

Curriculum vitae

David Lloyd

Barrister-at-law

State Chambers | Level 36, 52 Martin Place, Sydney NSW 2000

T: 02 9223 1522 | david.lloyd@statechambers.net | www.statechambers.net

I was admitted to the NSW Bar in September 2019 after practising as a solicitor for over 25 years. I am admitted in the Supreme Courts of New South Wales and Western Australia and registered in the High Court of Australia.

My main areas of practice are:

Industrial and Employment Law

- Appellate
- Statutory Employment Rights
- Discrimination
- Employment Contracts and Restraint of Trade
- Industrial Disputes
- Public Sector Appeals

Public and Administrative Law

- Appellate
- Civil and Human Rights
- Disciplinary Proceedings
- Discrimination
- Judicial Review and Administration Law
- Merits Review
- Privacy and Freedom of Information

Overview

I appear in NSW and Federal courts and tribunals, and at the bar have been briefed to act for private sector employers, federal and NSW government departments and agencies, and individuals. I accept briefs Australia wide.

I provide workplace related legal advice to law firms and in-house lawyers, including in relation to confidential workplace investigations.

I have acted in a range of industry sectors, including transport (road and logistics, rail – passenger and freight, airline and shipping), government services, health and policing, manufacturing and steel, mining, food and beverage, finance and insurance, and higher education.

I have been regularly named in the list of *The Best Lawyers in Australia* published annually in the *Australian Financial Review* in the category of “Labour and Employment Law”.

As a solicitor I worked in the employment and industrial practice of Blake Dawson Waldron (now Ashurst Australia), including as a partner of the firm based in Sydney. I commenced my professional career as an industrial relations officer with BHP.

Qualifications

- 1988 Bachelor of Economics – The University of Sydney
- 1990 Bachelor of Laws – The University of Sydney
- 1991 Graduate Diploma in Legal Practice – University of Technology, Sydney
- 2006 Master of Laws – The University of Sydney

Admissions

- 1990 Admitted a solicitor of the Supreme Court of New South Wales
- 1991 Entered in the Register of Practitioners of the High Court of Australia
- 2002 Admitted a barrister and solicitor of the Supreme Court of Western Australia
- 2019 Admitted to the NSW Bar
- 2020 Floor member at State Chambers

Memberships

New South Wales Bar Association, Australian Bar Association, Law Council of Australia – Federal Litigation and Dispute Resolution Section

Select appearance matters as counsel since 2020 (client party in bold)

*National Tertiary Education Industry Union v **University of Sydney** (Relief)* [2023] FCA 537, Federal Court of Australia, relief and penalty hearing. Led Mr R Newlinds SC

***CDD18** v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1283, Federal Court of Australia, appeal under *Migration Act 1958* (Cth). Led by Mr S Prince SC

*National Tertiary Education Industry Union v **University of Sydney*** [2022] FCA 1265, (2022) 318 IR 460, Federal Court of Australia, remittal following appeal. Led by Ms K Eastman AM SC

*Fletcher v **Eastern Australia Airlines Pty Ltd t/a QantasLink & Ors*** [2022] FWCFB 56, Full Bench of the Fair Work Commission, appeal of stop-bullying application under the *Fair Work Act 2009* (Cth). Unled

*Australian Rail, Tram and Bus Industry Union v **Busways Northern Beaches Pty Ltd** (No 2)* [2022] FCAFC 55, (2022) 291 FCR 93, Full Court of the Federal Court of Australia, application for judicial review against decisions of the Fair Work Commission. Led by Mr H Dixon SC

*Fletcher v **Eastern Australia Airlines Pty Ltd t/a QantasLink & Ors*** [2021] FWC 6670, Fair Work Commission, stop bullying application under the *Fair Work Act 2009* (Cth). Unled

***Golowenko** v Clime Investment Management Ltd* [2021] FedCFamC2G 241, Federal Circuit and Family Court of Australia (Division 2), application for costs under s 570 of the *Fair Work Act 2009* (Cth). Unled

