

Admissions

Barrister at New South Wales Bar: 2007
Solicitor of Supreme Court of New South Wales: 2001

Qualifications

B Ec. / LLB (First Class Honours), University of Sydney

Biography

Yaseen was called to the bar in 2007. His practice is broad with a focus on employment and industrial law, corporate law, equity, insurance and professional negligence claims, professional disciplinary matters, regulatory prosecutions and workplace safety.

During his time at the Bar, Yaseen has been involved in several leading cases involving major commercial and industrial disputes in the aviation, maritime, manufacturing, mining, professional services, transport and other industries.

Yaseen's areas of interest include the regulation and governance of the workplace, markets, corporations and other institutions. Yaseen's other areas of special interest include restraint of trade litigation, the duties of directors and officers of corporations, shareholder/partnership disputes, and enforcement of regulatory obligations.

Yaseen also appears in criminal matters for the Commonwealth Director of Public Prosecutions in white collar, counter terrorism and illicit drug importation matters. He also regularly appears for regulators including the Australian Securities and Investments Commission, the Fair Work Ombudsman, the Australian Building and Construction Commission, and has prosecuted matters for the Office of State Revenue.

Areas of Practice

- Employment, industrial and discrimination
- Restraints of trade, director's duties, shareholder disputes
- Commercial, corporate, equity
- Regulatory prosecutions
- Commonwealth criminal matters
- Professional negligence and disciplinary matters
- Workplace safety, coronial inquests
- Inquiries

Yaseen Shariff

12 Wentworth Selborne Chambers
Level 12, 180 Phillip St, Sydney NSW 2000
P (+61) (02) 9232 2004 E yshariff@12thfloor.com.au
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Previous Experience

Before coming to the Bar, Yaseen was employed as a Senior Associate at Clayton Utz, and also worked at Allens Arthur Robinson.

Recent Cases

Selected recent cases in which Yaseen has appeared include:

Appeals (High Court, Full Court of the Federal Court, Court of Appeal)

- *CFMEU v Anglo American Metallurgical Coal Pty Ltd* [2017] FCAFC 123 (unled; judicial review; industrial)
- *LCM Litigation Fund Pty Ltd v Coope* [2017] NSWCA 200 (led by Mr A J L Bannon SC; contempt of court)
- *Miller Heiman Pty Ltd v Sales Principles Pty Ltd* [2017] NSWCA 106 (led by Mr B Coles QC; conventional estoppel)
- *Muliri v The Queen* [2016] HCASL 349 (led by Ms W Abraham QC; adducing fresh evidence on appeal)
- *Azam v Idameneo (No 123) Pty Ltd & Ors* [2016] HCATrans 143 (led by Mr J West QC; debt, penalty doctrine)
- *ResMed Limited v Australian Manufacturing Workers' Union (AMWU) (No 2)* [2017] FCAFC 14 (led by Mr A Moses SC; registered organisations and judicial review)
- *Cushman & Wakefield (NSW) Pty Ltd v Farrell* [2017] NSWCA 24 (leading Ms J Williams; employment contract; principles of interpretation)
- *State of New South Wales v Chapman-Davis* [2016] NSWCA 237 (led by Mr A Moses SC; employment and industrial law, statutory interpretation)
- *Coope v LCM Litigation Fund Pty Ltd* [2016] NSWCA 37 (led by Mr J Clarke SC; fiduciary and director's duties, employment, damages)
- *Zader v Truck Moves Australia Pty Ltd* [2016] FCAFC 83 (unled; award and statutory interpretation)
- *National Road Transport Association Ltd v Road Safety Remuneration Tribunal* [2016] FCAFC 56 (unled; judicial review and stay of tribunal proceedings)
- *Westpac Banking Corporation v Wittenberg* (2016) 330 ALR 476 (led by Mr J Sheahan QC; employment, trade practices, negligence)
- *Kaizen Hospitals (Essendon) Pty Ltd & Ors v Australian Nursing and Midwifery Federation & Ors*

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[2015] HCATrans 180 (led by Mr A Moses SC; application for special leave)

