LIST G
BARRISTERS

Andrew Pollock



Andrew has a leading national practice covering litigious and strategic matters across the industrial relations and employment landscape.

QUALIFICATIONS

Bachelor of Arts (Mon)
Bachelor of Laws (Hons)(Mon)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Contractual Disputes

EMPLOYMENT & INDUSTRIAL

Appellate | Discrimination | Employment Contracts | Industrial Disputes | Restraint of Trade | Statutory Employment Rights | Work Health & Safety | Workers Compensation

INTELLECTUAL PROPERTY

Confidential Information | Copyright & Designs | Media & Entertainment | Trade Marks

TORT LAW

Defamation

PUBLIC LAW

Administrative Law | Discrimination | Judicial Review

He specialises in disputes arising from industrial action, enterprise bargaining and related disputes, strategic issues arising from major restructures, and individual employee disputes.

Andrew's clients span a range of industries including retail, airlines, transport and logistics, mining and resources, manufacturing, entertainment and the public sector. He appears regularly before the Federal Court, the Federal Circuit Court and the Fair Work Commission, at trial and appellate levels.

A selection of Andrew's current cases include:

- acting for several **BHP Group** entities before the Full Federal Court in a test case concerning the 'service contractor' exemption within the newly-inserted regulated labour hire arrangement order provisions in the Fair Work Act;
- acting for another **BHP Group** entity before the Full Federal Court in another test case concerning the Fair Work Commission's powers to make regulated labour hire arrangement orders;
- acting for several **Uber** group entities before the Federal Court in a test case concerning the proper characterisation of Uber drivers as employees or contractors;
- acting for **McDonald's Australia Limited** and its franchisees before the Full Federal Court in a test case concerning the newly-inserted supported bargaining authorisation provisions in the Fair Work Act;
- acting for **McDonald's Australia Limited** in a Federal Court class action concerning underpayment of store managers;
- acting for several **Kent** group entities (a global engineering and electrical contractor) before the Full Federal Court in a case examining the scope of the Court's power to quash the Fair Work Commission's enterprise agreement approval decisions;
- acting for **Altara**, a supplier of cabin crew members to **Qantas** and **Jetstar Airways** in modern award variation proceedings before a Full Bench of the Fair Work Commission.

Andrew has been recognised in:

- Chambers and Partners Asia Pacific rankings in 2024, 2023, 2022 and 2021;
- Legal 500's Australian rankings for 2024, 2023, 2022 and 2021;
- Doyles Guide's Leading Employment and WHS Counsel Australia in 2023, 2022, 2021 and 2020;
- Doyles Guide's Leading Employment and WHS Counsel Victoria in 2024, 2023, 2022, 2021, 2020, 2019 and 2018; and
- Doyles Guide's Emerging Employment and WHS Counsel in 2017.

Andrew has also practised in media and entertainment law (with a focus on defamation and intellectual property issues arising in the music and screen industries).

Before coming to the Bar, Andrew was a Senior Associate in the Employment, Pensions and Incentives practice group at Herbert Smith Freehills.

A more detailed list of Andrew's prior cases can be obtained via List G Barristers.

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Recent Cases

FEDERAL COURTS (APPELLATE AND ORIGINAL JURISDICTION)

Sabapathy v ***Jetstar Airways*** [2021] FCAFC 25 (with Richard Dalton KC)

Sabapathy v ***Jetstar Airways (No 2)*** [2021] FCAFC 68 (with Richard Dalton KC).

Australian Rail, Tram and Bus Industry Union v ***Metro Trains Melbourne Pty Ltd*** *(No 2)* [2020] FCAFC 106 (with Frank Parry KC).

Australian Rail, Tram and Bus Industry Union v ***Metro Trains Melbourne Pty Ltd*** [2020] FCAFC 81 (with Frank Parry KC).

Australian Building and Construction Commissioner *v Construction, Forestry, Mining and Energy Union* (Castlemaine Police Station Case) [2018] FCAFC 15 (with Justin Bourke KC).

Eliana Construction and Developing Group Pty Ltd v ***Moghimi*** [2016] FCAFC 113 (with Marc Felman).

Australian Rail, Tram and Bus Industry Union v ***Metro Trains Melbourne Pty Ltd*** [2021] FCA 458 (unled).

Australian Building and Construction Commissioner *v Construction, Forestry, Maritime, Mining and Energy Union (The Constitution Place Case)* [2020] FCA 1070 (with Justin Bourke KC).

Australian Building and Construction Commissioner *v Construction, Forestry, Maritime, Mining and Energy Union (The College Crescent Case)* [2020] FCA 757 (with Richard Dalton KC).

