**Glen Pauline**

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Admitted to practice as a barrister & solicitor in 1995.

Practised at Maddock Lonie and Chisholm, the Office of Public Prosecutions and Norton Gledhill.

Signed the Victorian Bar Roll in 2001.

Accredited as a mediator in 2006.

Nationally accredited mediator in 2010.

**Qualifications**

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LLB (Hons); BA

**Practice Areas**

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| Alternative Dispute Resolution/Mediation  | Equity/Trusts  |
| Commercial Law  | Industrial Relations  |
| Discrimination  | Property Law  |
| Employment  | Torts |
| Equal Opportunity  | Trade Practices  |

 *From 21 May 2009, liability limited by a scheme approved under Professional Standards legislation.*

**Profile**

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Glen Pauline *(BA, LLB (Hons))* has over two decades legal experience in all aspects of litigation including fifteen years at the Bar. He practises in commercial and industrial/employment disputes as counsel and as mediator including:

* Unfair dismissals, general protections (adverse action) claims, discrimination and underpayment claims under the *Fair Work Act* 2009;
* Defending prosecutions brought by the Fair Work Ombudsman and Victorian Workcover Authorityand;
* Unlawful industrial action, coercion, discrimination and right of entry under the *BCII* Act 2005 and *Fair Work Act* 2009;
* Reasonable notice and breach of employment contract claims;
* Contract and joint venture disputes;
* Franchising disputes including as mediator appointed by OFMA;
* Finance including enforcement of guarantees, leases and hire purchase agreements;
* Misleading and deceptive conduct claims;
* Property and equity including constructive trusts, estoppel and priority issues.

**Industrial**

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[*Cozadinos v CFMEU*](http://www.austlii.edu.au/au/cases/cth/FCA/2013/1243.html) [2013] FCA 1243 - Penalty decision of Tracey J re contravention of s 44 of the BCII Act – applying undue pressure to a contractor to enter an EBA.

[*Cozadinos v CFMEU & Bell*](http://www.austlii.edu.au/au/cases/cth/FCAFC/2013/8.html)[2013] FCAFC 8 - Appeal to Full Court led by J.Bourke S.C against dismissal of proceeding at first instance; retrial ordered on two grounds: failure to take into account the cumulative effective of corroborative evidence; and incorrect application of the rule in Browne v Dunn.

[*Cozadinos v CFMEU & Bell*](http://www.austlii.edu.au/au/cases/cth/FCA/2012/46.html)[2012] FCA 46 -Appeared at trial led by R.Maidment S.C for Australian Building & Construction Commission alleging threat to take action to coerce or apply undue pressure to a contractor to make an enterprise bargaining agreement, and discrimination in contravention of BCII Act 2005.

[*Baulderstone Qld Pty Ltd v Construction, Forestry, Mining and Energy Union*](http://www.austlii.edu.au/au/cases/cth/FCA/2012/520.html)[2012] FCA 520 (27 April 2012, Dowsett J) led by N.Green Q.C – injunctions – industrial action – union seeking “support” of sub-contractors on three building sites in relation to protected industrial action by union members on one site - failure of subcontractors to attend work – picketing by union organisers – union aiding abetting counselling or procuring a ban imposed by sub-contractors – coercion of principal contractor to agree to enter building enterprise agreement on union’s terms – injunctions granted - *BCII Act* 2005 s 38, s 39, s 44, s 48.

**The West Gate Bridge industrial dispute**:
*Injunctions:*

* [*Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*](http://www.austlii.edu.au/au/cases/cth/FCA/2009/86.html) [2009] FCA 86 (6 February 2009, Jessup J) (led by N.Green Q.C for the Australian Building and Construction Commissioner);
* [*Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (No. 2)*](http://www.austlii.edu.au/au/cases/cth/FCA/2009/103.html) [2009] FCA 103 (17 February 2009, Jessup J) (led by N.Green Q.C for the Australian Building and Construction Commissioner);
* [*John Holland Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*](http://www.austlii.edu.au/au/cases/cth/FCA/2009/235.html)(2009) 174 FCR 526; [2009] FCA 235 (17 March 2009, Jessup J) (led by N.Green Q.C for the Australian Building and Construction Commissioner as Intervener);
* [*Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (No 3*)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2009/371.html?stem=0&synonyms=0&query=title(2009%20fca%20371%20)) [2009] FCA 371 (24 March 2009, Jessup J) (led by N.Green Q.C for the Australian Building and Construction Commissioner).