- *Auzcare Pty Ltd v Idameneo (No 123) Pty Ltd* [2015] NSWCA 412; *Auzcare Pty Ltd v Idameneo (No 123) Pty Ltd* (2015) 91 NSWLR 581 (leading Ms J Alderson; debt, penalty doctrine)
- *ResMed Ltd v Australian Manufacturing Workers Union* [2015] FCAFC 195 (led by Mr A Moses SC; industrial law, statutory interpretation, judicial review)
- *Australian Chamber of Commerce and Industry v Australian Council of Trade Unions* (2015) 234 FCR 70 (leading Mr T Kane; industrial law, statutory interpretation)
- *C v Commonwealth* (2015) 234 FCR 81 (led by Dr J Renwick SC; discrimination and human rights, military, statutory interpretation)
- *Resmed Limited v Australian Manufacturing Workers' Union* (2015) 232 FCR 152 (led by Mr R Kenzie QC; industrial law, recusal and bias, judicial review)
- *Centennial Northern Mining Services Pty Ltd v Construction, Forestry, Mining and Energy Union* (2015) 231 FCR 298 (led by Mr J Kirk SC; industrial law, statutory interpretation)
- *Toms v Harbour City Ferries Pty Ltd* (2015) 229 FCR 537 (led by S Wood QC; industrial law, judicial review)
- *Baker v Patrick Projects Pty Ltd* [2014] FCAFC 165 (unled; industrial law, judicial review)
- *Sparke v Hay* [2014] NSWCA 318 (unled; industrial law, judicial review)
- *United Voice v Restaurant and Catering Association of Victoria* [2014] FCAFC 121 (led by Mr H Dixon SC; industrial law, statutory interpretation, judicial review)
- *Rundle v R* [2013] NSWCCA 200 (led by P McDonald SC; conviction appeal on s178BB(1) of the Crimes Act, Westpoint litigation)
- *Informax International Pty Ltd v Clarius Group Limited* [2012] FCAFC 165 (led by A Moses SC; independent contractors, restraint of trade, statutory interpretation)
- *Pearson v HRX Holdings Pty Ltd* [2012] FCAFC 111 (led by P Braham SC; restraint of trade)
- *Comcare v Post Logistics Australasia Pty Limited* [2012] FCAFC 168 (led by A Moses SC; workplace safety)

Restraint of Trade Litigation

- *Monash IVF Pty Ltd v Dr Lynne Burmeister* [2017] NSWSC 903 (led by Mr A Sullivan QC; restraint of trade)

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- *Pryse v Clark* [2017] NSWSC 185 (led by B W Walker SC; restraint of trade; partnership agreement; application for interlocutory injunction)
 - *LCM Litigation Fund Pty Ltd v Coope* [2016] NSWSC 1221 (leading Ms V Bulut; contempt proceedings for alleged breach of restraint of trade undertakings)
 - *DP World Sydney Ltd v Guy* [2016] NSWSC 1072 (leading Ms V Bulut; restraint of trade)
 - *Fairfax Media Management Pty Ltd v Harrison* [2014] NSWSC 470 (led by Dr A Bell SC and R Goot SC; restraint of trade)
 - *HRX Pty Ltd v Scott* [2013] NSWSC 451 (led by Mr P Braham SC; restraint of trade, third party costs orders)
 - *Pet Tech Pty Ltd v Batson* [2013] NSWSC 1954 (unled; restraint of trade, confidential information)

General Commercial, Corporations & Other Matters

- *Olson v Keefe (No 2)* [2017] FAC 1168
- *Peterson Superannuation Fund Pty Ltd v Bank of Queensland Limited & Anor* [2017] FCA 699
- *Akea Limited v Paltar Petroleum Limited* [2017] NSWSC 319 (led by Mr P Braham SC; misleading and deceptive conduct; application to file further summons)
- *Olson v Keefe* [2017] FCA 101 (unled; service outside of jurisdiction, alleged breaches of fiduciary duty and whistle blower provisions of Corporations Act; employment)
- *Young v Hughes Trueman Pty Ltd (No 2)* [2017] FCA; *Young v Hughes Trueman Pty Ltd (No 3)* [2017] FCA 235 87 (unled; adjournment application in proceedings for costs orders against legal representatives)
- *LCM Litigation Fund Pty Ltd v Coope* [2015] NSWSC 992 (led by Mr J Clarke SC; fiduciary and director's duties, employment)
- *Roulstone v New South Wales Bar Association (No 2)* [2015] NSWSC 1869 (2 December 2015); *Roulstone v New South Wales Bar Association* [2015] NSWSC 1749 (led by Mr A Stewart SC; professional disciplinary matter)
- *Australian Parking and Revenue Control Pty Ltd v Reino International Pty Ltd* [2016] FCA 744 (unled; strike out application involving claims under ACL)