*Hickey v **Secretary, Department of Education*** [2021] NSWCATAD 306, NSW Civil and Administrative Tribunal – Administrative and Equal Opportunity Division, application for administrative review under the *Government Information (Public Access) Act 2009* (NSW). Unled

*National Tertiary Education Industry Union v **University of Sydney** (No 2)* [2021] FCAFC 184, Full Court of the Federal Court of Australia, basis of remittal. Led by Ms K Eastman AM SC

*National Tertiary Education Industry Union v **University of Sydney*** [2021] FCAFC 159, (2021) 309 IR 159, Full Court of the Federal Court of Australia, appeal, intellectual freedom, alleged contraventions of an enterprise agreement under the *Fair Work Act 2009* (Cth). Led by Ms K Eastman AM SC

Australian Rail, Tram and Bus Industry Union v Aurizon Operations Limited [2021] FWC 4809, Fair Work Commission, arbitration under the *Fair Work Act 2009* (Cth) of a dispute arising under an enterprise agreement. Unled

Sofat v Berkshire Hathaway Specialty Insurance Company [2021] FWC 957, Fair Work Commission, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

Collins v Dux Manufacturing Limited [2021] NSWSC 193, Supreme Court of New South Wales, application for judicial review of decision of Registrar of the Workers Compensation Commission under the *Workplace Injury Management and Workers Compensation Act 1998* (NSW). Led by Ms B Tronson

Shop, Distributive and Allied Employees Association v Woolworths Group Limited [2021] FWC 617, Fair Work Commission, arbitration under the *Fair Work Act 2009* (Cth) of a dispute arising under an enterprise agreement. Unled

Australian Rail, Tram and Bus Industry Union v Busways Northern Beaches Pty Ltd [2021] FWC 591, Full Bench of the Fair Work Commission, appeal against approval of a greenfields enterprise agreement under the *Fair Work Act 2009* (Cth). Led by Mr H Dixon SC

Richmond v APS Group (Placements) Pty Ltd [2020] FWC 4710, Fair Work Commission, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

Hedset Solutions Pty Ltd v Higgins and Just Hedsets Pty Ltd, Supreme Court of New South Wales 2020/197192, application for injunction and damages for alleged misuse of confidential information. Interlocutory orders made. Led by Mr R Goot AO SC

United Workers Union v **TNT Australia Pty Ltd & Ors**, Federal Court of Australia VID240/2020, application for declaratory relief and penalties for alleged contravention of *Fair Work Act 2009* (Cth) and cross-claim for declaratory relief. Led by Mr A Moses SC

Potts v **Commissioner of Police**, Industrial Relations Commission of New South Wales 2019/355695 & 2020/350286, applications under s 174 of the *Police Act 1990* (NSW). Unled

Hall v **Commonwealth of Australia** (as represented by the Department of Home Affairs), Fair Work Commission U2021/11370, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

Swan v **Commonwealth of Australia** (as represented by the National Emergency Management Agency), C2022/6425, Fair Work Commission, general protections application under the *Fair Work Act 2009* (Cth). Unled

Najmitdinov v Woolworths Group Limited [2020] NSWCATAD 88, NSW Civil and Administrative Tribunal – Administrative and Equal Opportunity Division, application for leave for discrimination complaint to proceed under the *Anti-Discrimination Act 1977* (NSW). Unled

Najmitdinov v Woolworths Group Limited [2020] NSWCATAP 15, NSW Civil and Administrative Tribunal - Appeal Panel, appeal under the *Civil and Administrative Tribunal*

Act 2013 (NSW) against a refusal of an application for an interim order under the *Anti-Discrimination Act 1977* (NSW). Unled

Robertshaw Australia v **Tian**, Supreme Court of New South Wales 2021/283145, equity. Unled

Olsson v **Qantas Airways Limited**, Fair Work Commission U2021/10916, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

