

## Mr Anthony Lynton Howell

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HB Higgins Chambers  
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Sydney, NSW, 2000

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### Relevant Professional Experience

**Barrister at Law**  
**HB Higgins Chambers**  
**Elizabeth Street, Sydney, New South Wales**  
**May 2012 – current.**

HB Higgins Chambers is a small chambers of barristers working from Elizabeth Street, Sydney, specialising in industrial/workplace relations law, employment law, occupational health and safety law, criminal law and administrative law. My practice (whilst of course still developing) to date has largely consisted of employment and discrimination matters, but has included matters under the *Building and Construction Industry Security of Payment Act 1999*, migration and administrative law. I hope to develop a multifaceted practice embracing administrative law and crime, with a continuing emphasis on employment, occupational health and safety, and workplace relations law.

**Police Association of New South Wales**  
**Elizabeth Street, Sydney, New South Wales**  
**April 2007 – May 2012**  
**In-House Counsel**

The Police Association of New South Wales is a trade union registered in New South Wales (and constitutes the NSW Branch of the federally registered Police Federation of Australia), with exclusive coverage of sworn police officers. The Association has always provided significant legal assistance to its members, largely through the use of a panel of private solicitors. In 2007 the Association decided to develop and in-house capacity to deliver legal services and assistance to its membership. I had previously been the solicitor most centrally responsible for aspects of the Association's work in what was then a panel firm (Jones Staff & Co, now WG McNally Jones Staff & Co). I was approached to fill the role of In-House Counsel, and to structure and develop the practice. The practice grew to the point where I supervised four professional staff and two non-professional staff.

The role of In-House counsel encompassed all the elements one might expect from a traditional corporate counsel to an organisation such as the Association, including the provision of professional services, advice and advocacy to the union itself and its members on various matters centrally directed to professional discipline, workers compensation and death and disability entitlements, industrial and employment law, occupational health and safety law, human rights/discrimination law and the like. I was involved (either as instructor or advocate) in proceedings before Industrial Relations Commission of NSW (including the Court Session and Full Bench), the Court of Appeal, before the Anti-Discrimination Board and the Administrative Decisions Tribunal (NSW), the Human Rights and Equal Opportunity Commission and the Federal Magistrate's Court in various matters including the first arbitrated salary proceedings for police in more than 30 years, other award claims, industrial dispute proceedings, recovery of money and breach proceedings involving Awards, superannuation and disability claims, unfair dismissal and unfair contract proceedings, and occupational health and safety prosecutions.

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I also provide advice and representation to the Police Federation of Australia and the Association in a range of inquiries, most particularly the national inquiry that preceded the *Work Health and Safety Act* and complaints before the Police Integrity Commission.

**Australian Rail Tram and Bus Industry Union (National Office)**

Redfern, New South Wales

June 2006 – **April 2007**

**In-House Counsel**

The RTBU is the trade union registered federally under the *Fair Work (Registered Organisations) Act* and in each of the relevant State industrial relations systems, with principal coverage of the rail transport industry, and public sector bus services. The position of In-House Counsel was a newly created position in June 2006, developed to permit the union to deal with the complex and rapidly changing workplace relations environment in the post *Workchoices* era. My employment with the union had me involved in the full gamut of legal work typical of a federally registered organisation – the provision of employment, occupational health and safety and workplace relations advice to the Union and its members, representation of the Union and its members before both the NSW and Federal Industrial Relations Commissions, the Federal Magistrate's Court, and the negotiation and drafting of enterprise agreements.

**Jones Staff & Co Lawyers**

Sydney, New South Wales

January 2004 – **June 2006**

**Solicitor (Industrial Relations)**

Those with some history in public sector industrial relations in NSW would be well familiar with Jones Staff & Co's strong reputation as one of the few prominent industrial relations law firms in Sydney that specialised in doing work for employees and their unions. It has since merged with another firm and is now known as WG McNally Jones Staff & Co, operating from Elizabeth Street, Sydney. The principal clients are the Public Service Association and Professional Officers Association Amalgamated Union of New South Wales (the PSA), various branches of the Maritime Union of Australia, the Pharmacy Guild and the Police Association of New South Wales. For a number of years (including whilst I was with the firm) the firm were the solicitors for Unions NSW, and the Law Society of New South Wales (for their employment work). In addition the firm occasionally performed work on behalf of the AWU (NSW Branch), the FAAA, the ALAEA, the FSU (Commonwealth Bank Branch) and various other Unions.

Whilst at Jones Staff & Co I was the solicitor responsible for many proceedings in most jurisdictions in this State including the Industrial Relations Commission of NSW (including the Court Session and Full Bench), the Supreme Court (including the Court of Appeal), the Chief Industrial Magistrates Court, the Local Court (in contractual, tort and criminal proceedings), before the Anti-Discrimination Board and the Administrative Decisions Tribunal (NSW), the AIRC (single member and Full Bench proceedings), the Human Rights and Equal Opportunity Commission and the Federal Court, in various matters including certified agreement proceedings, award claims, industrial dispute proceedings, breach arguments involving Awards and certified agreements, unfair dismissal and unfair contract proceedings, occupational health and safety prosecutions (from both the prosecutor and defendant perspectives), recovery of money claims, and restraint of trade claims. I was instructed to provide advice on various statutory provisions, awards, contractual issues, Union rule issues, discrimination and OH&S related issues, to draft policy and research papers and to draft foreshadowed amendments to statutory provisions.

