

Sebastian McIntosh

Admission as a Legal Practitioner 9 December 2011, Australian Capital Territory

Called to the Bar 3 September 2018, New South Wales

Areas of Practice

- Employment
- Industrial
- Restraints of Trade
- Work Health and Safety
- Administrative
- Commercial Disputes

Education

2005 - 2010

Australian National University

Bachelor of Laws (Hons)/ Bachelor of Music (Hons)

Achievements:

- Overall Grade Point Average above Distinction
- 2010 – Honours in Law
- 2008 – Honours and University Medal in Music

Legal Experience

27 January 2013 to 24 August 2018

HWL Ebsworth Lawyers

Solicitor, Associate, Senior Associate and Special Counsel in the Workplace Relations and Safety Group

*15 March 2011 to
26 January 2013*

Bradley Allen Love, formerly Williams Love & Nicol

**Solicitor in the Employment and Industrial Relations
Team**

Appearance and Litigation work

While a solicitor, regularly performed litigation work, including advocacy work and instructing Counsel, in:

- the Supreme Courts of New South Wales on urgent injunctions in the equity division, breach of contract, and other commercial matters;

- the Federal Circuit Court of Australia and Federal Court of Australia in general protections claims, and other claims for breaches of the *Fair Work Act 2009* (Cth), associated privacy and intellectual property matters, breaches of the *Corporations Act 2001* (Cth) and contractual matters;
- the Fair Work Commission and the New South Wales Industrial Relations Commission in unfair dismissal claims, general protections disputes, industrial disputes and disputes lodged pursuant to the terms of an industrial instrument; and
- the District Court on pleas of not-guilty and guilty in prosecutions commenced by SafeWork NSW.

Industrial work

- Resisting applications for good faith bargaining orders and protected action ballot orders
- Representation before the Fair Work Commission in relation to enterprise agreement application
- Advice and representation regarding Building Code 2016 issues.

Work Health and Safety work

- Representation before District Court of New South Wales on defended hearings and on pleas of mitigation.
- Advice and representation during regulator investigation.

Other

Significant experience providing representation and advice, including on:

- all aspects of the *Fair Work Act 2009* (Cth) and associated instruments, including regarding the national employment standards, modern awards and enterprise agreements, transfer of business obligations, general protections, unfair dismissal, rights of entry, and anti-bullying;
- the *Work, Health and Safety Act 2011* (NSW) including risk management, during SafeWork NSW investigation and prosecution;
- the contract of employment, including implied terms, incorporated documents and reasonable notice claims;
- restraints of trade and equitable obligations of confidentiality;
- discrimination claims under State and Federal legislation; and
- administrative law disputes, particularly in relation to Australian Public Service decisions.

Maintaining client relationships

In addition to the performance of legal tasks, while a solicitor I was the primary point of contact for clients for whom I performed work, was responsible for providing timely estimates and costs agreements and personally addressed client management issues if and when they arose. I understand the importance of these matters to good legal practice.

An indicative client list is as follows:

- International airlines;
- National cleaning firms;
- International construction firms;
- National manufacturing firms;
- State and Federal Government agencies; and
- Local Councils.

Further experience

Legal

Employment Law Tutor, University of Canberra

Other

Community Service

- Currently involved in St Andrew's Anglican Church Roseville as a Parish Councillor, 7PM Service Team member, participant in community service programs and music team member.
- Prior community service including for St Peter's Anglican Church East Lindfield, St Matthew's Anglican Church Wanniasa and Scripture Union of NSW.

Other interests

- Jazz music - I continue to perform regularly as part of a big band, and a small ensemble, at public venues throughout Australia.
- I am an avid cricketer, currently playing Shires cricket for the Burwood Briars.
- I also play soccer and basketball, and follow the NRL.