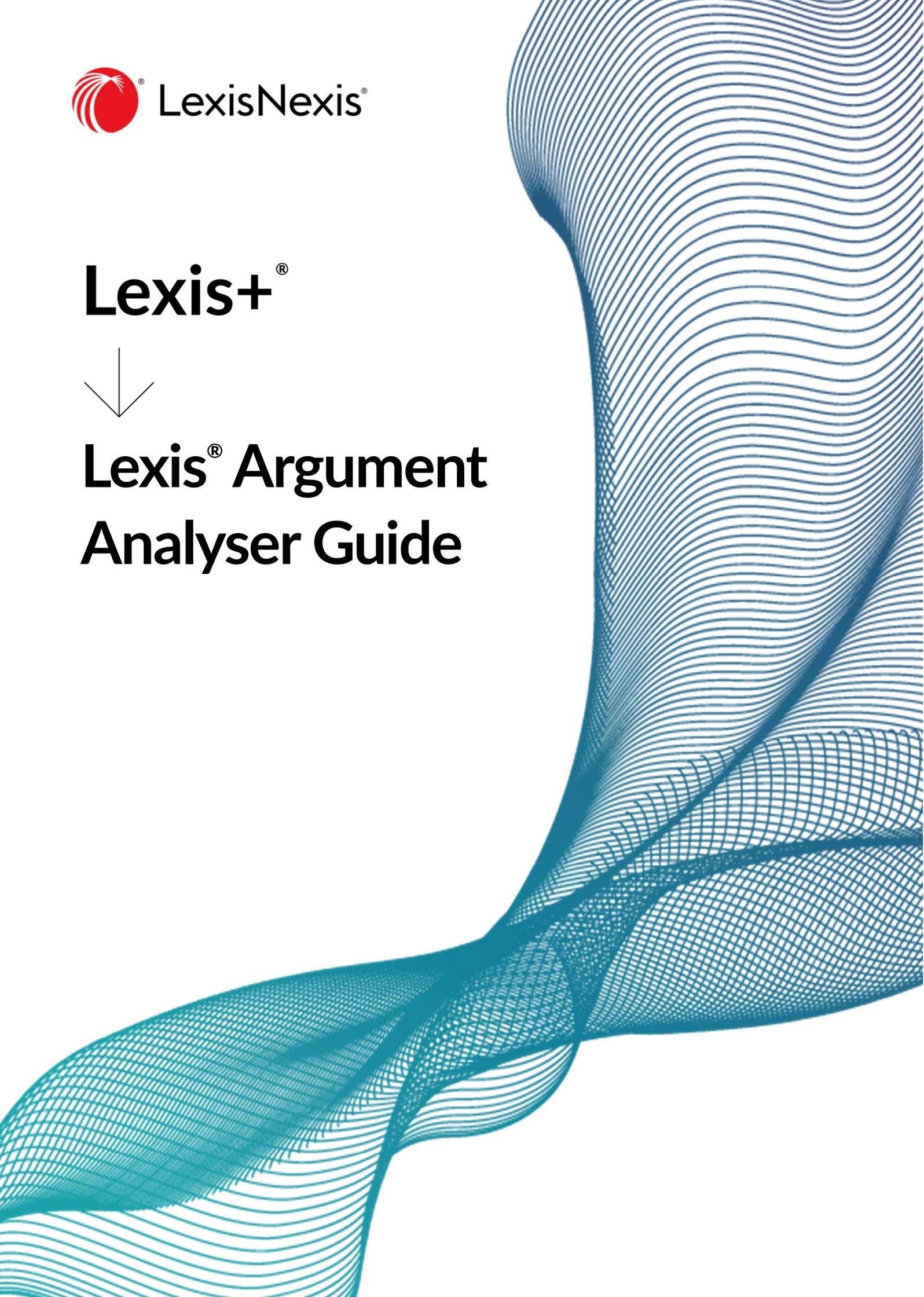




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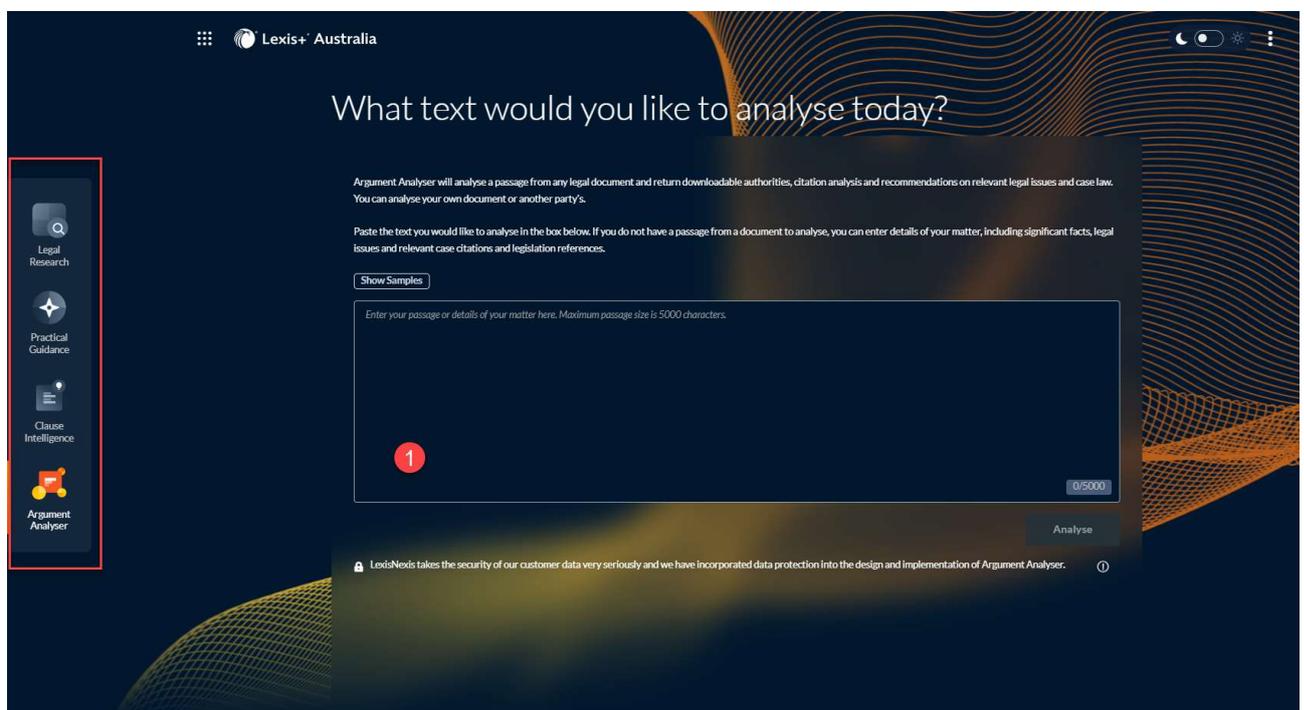
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WorkPac Pty Ltd v Skene | (2018) 264 FCR 536 at [129], [142]; (2018) 362 ALR 311 at [129], [142]; (2018) 280 IR 191 at [129], [142]; [2018] FCAFC 131 at [129], [142]; BC201807238 at [129], [142]

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[11] There is not, and has never been, any definition of 'casual employees' or the concept of casual employment in the Act. That is notwithstanding that 'casual employees' was held in WorkPac Pty Ltd v Skene to have a 'legal meaning' 11, and that that expression now has an important place in the National Employment Standards (NES) – a set of directly legislated and widely applicable minimum standards of employment¹² that cannot be displaced.¹³ Relevantly, Fair Work Act 2009 ss 86 and 95 exclude casual employees from the NES entitlement to paid annual and personal/carer's leave.¹⁴ Generally, as in this case, casual employees are instead entitled to a 'loading' on top of the rate paid to non-casuals. ¹¹ (2018) 264 FCR 563 at [129], [142]. ¹² The subject matters are set out in Fair Work Act 2009 s 61(2). ¹³ See Fair Work Act 2009 ss 43(1), 44, 55, and 61(1). ¹⁴ See also Fair Work Act 2009 ss 67(1), 106, 111, 116 and 123

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- 1. WorkPac Pty Ltd v Rossato**