Australian Building and Construction Commissioner *v Construction, Forestry, Maritime, Mining and Energy Union (The Perth Airport Rail Link Project Case)* [2020] FCA 1662 (with Justin Bourke KC).

Metro Trains Melbourne Pty Ltd *v Australian Rail, Tram and Bus Industry Union* [2019] FCA 2034 (with Frank Parry KC).

Metro Trains Melbourne Pty Ltd *v Australian Rail, Tram and Bus Industry Union* [2019] FCA 1265 (with Frank Parry KC).

CFMMEU v ***McConnell Dowell Constructors (Aust) Pty Ltd and Ors*** (VID429/2019) (with Chris O'Grady KC).

Yang v Best International Group Pty Ltd and ***Fujitsu Australia Pty Ltd*** [2019] FCA 323 (unled).

Australian Building and Construction Commissioner *v Construction, Forestry, Mining and Energy Union* [2017] FCA 197 (with Dan Star SC).

Australian Education Union v ***Royal Melbourne Institute of Technology*** [2018] FCA 1985 (with Paul O'Grady KC).

United Firefighters Union of Australia v ***Metropolitan Fire and Emergency Services Board*** [2018] FCA 1161 (with Fran O'Brien KC).

MTCT Services Pty Ltd *v Australian Workers' Union* [2018] FCA 1648 (with Matt Follett).

Australian Building and Construction Commissioner *v Construction, Forestry, Mining and Energy Union (the Kane Constructions Case)* [2017] FCA 168 (with Matt Follett).

Australian Building and Construction Commissioner *v Construction, Forestry, Mining and Energy Union* (the Kane Constructions Case) (No 2) [2017] FCA 368 (with Matt Follett).

IOOF Service Co Pty Ltd and Anor *v Elliott and Anor* (VID1261/2016) (with Robert Goot SC).

Sabapathy v ***Jetstar Airways Ltd*** [2020] FCCA 1433 (unled).

Harvey v ***South32 Cannington Pty Ltd*** [2017] FCCA 1471 (unled).

FAIR WORK COMMISSION (FULL BENCH AND FIRST INSTANCE)

CFMMEU and anor v ***Broome Marine and Tug Pty Ltd*** [2021] FWCFB 171 (unled).

United Firefighters' Union of Australia v ***Australian Capital Territory as represented by the Emergency Services Agency*** [2020] FWCFB 2485 (unled).

Mellios v ***Qantas Airways Ltd*** [2020] FWCFB 5885 (unled)

Qantas Airways Limited *v Mazzitelli* [2020] FWCFB 2628 (unled).

Compass Group (Australia) Pty Ltd and anor *v HSU* [2020] FWCFB 504 (with Richard Dalton KC).

CFMMEU and Ors v ***Specialist People Pty Ltd*** [2019] FWCFB 6307 (unled).

CFMMEU and Ors v ***Specialist People Pty Ltd*** [2019] FWCFB 7919 (unled).

AWU v ***Rigforce Pty Ltd*** [2019] FWCFB 6960 (unled).

Boris v ***Metcash Trading Ltd*** [2019] FWCFB 8213 (unled).

McFarlane v ***SRG Civil Pty Ltd*** [2019] FWCFB 8682 (unled).

The Hon. Christian Porter MP, Attorney General and Minister for Industrial Relations v ***Metropolitan Fire and Emergency Services Board****; United Firefighters' Union of Australia* [2019] FWCFB 6255 (with Chris O'Grady KC).

CFMEU v ***CPB Contractors Pty Ltd*** [2018] FWCFB 3702 (unled).

CFMMEU v ***Macmahon Contractors Pty Ltd*** [2018] FWCFB 4429 (unled).

Tham v ***Hertz Australia Pty Ltd*** [2018] FWCFB 5972 (unled).

AMWU v ***Motors TAS Pty Ltd*** [2018] FWCFB 4584 (unled).

CFMEU v ***CBI Constructors Pty Ltd*** [2018] FWCFB 2732 (unled).

Esso Australia Pty Ltd *v Stephens* [2017] FWCFB 3783 (unled).

BGC Contracting Pty Ltd *v AMWU and Ors* [2017] FWCFB 2741 (with Richard Dalton KC).

Farstad Shipping (Indian Pacific) Pty Ltd *v Rust* [2017] FWCFB 4738 (unled).

Gutzeit v ***Liquorland (Qld) Pty Ltd*** [2015] FWCFB 5389 (unled).

Wijehewa v ***Coles Supermarkets Australia Pty Ltd*** [2015] FWCFB 3501 (unled).

AWU v ***SSX Services Pty Ltd*** [2015] FWC 2257 (unled) and ***SSX Services Pty Ltd*** *v AWU* [2015] FWCFB 3964 (with Matt Follett).

