



Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

No: NSD288/2022

ANTHONY JOHN WATSON

Applicant

GREENWOODS & HERBERT SMITH FREEHILLS PTY LTD and another named in
the schedule

Respondent

ORDER

JUDGE: JUSTICE MOSHINSKY, JUSTICE ABRAHAM and JUSTICE
RAPER

DATE OF ORDER: 30 August 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The questions reserved for consideration be answered as follows:

- (a) On the proper construction of ss 1644(1) and 1644(2) of the *Corporations Act 2001* (Cth), do ss 1317AD and 1317AE of the Corporations Act apply to detrimental conduct that was engaged in before the amendments under the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth) came into effect on 1 July 2019, whether or not any detriment caused by the conduct continued on or after 1 July 2019 (where it commences before 1 July 2019)?

Answer: No

- (b) On the proper construction of Item 16 of Pt 2 of Sch 1 to the Amendment Act, do ss 14ZZZ and 14ZZZA of the *Taxation Administration Act 1953* (Cth) apply to detrimental conduct that was engaged in before the amendments under the Amendment Act came into effect on 1 July 2019, whether or not any detriment caused by the conduct continued on or after 1 July 2019 (where it commences before 1 July 2019)?

Answer: No



2. Within seven days, the parties are to file any agreed minute of proposed consequential orders to give effect to the Court's reasons.
3. In the event that the parties are not able to agree as to the form of the minute, each party file and serve his or its proposed minute of orders and a short written submission of no more than two pages, within 14 days of the date of this judgment.
4. Subject to paragraphs 5 and 6, there be no order as to costs in relation to the hearing and determination of the separate questions.
5. If a costs application is to be made, then within seven days of the date of this judgment, any such application, any evidence in support of that application and written submissions (not exceeding two pages in length) which address the reasons why a costs order should be made, must be filed.
6. Any party opposing the costs application may, within 14 days of the date of this judgment, file any evidence in opposition to that application and written submissions (not exceeding two pages in length) which address the reasons why a costs order should not be made. The issue of costs will then be determined on the papers.

Date that entry is stamped: 30 August 2023

Sia Lagos
Registrar



Schedule

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Second Respondent LENDLEASE CORPORATION LTD