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## Note from ALLA's Secretary

Welcome to the January 2019 ALLA Newsletter. Thank you for your continued involvement with ALLA. I look forward to meeting many of you over the coming year.

### **ALLA Biennial Conference: Gold Coast, 9-10 November 2018**

ALLA held a successful national conference at the Sofitel on picturesque Broadbeach at the Gold Coast. The theme of the conference was 'Labour Law: New Frontiers New Challenges'. The conference provided an opportunity to consider the current state of labour law and the challenges for regulation in light of changing technology, and economic and social structures. More information on the conference, including prize winners can be found below.

Thank you to the local conference organising committee – Ellie Bassingthwaighte, Vince Rogers, Richard Johnstone and Amanda Coulthard – and to all our sponsors, presenters and conference delegates. We look forward to seeing you all again at the next conference in 2020.

### **ALLA AGM Melbourne, 10 November 2018**

At the 2018 AGM the following people were elected to the ALLA National Committee and Executive:

**President:** Marilyn Pittard  
**Vice-President:** Anthony Forsyth  
**Secretary:** Dominique Allen  
**Treasurer:** Emma Goodwin

### **Committee Members**

Ellie Bassingthwaighte (QLD), Pauline Bomball (ACT), David Chin (NSW), Nick Ellery (WA), Tess Hardy (Victoria), Matt Kelleher (WA), Vince Rogers (QLD), Graham Smith (Victoria), Janine Smith (NSW), Andrew Stewart (SA), Carolyn Sutherland (Victoria). In addition, at the first Committee meeting after the AGM, Mark Rinaldi (Tas) was co-opted onto the committee.

I am most grateful to all members of the National Committee who do such a great job and give their time so generously. I would like to thank Victoria Lambropoulos who stepped down from the committee last year after 8 years as a National Committee Member.

### **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 events below.

Best wishes for the upcoming year.

*Dominique Allen,  
Secretary, ALLA*

## ALLA Biennial Conference: Gold Coast, 9 – 10 November 2018

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In November last year, ALLA held a successful national conference at the Sofitel Broadbeach on the Gold Coast.

The theme of the conference was 'Labour Law: New Frontiers, New Challenges'. The conference provided an opportunity to reflect on the changing nature of work; to explore new and emerging themes in labour law and the various future challenges for workers, academics and practitioners.

The conference commenced with a keynote plenary entitled 'Labour Law and the Future World of Work'. The session featured presentations from Professor David Peetz (Griffith University), Professor Andrew Stewart (University of Adelaide), Janine Webster (Chief Counsel, FWO) and Mark Bielecki (Registered Organisations Commissioner). The plenary session was chaired by ALLA President Professor Marilyn Pittard (Monash University).

Saturday morning began with presentations from Marie Boland on the review of the model WHS laws and FWC Deputy President Ingrid Asbury who explored the changing nature of work at the Fair Work Commission and anticipated future directions. ALLA Secretary, Dr Dominique Allen (Monash University), chaired the session.

Friday and Saturday were also busy with a variety of engaging and thought-provoking parallel sessions on themes including: multilateral business organisations; employment security;

contracts, courts and dispute resolution; anti-discrimination law and practice; wages; unions; comparative labour law and international trade; non-state actor regulators in labour law; bullying, harassment and the right to work; vulnerable workers; employment status; equality at work; modern slavery; psychological health at work; and a panel discussion 'collective bargaining under the Fair Work Act: Evaluating the Australian experiment in enterprise bargaining'.

Two academic workshops were held on Thursday 8 November and co-sponsored by the Melbourne Law School's Centre for Employment and Labour Relations Law. Professor Sean Cooney and Professor Joo-Cheong Tham (University of Melbourne) co-ordinated the teaching workshop which explored the normative purpose of labour law teaching and the impact that purpose might have on shaping course content. The workshop considered how Australian labour law teaching should engage with the global context. Professor Richard Johnstone (QUT) co-ordinated a research workshop on empirical research in labour law.

Conference papers are available to ALLA members for a limited time via the conference website. The password: <removed for general distribution> is required for viewing.

Warmest thanks to our conference sponsors – the QLD Office of Industrial Relations, Fair Work Commission, Fair Work Ombudsman, Griffith University, Hall Payne Lawyers, Workplace Express and the Federation Press.

