

# Leo Saunders

Solicitor 2013

Barrister 2017

(02) 9151 2955

leo.saunders@greenway.com.au



Leo Saunders specialises in employment, industrial relations and defamation law.

Before coming to the Bar, Leo spent five years as the senior in-house lawyer and advocate for the Australian Manufacturing Workers Union, after having worked in and around the trade union movement since 2006.

Leo has been recognised by Doyle's Guide as one of the leading employment law junior counsel in NSW since 2019, and in Australia since 2020. Leo has also been recognised as Best Lawyers Australia Ones to Watch, 2026.

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

## **QUALIFICATIONS**

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- 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**

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- Industrial law
- Employment law
- Discrimination

## PROFESSIONAL RECOGNITION

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- Doyles Guide 2019-2025 - Leading Employment Law Junior Counsel, NSW - Leading
- Doyles Guide 2020-2024 - Leading Employment Law Junior Counsel, Australia - Leading
- Best Lawyers Australia 2026 - Ones to Watch: Labour & Employment Law; Employee Benefits Law

## Industrial Disputes

### ***HSU v DPG Services* [2023] FWCFB 81.**

Agreement interpretation, correct leave entitlements for shiftworkers.

### ***Freshfood Management Services v AMWU* [2023] FWCFB 97.**

Interpretation dispute, power of Commission to make orders.

### ***Clarke v Pacific National Services Pty Ltd* [2023] FCA 699.**

Safety net contractual entitlement – ‘redundancy contracts’.

### ***White v UGL Operations and Maintenance Pty Ltd (No 2)* [2023] FCA 901.**

Interpretation of overtime clause for casual shiftworkers – class action settlement approval.

### ***ARTBIU v Transit System West Services Pty Ltd* [2021] FCA 1436; *ARTBIU v Transit Systems West Services Pty Ltd (No 2)* [2022] FCA 389.**

Impact of minimum wage review decisions on copied state instruments containing internal wage increases; audit orders and substantial penalty ordered.

### ***Kok v Diamond (No 2)* [2022] FCA 640.**

Interpretation of trade union rules.

### ***APESMA v Peabody Energy Australia* [2022] FCA 945.**

Availability of high income guarantee clause considered.

### ***CFMEU v DuluxGroup* [2021] FWCFB 6020.**

Interpretation of union rules, led by M Gibian SC.

### ***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* [2019] NSWIRComm 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).

***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.

***ALAEA v Qantas Airways Limited* [2022] FCAFC 50.**

Legality of stand down of aircraft maintenance engineers.

***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.

## Industrial Action

***Wilmar Sugar v AMWU and ors* [2024] FWC 1767.**

Urgent s.424 application, decision stopping action quashed on appeal.

***RTBU & ASU re Rail Corporation* [2024] FWCFB 152.**

Commission obliged to make post-termination workplace determination notwithstanding subsequent imposition of enterprise agreement (judicial review pending).

***RMIT v NTEU and anor* [2024] FWCFB 20.**

University claim that industrial action not properly notified refused.

***Application by NSW Trains* [2022] FWC 1746.**

Application to restrain industrial action at Sydney Trains and NSW Trains.

***Application by State of NSW* [2022] FWC 1724.**

Availability of interim order in s.424 application inside 5 day limit.

***AMWU v McCain Foods* [2021] FWCFB 4808.**

Pre-emptive employer response action prohibited.

***Pacific National v ARTBIU* [2020] FCA 1678.**

Consideration of immunity provisions, availability of 'quia timet' injunction to restrain otherwise protected industrial action.

## Awards, Pay Equity and Work Value

***State Wage Case 2024.***

Review of wage fixing principles, matter ongoing.

***Application by Woolworths [2024] FWCFB 139.***

Correct coverage of workers in 'dark stores'.

***Combined Rail Unions v Sydney Trains [2023] FWCFB 52.***

Increased wage increases for Sydney Trains and NSW Trains employees achieved.

***Fire & Rescue Firefighting Staff Awards 2021 [2021] NSWIRComm 1062.***

Wage claim for NSW fire fighters, application of wage fixation principles.

***Re Professional Employees Award 2020 [2023] FWCFB 58.***

Insertion of overtime provisions for the first time into the Professionals Award.

***AM2020/99 Application to vary Aged Care Award - various decisions, concluding 2024.***

Led by M Gibian SC, Health Services Union's successful claim for significant wage increases for aged care workers.

***Re IEU [2021] FWCFB 2051.***

Led by I Taylor SC, substantial wage increases for Early Childhood Teachers achieved via work value application.

***Children's Services Award and Educational Services (Teachers) Award 2010 [2020] FWCFB 3011.***

Improvements to terms, application to reduce conductions resisted.

***Air Pilots Award 2010 Review [2020] FWCFB 825; [2020] FWCFB 817.***

Review of wage rates, training bonds.

***Crown Employees (School Administrative and Support Staff) Award [2019] NSWIRComm 1082.***

Led by D Chin SC, 19% pay increase for school support staff awarded.

## **Agreements and Bargaining**

***Network Aviation v AIPA, AFAP and TWU [2024] FWC 1720.***

Intractable bargaining determination.

***Virgin Australia Regional Airlines v ALAEA [2023] FWC 1510.***

Application for cooling off order in light of IBD application resisted.

***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.

## **Unfair Dismissals, General Protections and Discrimination**

***Trappell v Legal Aid NSW [2024] NSWCATAP 97.***

Pregnancy discrimination, claimed failure to offer employment.



***Winter v UTS [2023] NSWCATAD 223.***

Age discrimination in education.

***Goodsell v Sydney Trains [2023] FWC 3209.***

Misconduct dismissal, worker reinstated.

***Mosca & Ors v DP World Sydney [2023] FWCFB 62.***

Availability of appeal of partial findings i.e. valid reason only.

***Qantas v Matthews [2022] FWCFB 111.***

Misconduct dismissal, worker reinstated.

***Devine v Westpac Banking Corporation [2021] FWC 739.***

'Unprecedented' employer application for confidentiality orders refused.

***Sydney Trains v Trevor Cahill [2021] FWCFB 1137.***

Misconduct dismissal, worker reinstated.

***Tetley v Goldmate Group [2020] FCA 913.***

General protections application, appropriateness of remote hearings considered.

***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.

## **Inquiries**

***Operation Cusco - Law Enforcement Conduct Commission.***

Counsel Assisting, Law Enforcement Conduct Commission - 2019.

***Operation Tabarca - Law Enforcement Conduct Commission.***

Counsel Assisting, Law Enforcement Conduct Commission - 2018 to 2019.