



## Australian Labour Law Association

Newsletter – August 2024

Early-bird registration for the **ALLA 2024 National Conference: *Assessing the Impact of Change and Reform in Australian Labour Law*** to be held 8-9 November 2024 closes tomorrow, 31 August 2024. Below you will find details of our conference keynote speakers and full conference program, along with links to [register](#) and access [special accommodation rates with Novotel Geelong](#).

Members may now access video recordings of our most recent seminars, ***Closing Loopholes – The reforms to defining employees and casuals in the Fair Work Act***, and ***Engaging Young Workers: Union organising, campaigns and strategies***, details can be found below. Please [renew your membership online](#) to access our webinar recordings.

Our new website is up and running. Visit <https://austlabourlaw.asn.au> for up-to-date conference information, ALLA news and events.

We look forward to seeing you in Geelong.

Kind regards,

**ALLA National Executive**

Anthony Forsyth | President

Michael Rawling | Secretary

Shae McCrystal | Vice President

Emma Goodwin | Treasurer

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### 2024 ALLA NATIONAL CONFERENCE

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## Assessing the Impact of Change and Reform in Australian Labour Law

**8–9 November 2024, Novotel Geelong**

The two-year period since the election of the Albanese Labor Government has seen momentous reforms to Australian workplace laws, including the Secure Jobs Better Pay Act passed in late 2022 and the Closing Loopholes Acts 2023 and 2024.

The ALLA 2024 National Conference delivers over 50 papers presented by academics and practitioners from Australia and New Zealand and exploring the impact of recent reforms across all aspects of workplace law for workers, businesses, unions, regulators and other stakeholders.

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### Early-bird Registration Closing 31 August 2024

Conference registration is now open at: <https://au.eventscloud.com/100234579>. Register by 31 August 2024 to access our early-bird registration rates.

A conference dinner will be held for delegates and guests on Friday 8 November. The night will commence with drinks and canapés and includes a two-course meal and drinks.

Dinner tickets are priced at \$180 per head (incl. GST) and are available to purchase with registration.

	<b>Early-bird Registration</b> <i>to 31 August 2024</i>	<b>Standard Registration</b> <i>1 September to 25 October 2024</i>	<b>Late Registration</b> <i>from 26 October</i>
<b>Student members</b>	\$300	\$355	\$430
<b>Students</b>	\$325	\$375	\$460
<b>ALLA members</b>	\$495	\$570	\$670
<b>Non-members</b>	\$595	\$695	\$795

**Dinner tickets:** \$180 per head

*\*all registration and dinner prices are inclusive of GST*

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## Plenary Sessions and Keynote Speakers

ALLA is pleased to announce the 2024 National Conference will open with the Keynote Plenary: *Assessing the impact of recent workplace law reforms (Secure Jobs Better Pay Act 2022 & Closing Loopholes Acts 2023 & 2024)* featuring **The Hon Justice Adam Hatcher**, President of the Fair Work Commission; and **Anna Booth**, Fair Work Ombudsman. This session will be chaired by ALLA President, **Distinguished Professor Anthony Forsyth**, RMIT University.



Day two of 2024 National Conference will commence with the Plenary Panel: *The advancement of gender equality in Australia and reflections on recent reforms*. The panel will be chaired by Dr Amanda Selvarajah, Monash University and feature **Dr Anna Cody**, Australian Sex Discrimination Commissioner; **Dr Niki Vincent**, Victorian Public Sector Gender Equality Commissioner; and **Professor Rae Cooper AO**, Professor of Gender, Work and Employment Relations, University of Sydney and founding Director of the Australian Centre for Gender Equality and Inclusion at Work).



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## Full Conference Program

ALLA is pleased to announce the [full conference program](#) is now available via the ALLA website. Featuring over 50 papers presented by academics and practitioners from Australia and New Zealand and exploring the impact of recent reforms across all aspects of workplace law for workers, businesses, unions, regulators and other stakeholders.

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## Accommodation Special

Novotel Geelong are offering conference delegates a special rate on rooms booked across the conference period via our [exclusive link](#).

**Thursday 7**  
**November 2024**

**Friday 8**  
**November**

**Saturday 9**  
**November 2024**

		2024	
Standard King room with balcony	\$269	\$269	\$349
Standard Twin room with balcony	\$269	\$269	
Accessible Queen room	\$269	\$269	\$349
Superior King room with balcony	\$329	\$329	
Deluxe King with bay view	\$389	\$389	
Superior King with bay view	\$419	\$419	

\* all rooms come with a full **Buffet Breakfast**, prices are inclusive of GST

These rates are available until Sunday 15 September or until sold out, [book now](#) to avoid disappointment.