## ALLA Prizes and Scholarships

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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.

The 2018 Phillipa Weeks Prize was awarded to **Dr Alysia Blackham** (University of Melbourne) for her paper 'Why do claims fail? A failure analysis of employment age discrimination case law in Australia'. Alysia was presented with a \$150 voucher from The Federation Press and a bottle of sparkling wine from ALLA.

The **Dominica Whelan Prize** is named in honour of the late Dominica Whelan, who served for many years as a member of the Australian Industrial Relations Commission, Fair Work Australia and the Federal Circuit Court of Australia.

The prize is awarded at each ALLA National Conference for the best paper presented by a practitioner in the field or anyone else with a professional interest in labour law, other than a person who is primarily an academic or a research higher degree student.

The 2018 Dominica Whelan Prize was awarded to **Mr Peter Punch** (Carroll & O'Dea Lawyers) for his paper 'Corrupting benefits, fiduciary duty and union officers as bargaining representatives. Finding the right balance between collective representation and member protection'. Peter was presented with a \$150 voucher from The Federation Press and a bottle of sparkling wine from ALLA.

The **ALLA Research Degree Scholarship** provides financial assistance for one or more students to present a paper at the ALLA National Conference.

The scholarship is open to students enrolled in a research degree (PhD, LLM by thesis, or similar) in an Australian or New Zealand University who have submitted a paper proposal for the Conference.

Two research degree scholarships were awarded in 2018 to: **Mr Jonathan Sale** (PhD Candidate, University of Newcastle) for his paper 'Entangled legal histories and varieties of capitalism: Spanish-American legal transfers, Australian parallels and endogenous developments in Philippine labour law — some labour market and work implications'; **Ms Sayomi Ariyawansa** (PhD Candidate, University of Melbourne) for her paper 'On the backs of migrant workers: Imported labour in the Australian agricultural sector'.

## State Chapter Developments

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**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

#### 2019 Convenor:

Pauline Bomball, Australian National University  
[Pauline.bomball@anu.edu.au](mailto:Pauline.bomball@anu.edu.au)

### New South Wales

#### 2019 Convenors:

Mr David Chin, 5 Wentworth Chambers  
Prof. Shae McCrystal, University of Sydney  
Ms Jacquie Seemann, Thomsons Lawyers  
Ms Janine Smith, Carroll & O'Dea Lawyers  
Contact: [Janine.Smith@codea.com.au](mailto:Janine.Smith@codea.com.au)

#### Recent Events:

*8 October 2018*

Dr Tess Hardy, University of Melbourne Law School presented 'Looking beyond the employer

– Is the enforcement of employment standards entering a new era?'

*28 August 2018*

Kylie Nomchong SC presented 'Can deeds of release prevent the recovery of underpayments by the FWO – Lessons from *Fair Work Ombudsman & Ors v Atkins Freight Services P/L*'.

*3 July 2018*

Professor Shae McCrystal, University of Sydney Law School presented 'Termination of enterprise agreements and final offer arbitration'.

### Queensland

#### 2019 Convenor:

Ms Ellie Basingthwaight, Hall Payne Lawyers  
[ellieb@hallpayne.com.au](mailto:ellieb@hallpayne.com.au)

## South Australia

### 2019 Convenor:

Professor Andrew Stewart, The University of Adelaide: [andrew.stewart@adelaide.edu.au](mailto:andrew.stewart@adelaide.edu.au)

### Recent Events:

*27 February 2018*

Professor Anthony Forsyth, RMIT University presented 'Tackling Australia's "Gangmasters" – The case for labour hire licensing'.

*12 February 2018*

Professor Stephen Ross, Penn State University presented 'Legal and economic issues regarding contract breaches in professional sports leagues'.

## Tasmania

### 2019 Convenor:

Mr Mark Rinaldi, Salamanca Chambers  
[mrinaldi@bigpond.com](mailto:mrinaldi@bigpond.com)

## Victoria

### 2019 Convenor:

Professor Marilyn Pittard, Monash University  
[marilyn.pittard@monash.edu](mailto:marilyn.pittard@monash.edu)

### Recent Events:

*14 August 2018*

Dr Graham Smith, Clayton Utz presented 'Personal liability of managers under workplace laws'.

