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Note from ALLA's Secretary

Welcome to the January 2015 ALLA Newsletter. Thank you for your continued involvement with ALLA.

You may have noticed that this is the first ALLA newsletter for a considerable time. In an effort to reduce both the amount of email members receive and inevitable duplication of information, the Newsletter will now only appear once a year, after the Annual General Meeting. The Newsletter will include information from the AGM for those unable to attend, and annual highlights from ALLA's preceding year.

ALLA Biennial Conference: Sydney, 14-15 November 2014

In November this year, ALLA held our successful national conference on picturesque Manly beach, at the Novotel Pacific, Sydney. The theme of the conference was 'Under the Microscope: the Next Phase of Australian Labour Law?' It was an opportunity to reflect on the development of Australian labour law to date, and to cast a critical eye over further foreshadowed changes. Two pre-conference teaching and research workshops were also held on Thursday 13 November. Further information about the conference is set out below.

Phillipa Weeks Prize

ALLA's longstanding Phillipa Weeks Prize is awarded every conference year, for the best paper presented by an emerging scholar. Further details of the prize and the winning scholars can be viewed below.

Research Degree Scholarships

I am excited to report that this year ALLA implemented a new scholarship program to encourage and assist students enrolled in a research degree (PhD, Masters by research, or similar) to attend the ALLA Conference. ALLA awarded three scholarships this year, and the winners of the scholarships are announced below.

ALLA AGM Canberra, 15 November 2014

ALLA's 2014 AGM was held at 3:15pm on Saturday 15 November, at the Novotel Pacific Hotel, at the close of the National Conference. All ALLA members were invited to attend the AGM. ALLA's National Committee for 2015 was elected at the AGM. Further information about is outlined below.

State Chapter Events

Our volunteer State Chapter Convenors have been busy, continuing to arrange an interesting array of State Chapter Seminars. You will find an overview of recent and upcoming events below.

ISLSSL and ILERA World Congresses 2015

Both ISLSSL and ILERA will be holding their World Congresses in Cape Town, South Africa, in September this year. Further details about the congresses are available below, along with links to the Congress websites.

Best wishes for the upcoming year.

*Shae McCrystal,
Secretary, ALLA*

ALLA Biennial Conference: Sydney 14 – 15 November 2014

In November last year, ALLA held a successful national conference in Sydney, at the Novotel Hotel on picturesque Manly beach.

The theme of the conference was 'Under the Microscope: the Next Phase of Australian Labour Law?' The theme is a topical one, as labour law has undergone major changes over the 1990s and 2000s, with some relative stability since the introduction of the *Fair Work Act 2009 (Cth)*. However, major reforms may be on the horizon, following the change of government in September 2013, the foreshadowed Productivity Commission Review, and developments in industry and in the common law. The conference was an opportunity to reflect on the development of labour law to date, and to cast a critical eye over future foreshadowed changes.

The conference commenced with a keynote speech by Peter Gray AM, former Judge of the Federal Court of Australia, who served from 17 May 1984 until 17 May 2013, reflecting on changes to industrial law and relations during his time on the bench. He was followed by Professor Anthony Forsyth (RMIT University), on the topic 'Is there really an industrial relations club?' The plenary session was chaired by ALLA President, Professor Andrew Stewart (University of Adelaide) and Professor Joellen Riley (University of Sydney Law School) provided commentary on the speakers.

Saturday morning's panel discussed the topic: 'Leadership at the Workplace: what's Labour Law got to do with it?' The Panel included Dr Linda Peach (Workplace Gender Equality Agency), The Hon Jonathan Marc Hamberger PSM (Fair Work Commission), Neil Napper (Lander and Rogers Lawyers) and Susan Price

(PriceWaterhouseCoopers). The panel discussion was a lively affair. While most panellists agreed that law was important in the promotion of workplace leadership, there were divergent views as to exactly how important it is!

Friday and Saturday were also busy with a variety of engaging and thought-provoking parallel sessions on themes including Discrimination, Enforcement, Contracts, Low Wage and Precarious Workers, Supply Chains, Unions, Bargaining and Industrial Action, Worker Mobility, Social Policy and Corporate Culture. Two pre-conference workshops were also held on Thursday 13 November. Associate Professor Beth Gaze co-ordinated the teaching workshop on 'Teaching anti-discrimination law as part of labour law'. Professor Richard Johnstone co-ordinated a research workshop on the topic of 'Theorising' in the labour law context. Both Workshops were well attended and have become an important pre-Conference fixture for those members interested in teaching and researching in labour law.