Other accommodation options within walking distance of the venue can be found on the ALLA website at: <https://austlabourlaw.asn.au/accommodation/>

## Teaching and Research Workshops

The ALLA Academic Teaching and Research Workshops will be held on 7 November 2024 at Deakin University's Waterfront Campus, located at 1 Gheringhap Street, Geelong.

Deakin's Waterfront Campus is only a short walk from the Novotel Geelong, where the conference will be held on 8-9 November.

The workshops will run from 1.00-4.30 to give participants time to travel to Geelong. A program for each workshop and an invitation will be circulated to ALLA academic and ECR members shortly.



ALLA is very grateful to Deakin Law School for hosting the workshops and to the Centre for Employment and Labour Relations Law at Melbourne Law School for providing afternoon tea.



## 2024 Conference Committee

The 2024 conference organising committee consists of Anthony Forsyth, Shae McCrystal, Michael Rawling, Dominique Allen, Adriana Orifici, Emma Goodwin, Marilyn Pittard and Kelly Thomas.

## Sponsorship

ALLA is grateful for the generous support of our conference sponsors: Workplace Express, and The Federation Press, and for the support received from Business Events Victoria and the Melbourne Convention Bureau.



THE FEDERATION PRESS



ALLA NATIONAL WEBINARS

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**\*\* [Renew your membership online](#) for access to our webinar recordings \*\***

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## Closing Loopholes – The reforms to defining employees and casuals in the Fair Work Act

A recording of this event is now available for members to view at: <https://austlabourlaw.asn.au/closing-loopholes-the-reforms-to-defining-employees-and-casuals-in-the-fair-work-act/>

This webinar held on 29 August 2024 and chaired by **Professor Shae McCrystal**, featured authors of two forthcoming articles in a Special Issue of the Australian Journal of Labour Law examining the substance of the ‘Loopholes’ that were purportedly closed by the Albanese Government led changes to the FW Act.

### **Defining employment – Professor Joellen Riley**

Reliance on the common law for a definition of ‘employment’ has long created a loophole through which some employers have escaped statutory obligations. The inclusion of a new s 15AA in the *Fair Work Act 2009* (Cth) will mean that the ‘practical reality’ of the relationship as a whole will be regarded, and not merely the terms of a contract drafted by the employer. Nevertheless the underlying tests for determining employment status remain unchanged.

### **The ‘Casual’ Problem in Australian Labour Law – Justice David Chin & Dan Fuller**

The law has long grappled with the problem of defining ‘casual’ employment. The difficulty lies in the need to strike a balance between recognising the substance and reality of work on the one hand, and the desirability of certainty for both employers and employees as to an employee’s status on the other. This discussion examined the historical efforts of the courts and legislature to achieve that balance, culminating in the High Court’s decision in *Workpac Pty Ltd v Rossato*, and Parliament’s response to that decision in the form of the *Fair Work Legislation Amendment (Closing Loopholes No 2) Act 2024* (Cth).

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## Engaging Young Workers: Union organising, campaigns and strategies

A recording of this event is now available for members to view at: <https://austlabourlaw.asn.au/engaging-young-workers-union-organising-campaigns-and-strategies/>

While ABS data continue to show declining trade union membership in Australia, the situation regarding young workers is quite dire: in 2022, only 25 of those aged 15-19 were union members, and only 5% of 20–24 year olds. Attracting young people is therefore vital to any plan for securing the future of the union movement.

This ALLA webinar held 29 July 2024 was presented by **Kelly Thomas** and **Imogen Beynon**, and chaired by the **Distinguished Professor Anthony Forsyth**. The webinar explored recent union initiatives that have succeeded in engaging and mobilising young workers to take action to improve their working conditions. These included the Victorian Trades Hall Council’s Young Workers Centre’s establishment, education program, legal assistance and campaigns for rights for apprentices and to end junior wages; and successful bargaining campaigns run by the United Workers Union in the hospitality and tourism industries.