## Western Australia

### 2019 Convenor:

Mr Nicholas Ellery, Corrs Chambers Westgarth  
[nicholas.ellery@corrs.com.au](mailto:nicholas.ellery@corrs.com.au)

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## Comparative Labor Law & Policy Journal

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The Comparative Labor Law Journal was founded in 1976 to provide a venue for the very best scholarship in the comparative analysis of labour law, employment policy and social security issues. In 1997, the Journal moved to the University of Illinois where it was renamed Comparative Labor Law & Policy Journal and its Editorial Advisory Board broadened better to reflect its mission.

With an extensive world-wide circulation, the Journal has become a major international forum for research, theoretical and applied, in an area of growing importance to the developed and in the

developing world. It is a publication of the University of Illinois College of Law and the United States Branch of the International Society for Labor Law and Social Security.

Besides dealing with international and comparative issues, CLLPJ often includes perspectives on Australia.

ALLA members may read and download articles from the CLL&PJ through the [website](#) using the password: <removed for general distribution>.

## LinkedIn

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ALLA is LinkedIn! [Join us](#) on LinkedIn for state chapter events and updates from the National Committee.

## Twitter

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Follow us [@AusLabourLaw](#) on Twitter for the latest ALLA news and state chapter events.

## AIRAANZ Conference, 12-14 February 2019

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The Association of Industrial Relations Academics of Australia and New Zealand (AIRAANZ) will hold its annual conference at RMIT University. For further details please see the AIRAANZ [website](#).

The conference theme 'Global Work, Quality Work?' invites us to consider the dilemmas arising

from growing disparities in the quality of jobs and from fragmentation of employment, especially in the context of the rapidly changing landscape of global capitalism, labour regulation, labour migration and labour movements.

## LLRN Conference, 23-25 June 2019

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The Labour Law Research Network (LLRN) will hold its 4th Conference in Valparaiso, Chile from June 23-25, 2019. The first three such conferences – Barcelona 2013, Amsterdam 2015 and Toronto 2017 – were remarkably successful in drawing together scholars from around the world and have

established a tradition of the LLRN Conference as the largest and most important focal point for global labour law scholarship.

Further information about the conference is available [here](#).

## Regulating for Decent Work Conference, 8-10 July 2019

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The 6th RDW Conference will be held in the International Labour Office, Geneva, from 8–10 July 2019.

The Conference will be co-hosted by the University of Amsterdam's Institute for Labour Studies / Hugo Sinzheimer Instituut (AIAS-HSI), the University of Melbourne's Centre for Employment and Labour Relations Law (CELRL), Jawaharlal Nehru University's Centre for Informal Sector and Labour Studies (CISLS), the University of Durham's Law School (DLS), the University of Duisburg-Essen's Institut Arbeit und Qualifikation (IAQ), the Institute

for Applied Economic Research (IPEA), the Korea Labour Institute (KLI), and the University of Manchester's Work and Equalities Institute (WEI).

Researchers from all regions are welcome. In past years, the Conference has attracted researchers from a range of fields that include law, economics, industrial relations, development studies and geography.

Further details are available at the [RDW website](#).

## New Zealand Labour Law Society Conference, 15-16 November 2019

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The New Zealand Labour Law Society's fifth biennial conference will be held on Friday and Saturday 15-16th November 2019 at Rutherford House, Victoria University of Wellington, 23 Lambton Quay, Wellington.

The conference themes are:

### *Engaging with the UN Sustainability Agenda*

In particular Goals 5 (Gender Equality) and 8 (Decent Work and Economic Growth). This theme was chosen in part because of the role of the ILO (which is celebrating its centenary in 2019) in achieving these goals.

### *Shaping Labour Regulation: Resetting the Standards*

This theme will focus on the protective function of labour law in relation to wage theft, exploitation of migrant labour and similar issues.

A formal call for papers will be made mid-year.

Papers on labour law topics generally are welcome as are proposals for panels.

For further information contact the conference organisers:

[information@newzealandlabourlawsociety.nz](mailto:information@newzealandlabourlawsociety.nz)

ALLA members wishing to attend the conference may register at the NZLLS member rate.