

# LIST G BARRISTERS

## Andrew Pollock



Andrew has a national practice covering litigious, advisory and strategic matters with a primary focus on industrial relations and employment related areas.

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

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.

Andrew was recognised in:

Chambers and Partners Asia Pacific rankings for 2021-24. In 2023, he was described as "a true industrial relation strategist. He is collaborative, considered and commercial. I never doubt that Andrew will deliver the best possible result for the client."

Legal 500's Australian rankings for 2021 (Tier 1);

Doyles Guide's Leading Employment and WHS Counsel Australia in 2021 and 2020;

Doyles Guide's Leading Employment and WHS Counsel Victoria in 2021, 2020, 2019 and 2018; and

Doyles Guide's Emerging Employment and WHS Counsel in 2017.

Before coming to the Bar, Andrew was a Senior Associate in the Employment, Pensions and Incentives practice group at Herbert Smith Freehills. As a solicitor advocate, Andrew appeared regularly in the eastern States and Western Australia before the Federal Court, the Federal Circuit Court, the Fair Work Commission (at first instance and Full Bench levels), the Road Safety Remuneration Tribunal (at first instance and Full Bench levels) and the NSW Industrial Relations Commission.

*Liability limited by a scheme approved under Professional Standards Legislation*

## 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).

*Eso 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).

*Skalias 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**).