

## David Tan Seng Keat

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David Tan Seng Keat graduated from the University of Melbourne in 2011. He was admitted as a Barrister & Solicitor of the Supreme Court of Victoria, Australia in 2012, and subsequently as an Advocate & Solicitor of the High Court of Malaya.

First and foremost a litigator, David has appeared as lead counsel and has assisted Dato' Thavalingam in numerous cases, ranging from trade disputes, unfair dismissal and non-compliance claims in the Industrial Court, SOCSO Appellate Board matters as well as appeals and judicial review applications in the High Court and appellate courts.

David regularly advises clients in relation to various employment matters, ranging from corporate restructuring and right-sizing exercises, staff discipline and performance management, statutory compliance requirements and termination of employment. He also frequently assists clients in drafting and reviewing employment agreements and other employment-related documentation.

David has also written a number of published articles and case notes, including 'The Evidence Act in Industrial Litigation' and 'Navigating Monetary Awards at the Industrial Court'.

## Qualifications

- ❖ LLB and BA (Media & Communications), The University of Melbourne
- ❖ Graduate Diploma of Legal Practice (Leo Cussen Centre for Law)
- ❖ Certificate of Legal Practice
- ❖ Solicitor & Barrister of the Supreme Court of Victoria, Australia
- ❖ Advocate & Solicitor of the High Court of Malaya

## Notable Transactions

- ❖ Successfully defended the national carrier and refuted claims brought by a trade union in respect of the unilateral cessation of a monthly travelling allowance (*Malaysian Airline System Employees' Union Peninsular Malaysia (MASEU) v. Malaysia Airline System Berhad* [2018] 3 ILR 35).
- ❖ Distinguished countervailing case laws and advanced the argument for a holistic reading of employment terms in successfully defending the national carrier in a claim brought by employees alleging non-compliance with various terms and conditions of employment, including vis-à-vis the Employment Act. (*Rajasekar K Suppiah & Ors v Malaysian Airline System Berhad* [2019] 3 ILR 366).
- ❖ Devised and advanced the argument for the necessary application of key provisions of the Evidence Act in industrial jurisprudence, especially in respect of the relevance of separate but related legal proceedings. Ultimately, the adverse Award was set aside on these grounds, which were endorsed by the High Court and the Court of Appeal (*Measat Broadcast Systems Sdn Bhd v Woo Chee Seong & Ors* [2017] 1 LNS 2251).
- ❖ Advised upon and successfully litigated a number of cases relating to Ministerial decisions on trade union recognition matters, including but not limited to issues of trade union competency, compliance with procedural requirements

## Publications

- ❖ *Navigating Monetary Awards at the Industrial Court* [2017] 4 ILR(A) i