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## Better Pay, More Bargaining? Assessing Labor’s Reforms

A recording of this event is now available for members to view at: <https://austlabourlaw.asn.au/better-pay-more-bargaining-assessing-labors-reforms/>

Since being elected in 2022, the Albanese Government has made significant changes to the enterprise bargaining system under the Fair Work Act 2009, with the stated intention of reversing a decade-long decline in agreement-making and boosting pay outcomes for workers. In this webinar, held 1 May 2024 and presented by **Professor Andrew Stewart**, **Mark Rinaldi**, and chaired by **Larissa Andelman**, we recap the reforms introduced by the “Secure Jobs, Better Pay” and “Closing Loopholes” legislation, assess the impact they have made to date, and look ahead to what may still be to come. We focus in particular, with reference to recent decided cases, on the expanded power of the Fair Work Commission to resolve “intractable” bargaining disputes by arbitration, as well as the possible take up of the new options on offer for multi-enterprise bargaining.

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## Exploring Australia’s new right to disconnect: Taking charge of what you can leave behind

A recording of this event is now available for members to view at: <https://austlabourlaw.asn.au/exploring-australias-new-right-to-disconnect-taking-charge-of-what-you-can-leave-behind/>

Australia's new right to disconnect is poised to reshape work dynamics in our constantly connected society. In this webinar, held 22 April 2024, **Dr Gabrielle Golding** leverages her scholarly expertise to scrutinise the right from an Australian perspective, juxtaposing it with similar rights in international jurisdictions. Gabrielle delves into Australia's recent legislative development of the right, emphasising its necessity for both employers and employees. Practical strategies are examined to facilitate the effective implementation of the right in Australian workplaces, scheduled to take effect from 26 August 2024 (and a year later for small business employers).

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## The changing climate of Australian employment law

A recording of this event is now available for members to view at: <https://austlabourlaw.asn.au/the-changing-climate-of-australian-employment-law/>

Climate change poses fundamental challenges to Australian employment law, with increasingly extreme weather events disrupting workplaces across the country. Drawing on climate change adaptation literature, **Dr Gabrielle Golding** and **Dr Phillipa McCormack** examined the role of employment law in minimising climate change impacts on parties; the capacity of employment law to adapt to changing circumstances; and the resources, institutions, or mechanisms needed to promote adaptation. These aspects of adaptation will be examined in relation to unfair dismissal, enterprise bargaining and collective action, and work health and safety.

This webinar drew from: Gabrielle Golding, Phillipa McCormack and Kerryn Brent, 'The Changing Climate of Australian Employment Law' (2023) 46(4) *UNSW Law Journal* 1284.

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## EXTERNAL CONFERENCES

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### Association of Industrial Relations Academics of Australia and New Zealand (AIRAANZ) 2025 Conference

**3 – 5 February 2025, Wellington, New Zealand**

[Abstracts are now invited](#) for the AIRAANZ 2025 Conference to be held 3-5 February 2025 in Wellington, New Zealand.

The conference theme is '**Navigating the Nexus: Politics, Profession, and Practice in Industrial Relations**'. The world of work is increasingly dynamic and challenging. Employment relations academics have a critical role to play in understanding these challenges, informing and transforming debate. Employment relations scholarship has always been current and relevant, addressing real-world problems through empirical research. The importance of relevance and engagement with policymakers and practitioners is now more critical than ever. This conference theme allows us to explore key issues and impacts for contemporary employment relations research.

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### Labour Law Research Network 7 Bangkok (LLRN) Conference

**June 29 – July 1, 2025, Bangkok, Thailand**

[Abstracts are now invited](#) for the 7<sup>th</sup> LLRN conference will be held at the Faculty of Law at Chulalongkorn University, Bangkok, Thailand.

LLRN7 Bangkok will be the first LLRN conference in Asia, and only the second in the Global South. Despite the region's immense economic significance and population, many Asian countries remain little understood by labour law scholars from elsewhere. LLRN7 Bangkok presents an important opportunity to forge connections between scholars from across Asia and from across the world.

We aim to invest LLRN7 with a distinctly Asian flavour. Yet we acknowledge Asia's many diversities strain the coherence of the conceptual foundation of that goal. The differences between countries in the region test the very concept of "Asia" itself. Massive informality in many Asian labour markets renders labour law of often marginal relevance. Our hope is that participants will embrace and draw on these differences and diversities to interrogate labour law's conceptual boundaries and methodological approaches, both within Asia and beyond.

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*You are receiving this email because you are a current or former member of the Australian Labour Law Association*

Our mailing address is:

Australian Labour Law Association  
PO Box 1088, Carlton, VIC, Australia 3053

If you would like to resign your ALLA membership, or if you are a former member and would like to be removed from our mailing list please contact us [here](#).

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