CaseBase (2020) 278 FCR 179 (2020) 378 ALR 585 (2020) 296 IR 38 [2020] FCAFC 84 BC202004318

Judges: Bromberg;White;Wheelahan JJ

Legal Issues: parole evidence, casual employment, employment contract, employment status, workers compensation

Catchwords: Statutes – Interpretation – (Cth) Fair Work Act 2009 s 236 – Small business employer
Workers' compensation – Compensation – Restitution – Employment status

Jurisdiction: Cth
Court: FCAFC
Judgment Date: 20 May 2020
- 2. Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union (CFMEU) (North Queensland Stadium Case)**

CaseBase (2020) 297 IR 151 [2020] FCA 947 BC202006392

Judges: Rangiah

Legal Issues: when refused, casual employee, industrial relations, industrial law, industrial action

Catchwords: Statutes – Interpretation – (Cth) Workplace Relations Act 1996 s 4 – Industrial action
Statutes – Interpretation – (Cth) Fair Work Act 2009 s 133 – Employee
Industrial law – Industrial relations – Unlawful industrial action – Contravention

Jurisdiction: Cth
Court: FCA
Judgment Date: 10 Jul 2020
- 3. Construction, Forestry, Mining and Energy Union (CFMEU) v Glendell Mining Pty Ltd**

CaseBase (2017) 249 FCR 495 [2017] FCAFC 35 BC201707807

Judges: Slopis;White;Bromwich

Legal Issues: appeal dismissed, employee entitlements, enterprise agreement, annual leave, industrial law

Jurisdiction: Cth
Court: FCAFC
Judgment

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3