Papers from the conference will also be available shortly to all ALLA Members. Further information on the full program, speakers, registration, accommodation and the conference dinner is available from the [website](#).

Thanks are due to our Conference Sponsors, The Sydney Law School at the University of Sydney, The Workplace Ombudsman and the Federation Press. ALLA would also like to thank the Centre for Employment and Labour Relations Law at Melbourne Law School which sponsors and organises the Teaching Workshop, and the Sydney Law School for providing lunch to Workshop participants.

Annual General Meeting and Election of National Committee

ALLA's 2014 AGM was held at 3:15pm on 15 November at the Novotel Pacific Hotel, following ALLA's National Conference. All ALLA members were invited to attend the AGM. ALLA's National Committee for 2015 was elected at the AGM.

The committee members for 2015 are:

President: Andrew Stewart

Secretary: Shae McCrystal

Vice-President: Marilyn Pittard

Treasurer: Nicholas Ellery

Committee Members:

Anna Chapman (Victoria), Emma Goodwin (Victoria), Tess Hardy (Victoria), Janey Kuzma (ACT), Victoria Lambropoulos (Victoria), Erin McCarthy (SA), David Quinn (QLD), Mark Rinaldi (TAS), Vince Rogers (QLD), Cameron Roles (ACT), Graham Smith (VIC), Janine Smith (NSW).

For further information, please contact Rachel at law-alla@unimelb.edu.au.

Phillipa Weeks Prize

The Phillipa Weeks Prize recognises the contribution of Professor Phillipa Weeks to Australian labour law scholarship and her unwavering support of young and upcoming scholars. For a tribute to Professor Weeks see [here](#).

The prize is awarded at each ALLA National Conference for the best paper presented by an emerging scholar. Any person contributing a paper by the deadline for the submission of papers was eligible, unless they hold the academic post of Associate Professor, Professor or an honorary professorial position, or are a judicial officer.

The winners of the Phillipa Weeks Prize for 2014 were **Rosalind Read** and **Zachary Smith** (CFMEU Forestry and Furnishing Products Division), for their outstanding paper, 'The next phase of regulation of Registered Organisations in Australia: Is there any need for corporate style regulation?'

This year, the Prize Committee included a special commendation for the impressive paper presented by **Dr Richard Naughton** (Monash University) on 'Learning from History: an Analysis of State Industrial Relations Legislation Pre-dating the Conciliation and Arbitration Act 1904'.

ALLA Research Degree Scholarship

This year, ALLA announced a new scholarship for students enrolled in a research degree (such as PhD, or LLM by thesis, or similar) in an Australian or New Zealand University. The objective of the scholarship was to provide financial assistance for one or more students to take part in the national ALLA conference and present a paper at the conference.

The recipients of the ALLA Research Degree Scholarship were as follows:

Allison Ballard (Women's Legal Centre, ACT & Region, & University of Canberra), for her paper on 'Mediation and its role in silencing or managing complaints of workplace bullying';
Angelo Capuano (Monash University), for his paper on 'Capturing the complete meaning of "social origin" in ILO instruments', and;
Gabrielle Golding (University of Adelaide), for her paper on 'Terms implied in law: are they really "necessary"?'

State Chapter Developments

ALLA's activities are largely run by volunteer Committee members and State Chapter Convenors. We rely heavily on our State Chapter Convenors to organise and manage a range of State Chapter activities and our National Conferences. Further details about ALLA's upcoming and past State Chapter events are available on [ALLA's website](#).

Australian Capital Territory

Recent Events:

10 September 2014

The ACT Chapter of the Australian Labour Law Association, together with the Australian Labour and Employment Relations Association of ACT and the ANU College of Law, held a seminar titled, 'We live in interesting times: the Abbott Government and labour law reform'. The Seminar was presented by Professor Anthony Forsyth, RMIT University, Melbourne.

29 April 2014

The ACT Chapter of the Australian Labour Law Association, together with the Australian Labour and Employment Relations Association of ACT and ANU College of Law, held a seminar on the topic, 'The New Bullying Jurisdiction of the FWC'. The Seminar was presented by Commissioner Barbara Deegan, Fair Work Commission.

