

# GREENS LIST

BARRISTERS



## JOSEPH D'ABACO

BAR ROLL: 2002 | ADMITTED: 1990

Joseph is a highly regarded and experienced advocate, specialising in industrial relations, employment and discrimination/sexual harassment law.

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CHAMBERS: [Douglas Menzies Chambers](#)

## EXPERTISE

**Alternative Dispute Resolution | Appellate | Commercial Law | Common Law | Competition Law & Consumer Law | Industrial Relations Law & Employment Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law | Technology Law & Media Law**

## PROFILE

Joseph appears primarily in the various Federal and State courts and the Fair Work Commission in matters involving all aspects of workplace law, with particular expertise appearing in the Federal Court and the Federal and Family Circuit Court. He has a keen appreciation of the requirements of solicitors and clients for accurate, timely and effective advice and representation. Joseph is also fluent in Italian.

Joseph's major areas of expertise involve advising and appearing in the following areas:

- Termination of employment (unfair dismissal, general protections/adverse action and contractual claims)
- Unlawful industrial action and applications to Courts/Fair Work Commission for interlocutory orders
- Enforcement of restrictive covenants against employees (both for employers and employees)
- Proceedings involving breaches of Fair Work Act 2009 (Cth) and awards and enterprise agreements
- Equal opportunity, discrimination and sexual harassment claims in tribunals and the Courts
- Occupational Health & Safety Law, including advising employers on OHS obligations, defending OHS

prosecutions issued by the VWA and seeking review of VWA notices and directions in the VCAT.

## RECENT CASES



Termination of Employment: Leyshan v Wyndham City Council [2013] FWCFB 7094



Termination of Employment: Jetstar Airways Limited v Neeteson-Lemkes [2013] FWCFB 9075



Termination of Employment: Walker v Gippsland Medicare Local Limited [2013] VCC 1908



Termination of Employment: Wilson Curry Pty Ltd v McMahon [2013] FWCFB 9968



Termination of Employment: Cetin v Speedie Waste Pty Ltd [2014] FWC 6318 (10 September 2014)



Termination of Employment: Cetin v Speedie Waste Pty Ltd [2014] FWC 7579 (24 October 2014)



Termination of Employment: Guerra v Speedie Waste Pty Ltd [2014] FWC 8940 (11 December 2014)



Termination of Employment: Guerra v Speedie Waste Pty Ltd [2015] FWC 100 (13 January 2015)



Termination of Employment: Birkill v Pea in a Pod Pty Ltd [2020] FWC 2027



Termination of Employment: Boyd v Glenvill Pty Ltd [2021] FCCA 265



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: CoINVEST Limited v Bestaff Australasia Pty Ltd [2012] VCC 1474 (with N Green QC)



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: CoINVEST Limited v Bestaff Australasia Pty Ltd (No. 2) [2013] VCC 74 (with N Green QC)



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: McMahon v Wilson Curry Pty Ltd [2013] FCCA 1743



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: CoINVEST Ltd v Baytech Trades Pty Ltd [2014] VCC 1555 (17 September 2014)



Industrial and employment issues - including industrial disputes and dispute settlement



Industrial and employment issues - including industrial disputes and dispute settlement

proceedings: Baytech Trades Pty Ltd v CoINVEST Limited [2015] VSCA 342 (with N Green QC)

proceedings: Application by Costa Exchange Pty Ltd for approval of the Costa (Berry Category) Enterprise Agreement 2015-2019 [2015] FWC 7101 & [2015] FWCA 8483



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: Australian Commercial Catering Pty Ltd v Fair Work Commission & Ors [2015] FCAFC 189



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: Australian Commercial Catering Pty Ltd v Powell & Togia [2016] FWCFB 5467



Industrial and employment issues - including industrial disputes and dispute settlement proceedings: CoINVEST Limited v Celsius Corporate Services Pty Ltd [2017] VCC 796



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Bayford v Maxxia Pty Ltd [2011] FMCA 202



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Australian Nursing Federation v Eastern Health [2013] FCA 548



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Australian Nursing and Midwifery Federation v Eastern Health [2013] FCAFC 137 (22 November 2013)



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Fair Work Ombudsman v Bound for Glory Enterprises & Anor [2014] FCCA 432 (6 June 2014)



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Fair Work Ombudsman v Zillion Zenith International Pty Ltd & Anor [2014] FCCA 433 (6 June 2014)



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Tjorpatzis v E J Love & Co Pty Ltd and Anor [2016] FCCA 2735



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Bell v Anglican Aged Care Services Group t/as Benetas [2017] FCCA 1050



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Rixton & Anor v Wantirna Village Services



Prosecutions by individuals and regulatory agencies involving breaches of legislative and industrial instrument obligations: Health Services Union v Mecwa trading as

Association Inc. [2019] FCCA 312

Mecwacare [2021] FedCFamC2G 179



Equal opportunity - discrimination and sexual harassment complaints: Arya v KONE Elevators Pty Ltd & Anor [2020] FCCA 2693




Equal opportunity - discrimination and sexual harassment complaints: Arya v KONE Elevators Pty Ltd & Anor (No. 2) [2020] FCCA 3028 (Successful costs application)

## Memberships & Committees

[Victorian Bar](#)

To get in touch with Joseph D'Abaco | or for more information please contact the Clerk on:

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