

PALALOI
v
DIRECTOR GENERAL, DEPARTMENT OF EDUCATION
[2026] HCADisp 2
P44/2025

- 1 The applicant seeks an extension of time within which to seek special leave to appeal from the whole of the judgment of the Western Australian Industrial Appeal Court (Mitchell and Seaward JJ, Smith AUJ), which dismissed an appeal from a decision of the Full Bench of the Western Australian Industrial Relations Commission (Chief Commissioner S J Kenner, and Commissioners T Emmanuel and T B Walkington), which in turn dismissed an appeal from a decision of the Western Australian Industrial Relations Commission (Commissioner C Tsang) dismissing the applicant's unfair dismissal application pursuant to s 27(1)(a)(iv) of the *Industrial Relations Act 1979* (WA).
- 2 Any appeal to this Court would appear to be incompetent on the basis that nothing in the materials suggests that the judgment from which the applicant seeks special leave to appeal is a judgment described in s 73 of the *Constitution*. It would therefore be futile to grant the extension of time that is sought.
- 3 Special leave to appeal is refused.

Gordon J
Beech-Jones J

5 February 2026