

Oshie Fagir

Solicitor 2008

Barrister 2013

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Oshie is a barrister with more than 15 years' experience in the law. Oshie practices in commercial and public law with a particular focus on employment, industrial relations and discrimination. He was called to the Bar in 2013 and has since appeared frequently in the Federal and Supreme Courts and state and Commonwealth industrial and civil tribunals. From late 2019 Oshie practiced as a special counsel with Clayton Utz in Sydney, returning to the Bar in July 2022.

Close collaboration with his instructing solicitors and an intense focus on the truly important issues characterise Oshie's approach to litigation.

Oshie is recognised as a leading junior in the area of employment and industrial relations and has appeared for a variety of government agencies, corporations, individuals, trade unions and peak councils. He prides himself on the diversity of his practice, and is to the best of his knowledge he is the only person to have appeared both for the ACTU and ACCI.

Oshie has been recognised in Doyles Guide in the Employment and Work Health and Safety categories since 2013.



Commercial Law

Tiger Yacht Management Ltd v Morris [2019] FCAFC 8; 268 FCR 548. Led by Cox SC before the Full Court. Shareholder disputes, winding up, service out of jurisdiction

Just Better Care Australia Pty Ltd v Just Better Care Canberra Pty Ltd [2018] FCA 114. Unled before Burley J. Franchising, restraint of trade, breach of confidence.

Central Queensland Aviation Pty Ltd v Island Helicopter Pty Ltd [2017] FCCA 1665. Unled before Manasouridis J. Breach of contract, damages, frustration.

Bradley v Voltex Group Holdings Pty Limited [2016] FCA 1230. Unled before Jagot J. Breach of contract, unconscionable conduct.

The Owners Strata Plan No 74602 v Brookfield Australia Investments Ltd [2015] NSWSC 1916. Led by Corsaro SC and Thomas before Stevenson J. Building and construction, defects, breach of contract.

Employment, Industrial and Public Law

Transport Secretary v The Australian Workers' Union, New South Wales [2022] NSWIRComm 1053. Unled before Sloan C for the Transport Secretary. Industrial action, dispute orders.

PSA v Rural Fire Service of NSW [2021] NSWIRComm 1073. Unled before Webster C for the RFS. Industrial dispute, award interpretation.

Shop, Distributive and Allied Employees Association v Woolworths Group Limited [2020] FWC 5990. Unled before McKinnon C for Woolworths Group. Industrial dispute.

Association of Professional Engineers, Scientists and Managers Australia v Bulga Underground Operations Pty Ltd [2019] FCA 1960. Unled before Wigney J for APESMA. Interpretation of enterprise agreement, statutory construction.

Independent Education Union of Australia [2021] FWCFB 2051. Unled for the Australian Child Care Alliance and ACCI. Work value and gender pay equity.

Robinson v Western Union Business Solutions (Australia) Pty Ltd [2018] FCA 1913; 284 IR 414. Unled before Flick J and Western Union Business Solutions (Australia) Pty Ltd v Robinson [2019] FCAFC 181; 272 FCR 547—led by Raper SC before the Full Court for Robinson. Adverse action.

Construction, Forestry, Maritime, Mining and Energy Union v Anglo American Australia Limited [2019] FCAFC 109; 271 FCR 22. Led by Taylor SC before the Full Court. Judicial review.

Shreea v Ezy Mart Pty Ltd [2019] FCCA 3050. Unled before Baird J for Ezy Mart. Underpayments.

Michael Flynn v Commissioner of Police [2019] NSWIRComm 1030. Unled before Constant C for the Commissioner of Police. Police discipline.

Employment, Industrial and Public Law

United Voice v Wilson Security Pty Ltd [2019] FCAFC 66; 269 FCR 608. Unled before the Full Court for United Voice. Award interpretation.

Endeavour Energy v CEPU [2016] FCAFC 82; 244 FCR 178. Led by Taylor SC before the Full Court. Public law.

United Voice v Lloyds Services ACT Pty Ltd [2017] FCA 1007; United Voice v Phillip Cleaning Service Pty Ltd [2017] FCA 392. Unled before Jagot J for United Voice. Underpayments, interpretation of enterprise agreement.

Tomvald v Toll Transport Pty Ltd [2017] FCA 1208. Unled before Flick J for Tomvald. Interpretation of enterprise agreement, agreement contraventions.

Glen Cameron Nominees Pty Ltd v Transport Workers' Union of Australia [2017] FCA 1026. Unled before Perram J for Glen Cameron Nominees Pty Ltd. Judicial review.

Construction, Forestry, Mining and Energy Union v Anglo American Metallurgical Coal Pty Ltd [2017] FCAFC 123. Led by Taylor SC before the Full Court for the CFMEU. Judicial review.

4 yearly review of modern awards. Casual employment and Part-time employment [2017] FWCFB 3541—unled before the Full Bench for the ACTU. Casual employment test case.

ResMed Limited v Australian Manufacturing Workers Union [2015] FCAFC 195; 243 FCR 385. Unled before the Full Court. Statutory interpretation.

Australian Chamber of Commerce and Industry v Australian Council of Trade Unions [2015] FCAFC 131; 234 FCR 70; 253 IR 227. Led by Taylor SC before the Full Court for the ACTU. Judicial review.

Sydney Night Patrol and Inquiry Company Limited v Pulleine [2014] FCA 385. Unled before Katzmann J for Pulleine and United Voice. Interpretation of award, award contraventions.