*Penalty*:

* [*Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*](http://www.austlii.edu.au/au/cases/cth/FCA/2010/754.html) [2010] FCA 754 (led by R.Maidment S.C for the Australian Building and Construction Commissioner).

**Employment**

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[*Avagiannis v Commercial Bedding Supplies (Australasia) Pty Ltd*](http://www.austlii.edu.au/au/cases/vic/VCC/2012/1866.html)[2012] VCC 1866(Ginnane J) Employment contract - whether a term that employment would be at particular store – store not opened – whether repudiation – damages – reasonable notice – performance bonus – loss of a chance – mitigation of damages.

[*Conlon v Anthony Dickinson t/as Raylook Pty Ltd*](http://www.fwa.gov.au/decisionssigned/html/2012fwa7989.htm)[2012] FWA 7989 (Lewin C) - Unfair dismissal, redundancy held not to be a sham, failure to consult as per Award.

[*Manson v Village Vet*](http://www.vicbar.com.au/webdata/pdf/Manson%20v%20Village%20Vet%20Decision%206%20June%202011.pdf)[2011] FWA 3541 **- unfair dismissal application - Small Business Fair Dismissal Code -** employer summarily terminated employee after forming view she would have committed **theft of goods from clinic** - employee not honest when questioned about goods in her possession - held employer had reasonable grounds for believing employee would not have paid for goods and reasonable grounds for believing her conduct sufficiently serious to justify immediate dismissal.

*Victorian Workcover Authority v Windsor Hotel* (2005, Hodgens M) with T. Tobin S.C **successful defence at trial of three charges under th*e Accident Compensation Act* 1985** for alleged termination of an employee because of lodgement of a Workcover claim, including obtaining a costs order of $65,000 against the VWA.

**Commercial**

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[Sugar Australia Pty Ltd v Southern Ocean Pty Ltd [2015] VCC 428](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/vic/VCC/2015/428.html?stem=0&synonyms=0&query=title(2015%20vcc%20428%20)) (Kennedy J) – 13 day trial led by M.Rinaldi – **contract dispute** – whether plaintiff entitled to termination payments in lieu of notice under contracts or whether defendant entitled to terminate without notice; summary dismissal for alleged misconduct

*The Optimise Group Pty Ltd v HIS Research and Development Pty Ltd* (October 2008) - 10 day Supreme Court trial before Kyrou J led by TJ North QCre a development contract for conversion and/or development of a totally new software product for the hospitality industry from a DOS environment to a Windows environment.

[*Mimi v Millennium Developments Pty Ltd*](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2003/260.html?stem=0&synonyms=0&query=title(2003%20vsc%20260%20))[2003] VSC 260(Nettle J) *-* **priority dispute** - successfully argued for the removal of an injunction preventing settlement of the subsequent contract of sale of land.

A series of successful County and Magistrates' Court trials **enforcing guarantees and motor vehicle hire-purchase agreements and sale agreements:**

* *Macquarie Leasing Pty Ltd v Simmons*
* *Macquarie Leasing Pty Ltd v Hercules*
* *Macquarie Leasing Pty Ltd v Foley and Evans*
* *Macquarie Leasing Pty Ltd v Skoullos*
* *Macquarie Leasing Pty Ltd v Gribble*

**Presentations and Publications**

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* Franchise Council of Australia Conference Legal Symposium 9 October 2016– Case Update: *Marmax Investments Pty Ltd v RPR Maintenance Pty Ltd, and Franchisor Liability for Franchisee Wage Exploitation – Update*
* Article: “*Reinforcing the building blocks*” (with S.Kollmorgen) Law Institute Journal July 2014 page 33 (LIJ 88.07)
* Article: "*Credibility, corroboration and the cumulative effect in fact finding*" Law Institute Journal September 2013 page 58 (LIJ 87.09)
* Update author of *The Laws of Australia 26.2 Discrimination,* October 2012 (Thomson Reuters).
* *Postcard from the World Bar Conference:* The Victorian Bar CPD session, 17 October 2012
* Article: "*Bridging the jurisprudential gap*" Law Institute Journal July 2011 page 50 (LIJ 85.07)
* *The West Gate Bridge Dispute*: Law Institute Workplace Relations Conference, 2010
* *Drafting and Understanding Pleadings,* Law Institute Young Lawyers Seminar 2006, 2007

 **Other Experience**

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Mediator, Panel of the Office of the Franchising Mediation Adviser since 2014

Adjunct Lecturer in Advocacy, The College of Law Victoria 2005 - 2012