Convenors:

Cameron Roles, Australian National University:
Cameron.Roles@anu.edu.au

New South Wales

Recent Events:

27 March 2014

The NSW State Chapter presented David Chin, barrister at Fifth Floor, Wentworth Chambers, who spoke on the topic, 'The doctrine of repudiation and the contract of employment'. David is an Adjunct Lecturer in employment law at the University of Sydney, and a co-author of *The Modern Contract of Employment* (Thomson Reuters, 2012), with Ian Neil SC.

27 November 2013

The NSW State Chapter presented a seminar by Michael Seck, Barrister at Sixth Floor, St James'

Hall Chambers, on the topic, 'Expatriate workers, choice of law principles and the extra-territorial application of workplace relations legislation'.

Convenors:

Ms Jacquie Seemann, Thomsons Lawyers
Ms Janine Smith, Carroll & O'Dea Lawyers
Louise Thornthwaite, Macquarie University
Therese McDermott, Macquarie University
Contact: Janine.Smith@codea.com.au

Queensland

Recent Events:

28 August 2014

The Qld State Chapter presented a seminar by Natalie James, the Fair Work Ombudsman, who commenced in the role of Fair Work Ombudsman on 15 July 2013. Natalie presented on her perspectives of the role and her priorities for the organisation.

Convenors:

David Quinn, CRH Law: dquinn@crhlaw.com.au
Vince Rogers, Ashurst:
vince.rogers@ashurst.com

South Australia

Recent Events:

24 October 2014

The SA Chapter of the Australian Labour Law Association, together with the Adelaide Law School's Work and Employment Regulation research group, held a seminar on temporary labour migration in Australia, titled, 'The 457 Visa – The Federal Government Report and Response'. The seminar was presented by Adelaide Law School's Dr Joanna, with comment from Associate Professor Alexander Reilly. Both are experts in temporary labour migration and have published widely in this area.

16 September 2014

The SA Chapter, together with the Adelaide Law School's Work and Employment Regulation research group, held a seminar on the High Court's recent landmark ruling in *Commonwealth Bank v Barker*, titled, 'Mutual Trust and Confidence in the Employment Relationship: The High Court Decides'. Adelaide Law School's Gabrielle Golding and Professor Andrew Stewart explained the decision and discussed its implications for both employers and workers. There was also commentary from the Crown Advocate for South Australia, Dr Chris Bleby SC.

Convenors:

Professor Andrew Stewart, The University of Adelaide: andrew.stewart@adelaide.edu.au
Erin McCarthy, Piper Alderman: emccarthy@piperalderman.com.au

Victoria

Recent Events:

20 October 2014

The Victorian Chapter of the Australian Labour Law Association, together with the Australian Institute of Employment Rights and the Monash Law Faculty, held a seminar on the topic: 'Commonwealth Bank v Barker: Where to next?'. The guest speaker was Mr Mark Irving (Victorian Bar). Mr Irving was junior counsel for Mr Barker in the High Court (*Commonwealth Bank of Australia v Barker* [2014] HCA 32). He is the author of *The Contract of Employment* (Lexis Nexis), and was the co-editor, with Justice Mordy Bromberg, of the Australian Charter of Employment Rights.

22 September 2014

The Victorian Chapter of the Australian Labour Law Association held a seminar on the topic: 'Post-Employment Restraints of Trade: What Employment Lawyers Should Know'. The guest speaker was Mr Rob Jackson. Rob is a partner at Aitken Partners in Melbourne. He has practised employment law for 25 years and is an accredited workplace relations law specialist

with the Law Institute of Victoria. He is the author of, *Post-Employment Restraint of Trade: The Competing Interests of an Ex-employee, an Ex-employer and the Public Good*, published by Federation Press.

31 March 2014

The Victorian Chapter of the Australian Labour Law Association, together with the Monash Law Faculty, held a seminar on the topic: 'New Anti-Bullying Laws'. The guest speaker was Commissioner Anna Lee Cribb, Fair Work Commission.

