

IAN NEIL SC

Senior Counsel 2006 | Call to the Bar 1991 | Legal Practice 1985

EXPERIENCE

A silk since 2006, Mr Neil SC works with leading law firms throughout Australia for clients in mining and resources, building and construction, banking and finance, industry, and government.

The principal focus of Mr Neil's practice is employment and industrial law, including work health and safety. He appears regularly in such matters in the High Court; the Full Federal Court; the Federal Court; the Supreme Courts of New South Wales, Queensland, and Western Australia; and before Full Benches of the Fair Work Commission.

Mr Neil has been involved as counsel in many of the most significant recent cases in employment and industrial law, such as *WorkPac Pty Ltd v Rossato* (2021) 271 CLR 468 and (2020) 278 FCR 179, *CFMMEU v Mt Arthur Coal Pty Ltd* [2021] FWCFB 3, *CEPU v Delta FM Australia Pty Ltd* (2021) 308 IR 94, *Berkeley Challenge Pty Ltd v United Voice* (2020) 279 FCR 249, *One Key Workforce Pty Ltd v CFMEU* (2018) 262 FCR 527, and *CFMEU v BHP Billiton Nickel West Pty Ltd* (2017) 263 IR 67. His clients include BHP Billiton Ltd, Woodside Petroleum Ltd, Santos Ltd, Compass Group Ltd, Spotless Group Ltd, and NSW Trains.

In the field of work health and safety, Mr Neil has recently appeared in cases involving safety and vaccination, such as the leading test case on that question, *CFMMEU v Mt Arthur Coal Pty Ltd* [2021] FWCFB 3, and in the High Court in *SafeWork NSW v Grasso Consulting Engineers Pty Ltd* [2022] HCATrans 132.

Mr Neil also practices in crime. In 2022 he appeared for the defendant in a three month defended trial before a jury, which resulted in the discharge of the jury without a verdict. He has appeared in criminal appeals before the High Court and the New South Wales Court of Criminal Appeal.

Mr Neil also appears frequently in commissions, inquiries and inquests. Many have concerned significant safety incidents, such as the Special Commissions of Inquiry into the Glenbrook and Waterfall Rail Accidents. He was a Counsel Assisting the Royal Commission into the Building and Construction Industry, with special responsibility for investigating safety in the industry. He appeared for the Prime Minister and Minister for Foreign Affairs in the UN Royal Commission into the UN Oil-For-Food Programme, and for parties being investigated by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the Royal Commission into Institutional Responses to Child Sexual Abuse, and the Independent Commission against Corruption's Operation Aero.

Mr Neil also has a wide appellate, commercial, equity and administrative law practice in every jurisdiction in Australia, and appears in and conducts mediations and arbitrations in Australia, Hong Kong, and in the London Beth Din.

Mr Neil teaches advocacy as a senior instructor for the Australian Advocacy Institute, and the Australian and NSW Bar Associations. He also mentors new barristers, serves on the NSW Bar Association's Duty Barrister Scheme, and regularly takes pro bono work.

Mr Neil is widely published. He is a co-author of *The Modern Contract of Employment*, the 3rd edition of which was published in 2023. It is now the leading Australian text on the common law of employment.

Outside his legal practice, Mr Neil SC is the Chair of the Board of Grameen Australia, and a director of the Marrickville Legal Centre and of Art Month Sydney.

AREAS OF PRACTICE

Employment Law | Industrial Law | Work Health and Safety | Administrative Law | Appellate
| Commissions and Inquiries | Commercial Law | Criminal Law | Discrimination

SELECTED PUBLICATIONS & SEMINARS

‘Set-off in underpayment actions’ (A Conversation on Current Issues in the Practice of Employment & Industrial Law Webinar, Federal Court of Australia, 3 December 2020) (with Yaseen Shariff SC)

‘Guide to the JobKeeper Scheme’ (webinar, NSW Bar Association, 12 May 2020) (with David Chin SC and Christopher Parkin)

Guide to the JobKeeper Scheme – Employment in the time of COVID-19 (4th version, May 2020) (with David Chin SC and Christopher Parkin)

‘Employee Rights in the Age of COVID-19’ (webinar, NSW Society of Labor Lawyers, 22 April 2020) (with David Chin SC and Christopher Parkin)

‘Guide to the JobKeeper Scheme – Employment in time of COVID-19’ (webinar, Australian Labour Law Association NSW Chapter, 20 April 2020) (with David Chin SC and Christopher Parkin)

‘Unlawful Industrial Action’ (workshop, Mills Oakley, 13 March 2020)

‘Chalk and Cheese, or Why Gig Economy Workers are not Employees’ (CLS Law, Technology and Labour Symposium, Curtin Law School, 12 March 2020)

‘The Reasonableness of Restraints’ (2018) 46 *Australian Business Law Review* 99 (with Nicholas Saady)

The Modern Contract of Employment (Thomson Reuters, 3rd ed, 2023) (with David Chin SC and Christopher Parkin)

‘High Court yet to resolve differences regarding Mutual Trust and Confidence’ (2010) 48(4) *Law Society Journal*, 70 (with David Chin SC)

MEMBERSHIPS

NSW Bar Association | Bar Association of Queensland | Western Australia Bar Association | Australian Labour Law Association | Industrial Relations Society of Western Australia | Anglo-Australasian Lawyers Society | Marrickville Legal Centre | Union, University & Schools Club of Sydney | The Cricketers’ Club of New South Wales | Sydney Cricket Ground | Amnesty International | Capital Punishment Justice Project | Vaucluse Yacht Club | The Cauliflower Club | South West Coast Path Association