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- *Murphy v Westpac Banking Corporation* (No 2) [2015] FCA 266 (led by Mr D Pritchard SC; costs)
 - *Idameneo (No 789) Limited v Christopher Brownlow; Idameneo (No 789) Limited v Carol Davenport* [2014] NSWSC 1742 (led by Mr J Clarke SC)
 - *Australian Securities and Investments Commission v Camelot Derivatives Pty Limited (In Liquidation); In the Matter of Camelot Derivatives Pty Limited (In Liquidation)* [2012] FCA 414

Criminal and regulatory prosecutions:

- *Commonwealth Director of Public Prosecutions v Alameddine* [2017] NSWLC 7 (counter terrorism; committal proceedings led by Mr P McGuire SC)
- *Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining And Energy Union & Ors (No.2)* [2016] FCCA 3322 (led by Mr M White SC; prosecution in respect of unlawful industrial action)
- *Fair Work Ombudsman v Northcoast Security Services Group Pty Ltd & Anor* [2016] FCCA 2499 (leading Ms V Bulut; contravention of modern award; application to file amended application and statement of claim)
- *Safe Work NSW v Essential Energy P/L* [2016] NSWDC 219 (unled; work health and safety)
- *Fair Work Ombudsman v Grouped Property Services Pty Ltd* [2016] FCA 1034 (unled; prosecution in respect of underpayment of statutory award and entitlements)
- *Director, Fair Work Building Industry Inspectorate v Foxville Projects Group Pty Ltd* [2015] FCA 492 (unled; prosecution; underpayment and entitlements)
- *Fair Work Ombudsman v Crystal Car Wash Cafe Pty Ltd & Ors* [2014] FCA 827 (unled; prosecution in respect of underpayment of minimum rates; civil penalty provisions)
- *DP World Sydney Limited v Maritime Union of Australia (No 2)* [2014] FCA 596 (unled; prosecution in respect of unlawful industrial action)
- A range of prosecutions for Commonwealth Director of Public Prosecutions in District and Local Courts

Employment Litigation (Federal Court, Supreme Court, Federal Circuit Court, District Court)

- *Construction, Forestry, Mining and Energy Union v De Martin and Gasparini Pty Ltd (No 2)* [2017] FCA 1046 (led by Mr M S White SC; industrial law)
- *Salby v Macquarie University* [2017] FCA; *Salby v Macquarie University & Anor* [2016] FCCA 3 67 (unled; taking of adverse action; denial of reasonable opportunity to be heard)
- *Nalbandian v Commonwealth of Australia* [2017] FCA 45 (leading Mr T Kane; deed of agreement, discrimination law;)
- *Maritime Union of Australia v Qube No 1 Pty Ltd* [2017] SAIRC 5 (unled; redundancy)

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- *Kennedy v Secretary, Department of Industry* [2016] FCA 485 (unled; unfair dismissal, judicial review)
 - *Eliezer v University of Sydney* [2015] FCA 1045 (unled; discrimination law, strike out)
 - *Centennial Northern Mining Services Pty Ltd v Construction, Forestry, Mining and Energy Union (No 2)* [2015] FCA 136 (led by Mr J Kirk SC; redundancy; annual leave payout)
 - *Ram v D&D Indian Fine Food Pty Ltd & Anor* [2015] FCCA 389 (leading Ms J A Williams; underpayment, 457 visa)
 - *The Maritime Union of Australia v Patrick Stevedores Holdings Pty Limited* [2015] FWCFB 4994 (unled; enterprise agreement)

Industrial Disputes & Matters (Industrial Tribunals)

- *CPSU, the Community and Public Sector Union* [2016] FWC 2615 (unled; bargaining; employing authority)
- *Construction, Forestry, Mining and Energy Union v LCR Group Pty Ltd* [2016] FWCFB 916 (unled; recusal application; communication with parties in extant proceedings)
- “*Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*” known as the *Australian Manufacturing Workers’ Union (AMWU)* [2016] FWCFB 1131 (unled; interlocutory relief; application for stay of proceedings)
- *Transport Workers’ Union of Australia v Linfox Australia Pty Ltd* [2016] FWCFB 443 (unled; APM Agreements)
- *Essential Energy v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia & Australian Municipal, Administrative, Clerical and Services Union and Another* [2015] FWC 6931(led by Mr H Dixon SC; enterprise agreement and the NES)
- *McIntyre v Special Broadcasting Services Corporation* [2015] FWC 6768 (led by Mr A Moses SC; unlawful termination, jurisdiction)
- *Singh v Australian Taxation Office* [2015] FWCFB 5258 (unled; unfair dismissal; refusal of reinstatement)
- *Application by Australian Maritime Officers’ Union, The* [2015] FWC 5127 (unled; Enterprise Agreement, interim order)

