

# CURRICULUM VITAE

## Miles Foran

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### Qualifications

Juris Doctor (Hons 1), University of New South Wales	2011
Bachelor of Economics, University of Sydney	2008

### Admissions

Barrister, NSW	May 2019
Solicitor, NSW	Dec 2012

### Professional experience

Barrister, 5 Wentworth	2020 – present
Barrister, 13 <sup>th</sup> Floor St James Hall	2019 - 2020
Lawyer, Gilbert + Tobin	2017-2019
Senior Associate and Associate, Minter Ellison	2014-2017
Lawyer, Gilbert + Tobin	2012-2014

### Selected cases

### Discrimination

- *Jennifer Grace De Jongh V Christopher Semsarian & Ors* Federal Court NSD135/2024 – acting for NSW Government in case concerning alleged sexual harassment.
- *Hennessy v Secretary, Department of Communities and Justice* [2024] NSWCATAD 269 – acting for Secretary, alleged family responsibilities discrimination.
- *Kimberley Pearn, Katherine Zahrooni v Catholic Schools Parramatta Diocese Ltd* [2023] FWC 3039 – Acting for Catholic Schools in dispute under Enterprise Agreement concerning alleged discriminatory operation of term of the EA.
- *EWU20 v Commonwealth and Serco* – Federal Court (led by Michael Seck) (settled) – acting for the applicant in disability discrimination proceedings concerning use of handcuffs in immigration detention (services).
- *Huynh Bich Thuy (Lisa) Dang v The Star Pty Ltd* – NCAT proceedings 2022/00377314 – acting for the respondent in case concerning refusal to revoke order excluding applicant from casino.
- *Waugh v Feledyk & DCJ* [2022] NSWCATAD 205 – acting for Department of Communities and Justice – leave refused for sex discrimination and sexual harassment claim in employment.
- *Taupau v Loumbos Exports* SYG2055/2020 (led by Elizabeth Raper SC) (settled) – acting for respondent in case concerning alleged race, sex, disability and age discrimination in employment.

### General protections

- *Patricia Stokes v The Australian Traffic Network* – Federal Court NSD362/2023 (led by Kate Eastman SC) (settled) – acting for respondent in claim concerning adverse action for complaint or inquiry, breach of contract.
- *Thinh Nguyen v Optus Administration* – Federal Court SAD 141/2022 (settled) – acting for respondent in case concerning complaint or inquiry, vaccine mandates.
- *Matthew Morrish v 2XM Projects & Ors* (settled) – Federal Circuit and Family Court SYG767/2022 – acting for applicant in case concerning complaint or inquiry, redundancy.
- *Matthew Landers v Fulton Hogan Pty Ltd* – Federal Circuit and Family Court SYG1552/2022 (settled) – acting for applicant in case concerning complaint or inquiry, redundancy, long service leave.
- *Ratnam v Novlan and Ors* SYG1951/2021 (settled) – acting for respondent in case concerning complaint or inquiry, safe workplace term.
- *Efthimia Barber v Greyhound Social Club Ltd & Ors* (settled) – acting for respondent in case concerning complaint or inquiry and underpayment.

#### **Civil penalty/underpayments**

- *United Workers Union v Lite & Easy* Federal Court SYG142/2023 (led by Jamie Darams SC) (settled) – alleged underpayment of break times under Enterprise Agreement.
- *Euro Car Parts Pty Ltd v Cannon* [2024] FCA 828 – appeal of decision of Industrial Magistrate concerning proper operation of s. 323 of the *Fair Work Act 2009* (Cth)
- *State of New South Wales v The Broken Hill Town Employees' Union on behalf of employees* [2022] NSWSC 51; [2022] NSWSC 961 – acting for NSW Health parties in representative proceedings concerning alleged underpayments under unregistered industrial instrument; accord and satisfaction.
- *Australian Nursing and Midwifery Federation New South Wales Branch v Achieve Australia Limited* – Federal Court NSD392/2022 (settled) – acting for respondent in case concerning alleged underpayments under copied State Awards.
- *Kerry Seaton v Namoi Logistics Pty Limited* – Federal Circuit Court – SYG 2707/2019 (settled) – acting for applicant in underpayment case regarding payments rates under the *Road Transport Award* and *Road Transport (Long Distance Operations) Award*.
- *Denis Leftakis v Habib Turk & Ors* NSD635/2021 (settled) – acting for respondent in Federal Court proceedings concerning underpayment and casual conversion under *Pharmacy Award*.