Convenors:

Professor Marilyn Pittard, Monash University: marilyn.pittard@monash.edu
Ms Victoria Lambropoulos, Deakin University: victoria.lambropoulos@deakin.edu.au

Western Australia

Recent Events:

7 August 2014

The WA State Chapter held a seminar titled, 'We Live in Interesting Times – The Abbott Government and Labour Law Reform'. Professor Anthony Forsyth (RMIT University, Melbourne) discussed key developments in collective labour law in 2014, including the debate over wages and conditions under union-negotiated agreements at companies including Toyota, SPC Ardmona and Qantas, the Royal Commission into Trade Union Governance & Corruption, and other aspects of the Abbott Government's workplace relations reform agenda. Anthony also assessed the Government's prospects of getting its IR Bills through the Senate, and looked ahead to how the Productivity Commission Review of the Fair Work system might play out.

Convenors:

Mr Nicholas Ellery, Corrs Chambers Westgarth, Perth: nicholas.ellery@corrs.com.au
Ms Natalie van der Waarden, Murdoch University: n.vanderwaarden@murdoch.edu.au

ISLSSL World Congress 2015

The International Society for Labour and Social Security Law (ISLSSL) will hold its 21st World Congress in Cape Town, South Africa, from 15 – 18 September 2015.

The 21st World Congress promises to provide a platform for stimulating discussion on labour and social security law in a global environment where prolonged economic and social uncertainty appears to have become the norm.

This raises hard questions: how can labour law and social security continue serving the ends of

collective regulation, equality in the workplace and social justice in developed and developing countries under conditions of relative economic austerity? How must the traditional concepts and institutions evolve to take account of what may well be fundamental shifts?

Further information about the World Congress, including details about the Call for Papers and Registration, is available on the website: <http://www.labourlawcongress2015.co.za/>.

ILERA World Congress 2015

The ILERA 17th World Congress will hold its 17th World Congress also in Cape Town, South Africa, on 7 – 11 September 2015. The theme of the Congress is, 'The Changing World of Work: Implications for Labour and Employment Relations and Social Protection'.

The ILERA World Congress brings together global individuals from several areas within the labour and employee relations discipline(s). Such attendees also include professors, doctoral novices, researchers, experts, leaders and practitioners. A total number of delegates should be in excess of 500 delegates.

Further information about the Congress is available on the website: <http://www.ileraworldcongress2015.com>.

MEMBERSHIP FORM 2014-2015 FY

Please complete this form and return by email or post with full payment to:

Email: law-alla@unimelb.edu.au (subject heading ALLA MEMBERSHIP 2014-2015)
Post: Australian Labour Law Association
Centre for Employment and Labour Relations Law
Melbourne Law School
The University of Melbourne
VIC 3010

Date: ___/___/___

TAX INVOICE

Select Membership Type

- | | |
|--|---|
| <input type="checkbox"/> 12 Months (\$70.00)
(01/01/2015 – 31/12/2015) | <input type="checkbox"/> 6 Months (\$35.00)
(01/01/2015 – 30/06/2015) |
| <input type="checkbox"/> Full-time Student 12 Months (\$35.00)
(01/07/2014 – 30/06/2015) | <input type="checkbox"/> 6 Months (\$35.00)
(01/07/2015 – 31/12/2015) |

Membership Details:

Title (please circle): MR / MRS / MS / MISS / DR / OTHER – please specify..

Given Name/s:

Surname:

Employer Business Name:

Position/Title:

Mailing Address:

Postcode:

Phone (Work):

Email Address:

Please indicate which State Chapter Events you would like to be notified about:

[Note: you may circle more than one]

ACT NSW QLD SA TAS VIC WA

If admitted as a member, I agree to be bound by the rules of the Association for the time being in force.

Signature

Payment Options:

1. Cheque [Note: Please make cheques payable to The Australian Labour Law Association]

2. Electronic Funds Transfer [Note: when depositing via EFT, please list your membership number or surname as an identifier to assist us in reconciling the bank statement]

Account Name: Australian Labour Law Association

Bank: Commonwealth Bank of Australia

BSB: 063 238 Account No: 1023 1376

3. Credit Card [Note: all credit card payments will incur a surcharge of \$2.50]

Amount (Please circle): \$72.50 / \$37.50 – **THIS FEE INCLUDES GST**

Credit Card Number: Expiry Date: /.....

Type of card (please circle): Visa Mastercard Bankcard (*American Express & Diners are not accepted*)

Cardholder’s name as it appears on the card:

Signature of card holder: Date:/...../.....

Comments/Suggestions for ALLA:

ALLA would appreciate any comments you may have regarding your experiences with the Association in 2013-2014 and any suggestions for ALLA in 2014-2015.

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