Cook v **Roper Gulf Regional Council**, Federal Court of Australia NTD22/2021, general protections application under the *Fair Work Act 2009* (Cth) and other claims in the associated jurisdiction. Led by Mr S Meehan

IFM (Securities) Pty Ltd v Pfister, District Court of New South Wales 2022/379493. Unled

Hancock v Elafent Labs Pty Ltd and Ors, Federal Circuit and Family Court of Australia (Division 2) SYG2696/2020, general protections application under the *Fair Work Act 2009* (Cth). Unled

Clayton v **Broadspectrum (Australia) Pty Ltd**, Federal Circuit Court of Australia MLG1444/2020, general protections application under the *Fair Work Act 2009* (Cth). Unled

Goryachev v Colour Room Tuggerah Pty Ltd, Federal Circuit and Family Court of Australia (Division 2) SYG268/2022, application for contraventions of general protections provisions and industrial instrument under the *Fair Work Act 2009* (Cth). Unled

Malak v **Dehasabzi Lawyers Pty Ltd**, Federal Circuit Court of Australia SYG1001/2019. Unled

Australian Services Union v **Qantas Airways Limited**, Fair Work Commission C2019/3211, arbitration under the *Fair Work Act 2009* (Cth) of a dispute arising under an enterprise agreement. Unled

Zraika v **The Australian Federation of Islamic Councils and another**, Fair Work Commission C2020/4623, general protections application under the *Fair Work Act 2009* (Cth). Unled

Relf v **TAL Services Limited**, Fair Work Commission C2019/7391, arbitration under the *Fair Work Act 2009* (Cth) of a dispute arising under an enterprise agreement. Unled

Abbott v **Broadspectrum (Australia) Pty Ltd**, Fair Work Commission U2020/1367, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

El Kheir v Upright Builders Pty Ltd, Fair Work Commission U2019/11411, unfair dismissal application under the *Fair Work Act 2009* (Cth). Unled

Super Start Batteries Pty Ltd v **Adlard**, 2020/52739 and The Battery Store Australia Pty Ltd v **Adlard**, 2019/348826, District Court of New South Wales. Unled

Select appearance matters as solicitor advocate (client party in bold)

GrainCorp Operations Limited v The Australian Workers Union [2018] FWCA 1250, Fair Work Commission, contested application for approval of an enterprise agreement under the *Fair Work Act 2009* (Cth)

Barcham & Campbell v Commonwealth of Australia as represented by the Australian Federal Police [2015] FWCFB 5617, Full Bench of the Fair Work Commission, appeal under the *Fair Work Act 2009* (Cth), jurisdiction to deal with dispute under an enterprise agreement.

Benjamin v Australian Taxation Office [2011] FWA 4285, Fair Work Australia, arbitration under the *Workplace Relations Act 1996* (Cth) of a dispute arising under a workplace agreement.

Iardo v Rail Corporation NSW [2010] FWAFB 6473, (2010) 197 IR 397, Full Bench of Fair Work Australia, appeal, unfair dismissal jurisdictional question under the *Fair Work Act 2009* (Cth).

Australian Workers Union v BlueScope Steel Limited [2008] AIRCFB 24, (2008) 171 IR 115, Full Bench of the Australian Industrial Relations Commission, appeal against stop industrial action order.

Davies v Australian Taxation Office [2008] AIRCFB 676, Full Bench of the Australian Industrial Relations Commission, appeal, jurisdiction under the *Workplace Relations Act 1996* (Cth) to resolve dispute under superseded certified agreement.

OneSteel Manufacturing Pty Ltd v Australian Workers' Union, NSW Re Changes To Manning and Shift Arrangements [2006] NSWIRComm 236, Industrial Relations Commission of New South Wales, arbitration of an industrial dispute under the *Industrial Relations Act 1996* (NSW).

Electrical Trades Union of Australia v OneSteel Rod and Bar Mill [2005] NSWIRComm 221, Industrial Relations Commission of New South Wales, arbitration of an industrial dispute under the *Industrial Relations Act 1996* (NSW).