#### **Unfair dismissal**

- *Mishek Muza v Costco* [2025] FWC 252 – acting for Costco, employee terminated due to lack of working visa.
- *Christopher Ross v Australian Postal Corporation* [2024] FWCFB 350 – acting for Australia Post in appeal concerning various interlocutory decisions.
- *Khan v Industrial Relations Secretary in respect of the Department of Communities and Justice* [2023] NSWIRComm 1084 – acting for Secretary, casual employment, jurisdictional objection

- *Morgan Conroy v Optus Administration Pty Ltd* [2023] FWC 2341 – acting for Optus, resignation or constructive dismissal
- *John v Health Secretary in respect of the Ambulance Service of NSW* [2023] NSWIRComm 1073 – Unfair dismissal – paramedic attended anti-lockdown protest – livestreamed event and made commentary critical of lockdown, NSW Police, members of the public and COVID-19 vaccines.
- *Suzie Cheikho v Insurance Australia Group Services Limited* [2023] FWC 1792 – acting for respondent in case concerning misconduct by not working, unsatisfactory performance.
- *Pilcer v Acquire BPO Pty Ltd* [2020] FWC 6502 – acting for respondent in jurisdictional objection, genuine redundancy.
- *Jonathan Barber-Fleming v Billi Australia Pty Ltd T/A Billi Australia* [2020] FWC 6029 – acting for respondent in case concerning misconduct involving misuse of company credit card, valid reason for dismissal.

#### **Industrial/other**

- *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 (Workers Compensation Top-Up)* [2022] NSWIRComm 1080 (led by David Chin SC) – acting for Union before Full Bench of the Industrial Relations Commission concerning Award variation to include sick leave top up of workers compensation payments.
- *Chris Crole v Commonwealth Of Australia as represented by the Department of Defence* [2022] FWC 2694 – acting for the Commonwealth – whether matters arising under the Agreement – whether dispute resolution process followed – right of review under the *Public Service Act 1999*.
- *Australian Salaried Medical Officers' Federation (NSW) v The Secretary, NSW Health (No 1)* [2021] NSWIRComm 1047 (led by Michael Seck) – acting for the Secretary in industrial dispute regarding variation of definitions in Medical Officers Award – jurisdictional hearing concerning 2.5% wages cap.
- *Australian Salaried Medical Officers' Federation (NSW) v The Secretary, NSW Health* IRC 00254446 of 2019 (assisting Michael Seck) (settled) – application to vary Award classification structure for medical administration trainees.

#### **Restraints of trade/confidential information**

- *Heart Care Partners Pty Ltd (ACN 111 296 201) v Dr Stephen Vincent Cox Federal Court* QUD187/2024 (settled) – acting for former employer of cardiologist in case concerning damages for alleged breach of contract, equitable duties and Corporations Act.
- *Rizing Holding LLC and ors v Michael Ellis and ors* NSW Supreme Court 2022/00152541 (led by Michael Seck) (settled) – acting for plaintiff US Software company concerning post-employment restraints.
- *PSK Business Services v Groat and Vico* NSW Supreme Court 2022/135960 (settled) – acting for defendants in financial planning industry concerning post-employment non solicitation provisions.
- *Monash IVF Pty Limited v S Giltrap* NSW Supreme Court 2021/247364 (led by Greg Waugh SC) (settled) – acting for defendant that plaintiff sought to restrain from starting competitor business.

- *Blugibbon v Gates* NSW Supreme Court 2021/00146416 (settled) – acting for employer in medical recruitment industry seeking injunction preventing use or disclosure of confidential information.
- *Sonic Clinical Trials v Gayagay* NSW Supreme Court 2020/00087504 (settled) – acting for ex-employee in injunction proceedings concerning confidential information.
- *Halal Certification Authority Pty Ltd ACN 068275203 v Ola Mohamed Abdelkader ALY & Another* NSW Supreme Court 2019/12035 - contempt proceedings arising for execution of search order – costs where no determination of issues on the merits.

### **Commercial/equity**

- *Flip Out Thornton v Flip Out Area Franchises* – (led by Jason Lazarus SC) – acting for franchisor in misleading and deceptive conduct / breach of contract in Supreme Court commercial list.
- *Glenn v Kemp* [2021] NSWDC 656; [2022] NSWSC 551 – ownership of dog, cross vesting, equitable jurisdiction of District Court.
- *Gardos v Kiama Municipal Council* Supreme Court of NSW proceedings 2019/399266 (settled) – acting for the Council in proceedings regarding specific performance of deed to dedicate land for use as a road.
- *The Estate of Wendy Gwynne Price; Lanigan v Price* (No. 2) [2020] NSWSC 1518 – dispute concerning the administration of the estate and whether the plaintiff executors failed to perform their duty to administer the estate according to law.