Drake v ***Coles Supermarkets Australia Pty Ltd*** [2014] FWCFB 6746 (unled).

Drowley v ***RTL Mining and Earthworks Pty Ltd*** [2021] FWC 1911 (unled).

Australian Capital Territory [2021] FWCA 109 (unled).

Barton v ***Viva Energy Refining Pty Ltd*** [2021] FWC 193 (unled).

Metro Trains Melbourne Pty Ltd *v Australian Rail, Tram and Bus Industry Union* (C2020/292) (unled).

Jolly v ***Metro Trains Melbourne Pty Ltd*** [2020] FWC 1888 (unled).

Metro Trains Melbourne Pty Ltd *v Ayles and Ors* (C2020/409) (with Chris O'Grady KC).

Applications by ***Block, Ken*** [2020] FWC 3428 (with Chris O'Grady KC).

Australian Capital Territory *- ACT Public Sector* [2020] FWC 2745 (unled).

AMWU v ***Boeing Aerostructures Australia Pty Ltd*** [2020] FWC 4306 (unled).

AWU v ***Downer EDI Engineering Power Pty Ltd*** [2020] FWC 2539 (with Richard Dalton KC).

CPB Contractors Pty Ltd [2020] FWCA 2688 (unled).

Perez Rivas v ***Dampier Salt Limited*** [2020] FWC 6258 (unled).

CFMMEU v ***Odyssey Marine Pty Ltd*** [2020] FWC 3020 (unled).

Rogers v ***TMM Group Pty Ltd*** [2020] FWC 5506 (unled).

Mellios v ***Qantas Airways Ltd*** [2020] FWC 2989 (unled).

Slkalias v ***Qantas Airways Ltd*** [2020] FWC 1830 (unled).

Maguire v ***BHP Billiton Iron Ore Pty Ltd*** [2019] FWC 8046 (unled).

Snell v ***Bendigo & Adelaide Bank Ltd*** [2019] FWC 8050 (unled).

AWU v ***Genesee & Wyoming Australia Pty Ltd*** [2019] FWC 2502 (unled).

NUW v ***Coles Group Supply Chain Pty Ltd*** [2019] FWCA 1965 (with Frank Parry KC).

Application by ***Metropolitan Fire and Emergency Services Board*** ([2019] FWC 106) (with Chris O'Grady KC and Rebecca Nelson).

Applications by ***John Holland Pty Ltd*** *and* ***CPB Contractors Pty Ltd*** (AG2018/6254, AG2018/6255) (with Jonathan Forbes).

Thanika v ***Morgan Technical Ceramics Pty Ltd*** [2018] FWC 6730 (unled).

Tham v ***Hertz Australia Pty Ltd*** [2018] FWC 3967 (unled).

Law v ***Groote Eylandt Mining Company Pty Ltd t/as South32 GEMCO*** [2018] FWC 1824 (unled).

Higgins v ***Coles Supermarkets Australia Pty Ltd*** [2017] FWC 6137 (unled).

Re CBI Contractors Pty Ltd [2017] FWCA 6837 (unled).

Price v ***Coles Supermarkets Australia Pty Ltd*** [2017] FWC 3102 (unled).

Khan v ***Risk Protection Group Pty Ltd*** [2017] FWC 740 (unled).

Alcwyn Roberts and Peter Collins v ***Coles Group Supply Chain Pty Ltd t/as Coles*** [2016] FWC 4898 (unled).

Gill v ***Jetstar Airways Pty Ltd*** [2016] FWC 1472 (unled).

Dufall v ***Greyhound Australia Pty Ltd*** [2015] FWC 2684 (unled).

Merlino v ***Coles Supermarkets Australia Pty Ltd*** [2015] FWC 8106 (unled).

Murray Goulburn Co-Operative Limited *v CEPU* [2014] FWC 5647 (unled).

OTHER COURTS AND TRIBUNALS

Tham v ***Hertz Australia Pty Ltd*** [2020] VCAT 31 (unled).

Jones v ***Odyssey Marine Pty Ltd*** [2020] WAIRC 794 (unled).

Jones v ***Odyssey Marine Pty Ltd*** [2020] WAIRC 118 (unled).

Rattray and Anor v ***Kellogg Brown & Root Pty Ltd and Anor*** (M36/2018) (unled).

Perera v ***Myer Warehouse Solutions Pty Ltd*** [2017] VCAT 1267 (unled).

Alltech, Inc v ***Optigen Ingredients Pty Ltd*** [2016] ATMO 46 (unled).

Re TWU application for road safety remuneration orders [2013] RSRTFB 7 (unled, for **Coles Supermarkets Australia Pty Ltd**).