The Australian Workers' Union, NSW on behalf of Kevin Cook v OneSteel Trading Pty Ltd [2004] NSWIRComm 359, Industrial Relations Commission of New South Wales, unfair dismissal application under the *Industrial Relations Act 1996* (NSW).

Stojanovski v BlueScope Steel Pty Ltd [2004] NSWIRComm 304, Full Bench of Industrial Relations Commission of New South Wales, appeal, unfair dismissal under the *Industrial Relations Act 1996* (NSW).

Select matters as instructing solicitor (client party in bold)

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Industrial Relations Secretary [2017] NSWSC 1473, (2017) 271 IR 77, Supreme

Court of New South Wales, industrial law, declaratory relief, acting for third respondent, a **State owned corporation**.

Maritime Union of Australia v Minister for Infrastructure and Regional Development and Alcoa [2015] FCAFC 187, (2015) 238 FCR 464, Full Court of the Federal Court of Australia, admiralty and administrative law - validity of foreign ship licence.

Teekay Shipping (Australia) Pty Ltd v Maritime Union of Australia [2015] FWC 4498 and *Maritime Union of Australia v Teekay Shipping (Australia) Pty Ltd* [2015] FWCFB 4895, Fair Work Commission, application for stop industrial action order under the *Fair Work Act 2009* (Cth) and appeal to a Full Bench.

Cochran v Sutton [2014] NSWCA 185, (2014) 244 IR 272, New South Wales Court of Appeal, jurisdiction – service outside jurisdiction

Secretary of The Treasury v Public Service Association & Professional Officers' Association Amalgamated Union of NSW [2014] NSWCA 138, (2014) 89 NSWLR 688, New South Wales Court of Appeal, statutory interpretation, administrative law, acting for third applicant, a **State owned corporation**.

Australian Rail, Tram and Bus Industry Union v Rail Corporation NSW [2013] FWC 2447, Fair Work Commission, arbitration under the *Fair Work Act 2009* (Cth) of a dispute arising under an enterprise agreement.

Australian Licenced Aircraft Engineers Association v Qantas Airways Ltd [2012] FWAFB 7791, Full Bench of Fair Work Australia, appeal against stop industrial action order under the *Fair Work Act 2009* (Cth).

Australian Maritime Officers Union v Sydney Ferries Corporation [2009] FCAFC 145, (2009) 190 IR 193, Full Court of the Federal Court of Australia, industrial law, acting for **Minister for Employment and Workplace Relations** intervening.

Australian Workers' Union (NSW) v BlueScope Steel (AIS) Pty Ltd [2006] NSWIRComm 71, (2006) 151 IR 153, Full Bench of Industrial Relations Commission of New South Wales, appeal, contraventions of dispute orders and imposition of penalties under the *Industrial Relations Act 1996* (NSW).

BlueScope Steel Ltd (formerly BHP Steel Ltd) v Australian Workers' Union, New South Wales [2004] NSWIRComm 222, (2004) 137 IR 176, Full Bench of Industrial Relations Commission of New South Wales, appeal, contravention of dispute orders under the *Industrial Relations Act 1996* (NSW).

BlueScope Steel (AIS) Pty Ltd v Australian Workers' Union, New South Wales [2004] NSWIRComm 21, Industrial Relations Commission of New South Wales, prosecution under the *Industrial Relations Act 1996* (NSW) for contravention of an industrial instrument.

Re The Maritime Union of Australia & Ors; Ex parte CSL Pacific Shipping Inc [2003] HCA 43, (2003) 214 CLR 397, High Court of Australia, jurisdiction of Australian Industrial Relations Commission to make awards binding on foreign-crewed ships.

Maritime Union of Australia v CSL Australia Pty Ltd [2002] FCA 513, (2002) 113 IR 326, Federal Court of Australia, freedom of association - entitlement to the benefit of an industrial instrument.