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- *Maritime Union of Australia, The v Port Waratah Coal Services Limited* [2015] FWC 1462 (unled; enterprise agreement)
 - *CPSU, the Community and Public Sector Union v Airservices Australia & Murphy and Another* [2015] FWC 990 (unled; enterprise agreement, work performance framework)

Employment (Industrial Tribunals)

- *Tredinnick v Commissioner of Police* [2016] NSWIRComm 14 (led by Mr M Kimber SC; industrial law, unfair dismissal)
- *Mt Arthur Coal Pty Ltd v Goodall* [2016] FWCFB 5492; *Goodall v Mt Arthur Coal Pty Ltd* [2016] FWC 4129 (unled; unfair dismissal, discrimination by employee)
- *CNK v University of Newcastle* [2016] NSWCATAD 177 (unled, disability discrimination)
- *Hudson v Commissioner of Police* [2016] NSWIRComm 1031 (unled, unfair dismissal)
- *Dadour v University of Western Australia* [2016] FWC 2969 (unled; unfair dismissal, serious misconduct)
- *Tan v Australian Broadcasting Corporation* [2016] FWCFB 2814 (unled; unfair dismissal appeal)
- *Pace v State of New South Wales & Ors* [2015] NSWIC 7 (unled; powers of Industrial Court to exercise powers of Industrial Commission, notices to produce)
- *Asciano Pty Ltd v Hadfield* [2015] FWCFB 2618 (unled; unfair dismissal, self representation)
- *Conlon v Asciano* [2014] FWC 2127 (unled; unfair dismissal)
- *Dr A v Health District (No 2)* [2014] NSWIRComm 50 (led by Mr A Moses SC; dismissal for alleged misconduct, non-disclosure order)
- *The NSW Bar Association v McAuliffe; The Australian Tax Office* [2014] FWCFB 1663 (led by Mr A Moses SC; unfair dismissal, appeal representation by legal counsel)
- *Livingstones Australia v ICF (Australia) Pty Ltd* [2014] FWCFB 1276 (unled; unfair dismissal, costs application against representative)

Other Notable Appeals

- *Keays v J P Morgan Administrative Services Australia Limited* [2012] FCAFC 100 (led by J T Gleeson)

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SC; employment and trade practices)

- *The GEO Group Australia Pty Limited t/as Jonee Correctional Centre v WorkCover Authority of New South Wales* [2012] NSWCA 150 (led by A Moses SC; workplace safety, judicial review)
- *Sidameneo (No 456) Pty Ltd v Alexander* [2011] NSWCA 418 (led by A Moses SC; restraint of trade)
- *Coal & Allied Mining Services Pty Ltd v Lawler* [2011] FCAFC 54 (led by G Hatcher SC; industrial law, judicial review)
- *Hanna v OAMPS Insurance Brokers Ltd (ACN 005 543 920)* [2010] NSWCA 267 (led by A Moses SC; restraint of trade)
- *Sydney Ferries v Morton* [2010] NSWCA 156 (led by A Moses SC; employment, judicial review)

Other Notable Cases

- *SBA Music Pty Ltd v Hall (No 3)* [2015] FCA 1079 (led by Mr A Moses SC; breach of fiduciary duties; statutory duties of officers and directors)
- *HRX Holdings Pty Ltd v Pearson* [2012] FCA 161
- *Crowe Horwath Sydney Pty Ltd v Mark Purtil & Anor* [2012] NSWSC 1038 (unled; restraint of trade discovery)
- *Willis Australia Group Services Pty Ltd v Griggs* [2012] NSWSC 659 (led by A Moses SC; restraint of trade)
- *Symbion Medical Centre v Alexander* [2010] NSWSC 1047 (led by A Moses SC; restraint of trade)
- *Vaughan Constructions Pty Ltd v Alan Luong* [2008] NSWSC 1033 (unled; confidential information and privilege)

Inquiries / Inquests

- Operation Spicer, ICAC
- Coronial Inquests into Workplace Fatalities

Memberships and Activities

- Professional Conduct Committee of the NSW Bar Association (2010-)
- Director, Counsel Chambers Limited (2013-)
- Secretary, Industrial Law Section of the NSW Bar Association (2017-)

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