

# Leo Saunders

Solicitor 2013

Barrister 2017

(02) 9151 2955

leo.saunders@greenway.com.au



Leo Saunders specialises in employment, industrial relations and defamation law. He regularly appears led and unled in the Federal, Federal Circuit, Supreme and District Courts, and state and national industrial tribunals.

Leo takes a pragmatic and client-focused approach to his work. He is known for combining his technical precision and depth of specialist knowledge with a practical approach to dispute resolution. Leo maintains a focus on clear and comprehensible communication in the midst of stressful litigation.

Before coming to the Bar, Leo spent five years as the senior in-house lawyer and advocate for the Australian Manufacturing Workers Union, developing and implementing its litigation strategy and goals.

Leo has been recognised by the Doyle's Guide as one of the leading employment law junior counsel in NSW since 2019, and in Australia since 2020. He accepts briefs on a direct access basis from in-house solicitors and unions, as well as from private practitioners.

Enquiries as to rates, availability and how Leo prefers his electronic briefs should be directed to Leo's Practice Manager, Domonique Elder.

## **QUALIFICATIONS**

---

- Bachelor of Arts (University of Sydney) 2010
- Bachelor of Laws (University of Sydney) 2012
- Harmers Workplace Lawyers Prize for Proficiency in Labour Law
- Sir Alexander Beattie Prize in Industrial Law
- Student Editor (Sydney Law Review) 2011

## **SPECIALISATIONS**

---

- Employment law and industrial relations
- Workplace health and safety law
- Defamation

## PROFESSIONAL RECOGNITION

---

- Doyles Guide 2019-2021 Leading Employment Law Junior Counsel NSW - Recommended
- Doyles Guide 2020 - Leading Employment Law Junior Counsel Australia - Recommended

## Agreements

**Re Commonwealth Bank of Australia [2021] FWCFB 4041.** Commonwealth Bank required to give undertakings to correct BOOT issues and misrepresentations to employees during bargaining.

**CFMMEU v Celotti [2020] FWCFB 5011.** Approval of enterprise agreement quashed.

**CFMMEU v McNab [2020] FWCFB 5080.** Approval of enterprise agreement quashed.

## Defamation

**Massarani v Kriz [2020] NSWCA 252.** Led by B McClintock SC on appeal, unled at first instance; successful strikeout of defamation claim.

## Industrial Disputes

**Qube Logistics (Rail) Pty Ltd v Australian Rail, Tram and Bus Industry Union [2021] FCAFC 83.** Interpretation of enterprise agreement, meaning of 'renegotiate'.

**Sydney Trains v Rail, Tram and Bus Industry Union [2021] FCA 883.** Led by M Gibian SC, question of 'lawful and reasonable directions' and extra claims considered.

**AMWU v McCain Foods [2021] FWCFB 4808.** Scope of 'employer response action' considered, employer lockout held not to be protected industrial action.

**ASMOF v Health Secretary [2021] NSWIRComm 1002.** Dispute about above-award arrangements, status quo recommendation made.

**Fire Brigade Employees Union v Fire and Rescue NSW [2020] NSWIRComm 1002.** Dispute about changes to crewing levels, status quo orders made.

**Fire Brigade Employees Union v Fire and Rescue NSW [2020] NSWIRComm 1040.** Dispute re remedial action and Commission's power to intervene.

**Kovic v SafeWork NSW [2020] 1040.** Decision by regulator to set aside provisional improvement notice quashed.

**Mondelez v Australian Manufacturing Workers Union and Ors [2020] HCA 29.** Led by I Taylor SC in Full Federal Court and High Court; correct construction of 'day' of leave in section 96 of the *Fair Work Act 2009* (Cth).

## Industrial Disputes

***Dental Corporation v Moffet* [2020] FCAFC 188.** Led by M Gibian SC; dentist found to be employee for the purposes of the *Superannuation Guarantee (Administration) Act 1992*. Special leave refused in S137/2020.

***Qantas v Australian Licensed Aircraft Engineers (No 1)* [2020] FCA 682; *Qantas v Australian Licensed Aircraft Engineers Association (No 2)* [2020] FCA 951; and *Qantas v Australian Licensed Aircraft Engineers Association (No 3)* [2020] FCA 1428.** Legality of stand down of aircraft maintenance engineers. Appeal pending.

***Australian Rail, Tram and Bus Industry Union v Laing O'Rourke* [2019] FWCFB 33.** Interpretation of allowance clause, backpay.

***Flight Attendants Association of Australia v Qantas Airways Ltd* [2019] FWCFB 1556.** Interpretation of rostering principles.

***AMWU v Berri Ltd* [2017] FWCFB 3005.** Currently the leading Fair Work Commission case on the correct interpretation of enterprise agreements.

## Pay Equity and Work Value

***Re IEU* [2021] FWCFB 2051.** Led by I Taylor SC, substantial wage increases for Early Childhood Teachers achieved via work value application.

***Crown Employees (School Administrative and Support Staff) Award* [2019] NSWIRComm 1082.** Led by D Chin SC, 19% pay increase for school support staff awarded

***AM2020/99 Application to vary Aged Care Award.*** Led by M Gibian SC, Health Services Union's claim for significant wage increases for aged care workers. Ongoing.

## Unfair Dismissals and General Protections and Discrimination

***Devine v Westpac Banking Corporation* [2021] FWC 739.** 'Unprecedented' employer application for confidentiality orders refused.

***Doyle v Taronga Zoo* [2021] NSWIRComm 1005.** Public sector disciplinary review.

***Daccache v BOC* [2020] FCA 485.** Interim injunction restraining termination of employment while AHRC complaint on foot made.

***Maxwell v Fire + Rescue NSW* [2020] NSWIRComm 1024.** Applicant employee dismissed for misconduct, reinstatement order made.

***Mellios v Qantas* [2020] FWCFB 5885.** Appeal in respect of misconduct dismissal.

***Naylor v Health Secretary* [2020] NSWIRComm 1051.** Misconduct dismissal, compensation order made.

***Herbert v Star Aviation* [2019] FCAFC 136.** General protections contravention involving dismissal.

## **PUBLICATIONS**

---

- Drafting and Enforcing Restraints of Trade
- The Hottest Issue in Industrial and Employment Law Today