I was also the solicitor with carriage of proceedings on behalf of Unions NSW, the Queensland Council of Trade Unions and various other union entities in the *Workchoices* litigation before the High Court of Australia in 2005.

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In addition to the traditional solicitor's role of providing advice and basic representation, I acted in the capacity of advocate in significant industrial disputes on behalf of both the PSA and the Police Association before the Industrial Relations Commission, in OH&S prosecution proceedings, and in unfair dismissal and unfair contract proceedings.

### **Mid 2002 to December 2003**

Industrial Relations Commission of New South Wales

**Research Associate** to the Hon. Justice Lance Wright QC (President)

In this position I was privileged enough to work closely with Justice Lance Wright QC, an individual (albeit now semi-retired) widely regarded as one of the best legal minds in relation to industrial relations and workplace law more generally. Broadly stated, the position had three substantive elements: the maintenance of the database of Occupational Health and Safety prosecution judgments from the Commission on behalf of the Judicial Commission of New South Wales; in-depth legal research and the preparation of briefs of developments for the members of the appeal bench of the Commission and Commission in Court Session (now known as the NSW Industrial Court) and drafting various documents to assist the President in the performance of his duties.

The position required me to stay abreast of developments in industrial relations law and provided an excellent opportunity to liaise with one of the premier legal minds in this State.

### **Early 2000 to mid 2002**

Industrial Relations Commission of New South Wales

**Associate** and then **Research Associate** to the Hon. Justice Michael Walton, Vice-President.

Justice Walton originally approached me to come and work as a part of his Chambers whilst I was working for the Hon. Justice Glynn. I commenced in a job sharing role (three days per week) as his Honour's Associate. In that role I was generally responsible for the oversight of his Honour's Chambers, the supervision of his Honour's other staff and liaising with other Chambers. The position afforded me an excellent opportunity to expand the interaction with other members of the State Commission and its staff, and to become intimately familiar with the practice and procedure of the State Commission.

His Honour originally requested that I come to work for him as his Associate in order that he could expand the traditional Associate role so as to include legal research and drafting activities. His Honour was ultimately able to secure funding for a full-time research position. At the time I was completing in excess of a full-time student load in my legal studies and as such was not able to take up the full-time research role. After having spent approximately eight months working as his Honour's Associate, Justice Walton again asked if I would be interested in taking up the full-time position as his Research Associate (the holder of the position was called to the Bar and now also practices out of HB Higgins Chambers).

I worked in the capacity of his Honour's Research Associate for approximately eight months. This role afforded an excellent opportunity to expand my knowledge of the jurisprudence of the State Commission, its practices and internal workings. It afforded an excellent opportunity to research into and to compare and contrast the jurisprudence and practice of the State Commission with its counterparts in other States and the AIRC, and to work with one of the most personable and knowledgeable judges of the State Commission.

### **Early 1999 to Early 2000**

Industrial Relations Commission of New South Wales

**Tipstaff and Relieving Associate** to the then Hon. Justice Leonne Glynn.

This was my first foray into the field of industrial relations law. I commenced my legal studies at approximately the beginning of 1999 and was fortunate enough to become aware of a

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position then available with one of the Commission's longest serving judges, the Hon Justice Glynn. I commenced as a Tipstaff in her Honour's chambers in early 1999. Originally, my duties involved the daily management of her Honour's many files and assisting her then Associate in the operation of Chambers. This was my first significant exposure to the field of industrial relations law and one for which I will always be grateful. Over the course of my time with her Honour I expressed an interest in the jurisdiction and was given the opportunity to undertake research activities to assist her Honour. When her Honour's Associate became ill for an extended period I was given the opportunity to fill both the role of Associate and Tipstaff until her return. I continued to work in this capacity until I was approached, through her Honour, by the Vice-President to come and work in his Honour's chambers.

## Professional Profile

- Contributing Author: Butterworths New South Wales Industrial Law Service
- Delivered various papers for Union's NSW in conjunction with the late Jeff Shaw QC, including in relation to Occupational Health and Safety law changes, the Workplace Surveillance Act 2005, and significantly on the *Workplace Relations Amendment (Workchoices) Bill 2005*.

## Education

Various professional legal training seminars as a part of the continuing legal education requirements under the *Legal Professions Act 2004*.

2008

Graduate Certificate in Legal Practice Management  
College of Law

2003

Diploma in Practical Legal Training  
College of Law

2000 to 2003

Diploma at Law (commonly referred to as the "SAB" or the "LPAB" course)  
University of Sydney, Law Extension Committee

1997 to 1997

Bachelor of Human Movement Science (Applied)  
Southern Cross University.

1993 to 1997

Bachelor of Human Movement Science  
Southern Cross University.

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## **Interests outside Employment**

- Rugby Union
- Health and Fitness

## **References**

References are available upon request.

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