



GREENWAY CHAMBERS



DILAN MAHENDRA

SOLICITOR 2006

BARRISTER 2010

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BACKGROUND

Dilan's practice is focused on employment law, restraints of trade, administrative law, and commercial/equity law. Prior to coming to the Bar in 2010, Dilan was a Senior Associate at Sparke Helmore Lawyers, where he worked in Employment and Industrial Relations law.

Dilan provides a stress-free experience for solicitors who brief him. He has a clear-thinking and practical approach to litigation. Dilan aptly deals with the pressures of litigation and tight deadlines by employing a calm demeanour and attention to detail.

Dilan is recognised for his strategic approach to litigation and his forensic questioning. He is well-prepared for each unique situation and thinks quickly on his feet. He is a thorough advocate and is always committed to presenting all available arguments in a persuasive and succinct manner. Dilan receives consistently positive feedback from solicitors, due to his clients receiving exceptional legal representation.

Dilan is particularly interested in matters involving post-termination restraints. Since coming to the Bar Dilan has developed a reputation as a 'go to' junior counsel for restraint of trade matters. Since July 2016, Dilan has been involved in well over 30 restraint of trade matters (some of which are mentioned below).

Since 2016, Dilan has been recognised in Doyle's Leading Employment & WHS Barristers for NSW and Australia.

FOCUS AREAS + SELECT CASES

EMPLOYMENT + INDUSTRIAL RELATIONS LAW

Cooper v Preston Rowe Paterson (Sydney) Pty Ltd [2018] FWC 3958 - successful application to dismiss the applicant's unfair dismissal application on the basis that a binding settlement had been reached.

Tony Greco v P Pennisi and Seafoods Fresh Pty Ltd and R Pennisi as trustee for the Rosario Pennisi Family Trust (SYG274/2016) (18 December 2017) - successful defence of an adverse action claim in which the applicant alleged he had been dismissed because of a workplace injury.

Local Government and Shires Association of New South Wales v New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union [2017] NSWIRComm 1073 (5 December 2017) - industrial dispute resolved in favour of Georges

River Council (represented by Dilan) in which the Union sought to prevent the Council from transitioning some employees to a fortnightly pay cycle from a weekly pay cycle.

Leahey v CSG Business Solutions (Aus) Pty Ltd [2017] FCA 1098 (18 September 2017) - successful breach of contract claim against CSG in which the applicant obtained \$360,000 in damages and interest for the respondent's failure to pay him a short-term incentive and long-term incentive in accordance with the terms of his employment contract.

Ibarra Campoverde v Regional Health Group Pty Ltd [2017] FCCA 1502 (30 June 2017) - successful defence of an adverse action based on an allegation that the Respondent dismissed an employee because he had lodged a bullying and harassment complaint.

RESTRAINTS OF TRADE

Adobe Systems Pty Ltd v Belinda Burgess - successful interlocutory application to restrain the defendant from working in a competitive role at her new employer or dealing with specified customers. In subsequent hearings, the plaintiff successfully sought orders requiring the defendant deliver up her electronic devices to be forensically examined by an independent IT expert.

Long Jetty Realty v Whiteman [2018] NSWSC 956 (15 June 2018) - successful defence of an urgent interlocutory application to restrain four defendants from performing real estate services. The Court agreed with the submission that even if the restraints applied, damages would be an adequate remedy and accordingly refused to grant any injunction.

Amicus Interiors Pty Ltd -v- James Peebles (2018/182298) - successful urgent interlocutory application to restrain the defendant from soliciting customers and providing services in competition with the plaintiff.

Silversea Cruises Australia Pty Ltd v Abelanozza (2018/129773) - successful urgent application to freeze the defendants' assets up to the value of \$2.5m following allegations that she had, whilst employed by the plaintiff, misappropriated funds from her employer.

UP Australia Pty Ltd v McDonald & Anor [2018] NSWSC 218 (28 February 2018) - successful urgent interlocutory injunction to restrain the second defendant (a personal trainer) from working with a competitor, soliciting customers and from competing with the plaintiff within a 3km radius of the Sydney CBD. The plaintiff was also successful in obtaining an injunction to prevent the first defendant (the potential new employer) from employing or engaging the second defendant in any capacity pursuant to the terms of a Restraint Deed (which was part of deal under which the Plaintiff purchased the business) until further order.

ADMINISTRATIVE + APPELLATE LAW

Cross v Harbour City Ferries Pty Ltd [2017] FCA 1577 (29 December 2017) - successful defence of an appeal against a decision of the Federal Circuit Court where the judge below had dismissed the applicant's claim of alleged adverse action with costs. The Federal Court dismissed the appeal at an early stage due to it being filed a few days out of time and completely lacking in merit.

Hunter v Nursing and Midwifery Board of Australia [2017] NTSC 64 (17 August 2017) - led by Arthur Moses SC, in this matter Dilan acted for Mr Hunter appealing a decision of the NTCAT who had dismissed Mr Hunter's application to set aside a decision by the Respondent to impose conditions on his practice as a nurse. After the filing of submissions in the appeal, the Respondent conceded in having the decision of the NTCAT set aside but resisted Mr Hunter's application for indemnity costs. The Supreme Court of the Northern Territory awarded Mr Hunter costs from 10 May 2017 on an indemnity basis.

Darren Roberts v Office of the Fair Work Building Inspectorate [2016] FWCFB 6696 - successful defence of a decision whereby the Fair Work Commission had suspended Mr Robert's right of entry permit pursuant to s.510 of the Fair Work Act 2009 following a pecuniary penalty being imposed on Mr Roberts by the Federal Court of Australia.

Employsure Pty Ltd v Gorval (No 1) [2016] FCA 422 (19 April 2016) - stage one in an appeal against decision of the Federal Circuit Court concerning the misapplication of restitutionary principles in respect of an alleged unpaid commission. The matter resolved on a commercial basis.

Bruce Coppa v Medical Board of Australia [2014] NTSC 48 - judicial review application before the Supreme Court of the Northern Territory involving a question as to whether a medical practitioner is entitled to procedural fairness and/or natural justice prior to being required to attend a health assessment.