

Larissa Andelman

Barrister



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BARRISTERS

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Larissa Andelman specialises in workplace litigation and provides strategic advice in industrial, contractual and discrimination law. She has particular experience in industrial regulation, discrimination, termination disputes, contract of employment and advising on workplace policies. She also conducts investigations and mediations. She appears for employees, employers, Unions and Governments.

She focuses in particular on a practice that is thorough and thoughtful with an approach which is inclusive, calm and measured. She has a caring approach which is focused on achieving the best interests of the client. She is skilled in adversarial and mediation advocacy.

Larissa has a technical background and is practiced at dealing with complex litigation involving questions of jurisdiction, urgent injunctions, privileges, pleadings and remedies.

Her practice in workplace law intercepts with and complements other areas of litigation, including defamation and administrative and judicial review such as professional standards and working with children clearances.

Larissa regularly appears in state and federal tribunals as well as the Federal Court, Federal Circuit Court and the Supreme Court of NSW. Larissa has appeared led in the High Court and the Court of Appeal.

She holds a masters of law from the University of New South Wales where her specialisation was commercial law and a masters of commerce from the University of Wollongong where her specialisation was constitutional constraints on federal industrial relations regulation.

Larissa is a strong supporter of gender equality and is currently President of Women Lawyers Association of NSW. Her hobbies and interests include being with family, growing vegetables and reading.

Professional details

Admitted to practice:	2003
Signed NSW Bar Roll:	1 May 2012 (Signed Victorian Bar roll May 2006)
Qualifications:	LLM (UNSW), MCom (UOW), BCom (UOW), DL (LPAB)
Previous positions:	Senior Solicitor Fair Work Ombudsman (2009 - 2012) Barrister at Victorian Bar (2006 - 2008) Solicitor, Community & Public Sector Union (2005 - 2006) Assistant Secretary, Telecommunications Division Community & Public Sector Union (2002 - 2004)

Notable cases

Bluescope Steel (AIS) Pty Ltd v Australian Workers' Union [2019] FCAFC 84. Appeared for the respondent. The case dealt with requirements to make superannuation contributions on ordinary time earnings.

Minister for Immigration and Border Protection v SZVFW (2018) 357 ALR 408. Appeared for the respondent in a case dealing with legal unreasonableness, role of court on appeal as to final and discretionary decisions.

Hill v Compass Ten [2012] FCA 761, **Hill v Compass Ten (No.2)** [2012] FCA 815, **Hill v Compass Ten (No. 3)**[2012] FCA 993. Appeared for the respondent in proceedings which was an early consideration of the general protection provisions in the *Fair Work Act 2009*.

BKE v Children's Guardian [2015] NSWSC 523 Appeared for the appellant in a leading authority on working with children clearance jurisdiction.

Recent cases

- **Stoltenberg v Bolton; Loder v Bolton** [2020] NSWCA 45 and [2018] NSWSC 1518 – defamation, appeals, secondary participant in publications, Facebook comment. Led by Potter R for Loder.
- **Edgar v Norton Rose Fulbright Australia Services Pty Ltd & Ors** [2019] FCCA 1868; **Edgar v Norton Rose Fulbright Australia Services Pty Ltd & Ors (No 2)** [2020] FCCA 520 – Fair Work proceedings, pleadings, strike out.
- **Children's Guardian v CXZ** [2019] NSWSC 1083 – working with children checks, judicial review, assessment of risk.
- **McAlister v Yara Australia Pty Ltd** [2019] FCCA 2013 – Fair Work proceedings, Notice to Produce, discovery.
- **Francois v Industrial Relations Secretary (Department of Corrective Services)** [2019] NSWIRComm 1058 – jurisdiction of NSWIRC, disciplinary appeal.
- **Health Care Commission v Moses** [2019] NSWCATOD 64; **Health Care Commission v Moses (No 2)** [2019] NSWCATOD 190 – professional standards, health professional; professional misconduct.
- **Australian Workers Union v BlueScope Steel and Anor** (2018) 278 IR 170 – statutory interpretation, industrial law, superannuation.
- **South32 v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Illawarra Coal Holdings Pty Ltd** [2018] FWCFB 6562 – industrial law, interpretation of enterprise agreement.
- **Griffiths v Hanselmann** [2018] FCCA 1374 – contraventions of *Fair Work Act* and Long Service Leave Act.
- **Juliet Buenaobra v Anwar Alesi** [2018] FWC 4311 – unfair dismissal.
- **McWhirter & Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Endeavour Energy** [2017] FWCFB 4493 – industrial law, interpretation of enterprise agreement.
- **Dezfouli v Justice Health and Forensic Mental Health Network (No 9)** [2018] NSWCATAD 170.
- **DAR v Children's Guardian** [2018] NSWSC 942 – working with children check, judicial review, procedural fairness.
- **Clancy, in the matter of an application for an inquiry in relation to an election for offices in the Australian Nursing and Midwifery Federation** [2017] FCA 460.

- *McAlister v Yara Australia Pty Ltd* [2017] FCCA 332 – Fair Work proceedings, strike-out, pleadings.
- *Dissanayake and State Transit Authority of NSW* [2016] NSWIRComm 1010 – Unfair dismissal appeal.
- *Prajapati v Narshima Trading & Anor* [2017] FCA 1563 – contract of employment, intentions.
- *Health Care Complaints Commission v Sheldrick* [2016] NSWCATOD 105; *Health Care Complaints Commission v Sheldrick (No 2)* [2017] NSWCATOD 24 – professional conduct.
- *Minister for Immigration and Border Protection v SZVFW* [2017] FCAFC 33; (2016) 311 FLR 459 – administrative law, migration.
- *McGuire v The Entrance Lake House & Anor* NCAT 1610171 [2016] Discrimination, sexual harassment.
- *Equal Remuneration Decision 2015* [2015] FWCFB 8200, led by Taylor I SC.
- *Monti v Fairfax Media Publications Pty Ltd* [2015] FCCA 1633. Led by Evatt C. Copyright.
- *SZQGC v Minister for Immigration and Citizenship* [2012] FCA 598 – administrative law.
- *SZTGS V Minister for Immigration and Border Protection* [2014] FCA 908 – administrative law.
- *Maiocchi v Royal Australian & New Zealand College of Psychiatrists and Ors* [2013] FCA 1046.
- *Duma v Mader International* (2007) VCAT 2288. Disability discrimination.

Recent Publications

Employment Law: Law Handbook 13th, 14th and 15th editions Redfern Publishing House 2017-2020

Practical Law: Thompson & Reuters 2018

Claiming the “penalty privilege” in Fair Work Proceedings - Law Society of NSW Journal May 2015

Penalties for breaches of the Fair Work Act skyrocket Victorian Law Journal 2014

Bullying Provisions in the Fair Work Act in HR Magazine 2013

Seminars and lecturing

Sessional Lecturer in the Faculty of Law at the University of New South Wales, she has taught Civil Procedure and Alternative Dispute Resolution in the graduate programme. Larissa regularly presents lectures and seminars on discrimination and industrial law