ALLA FOURTH BIENNIAL CONFERENCE

OUTLINE PROGRAMME

Friday, 14 November

Registration (from 8.15am)

9.15 – 9.30am  Welcome
Richard Mitchell, Vice President, ALLA

9.30 – 10.00am  Keynote Address (Chair: Richard Mitchell)
Andrew Stewart, University of Adelaide

10.00 – 10.15am  Questions

10.15 – 10.45am  Morning Tea

10.45am –12.15pm  Concurrent Session 1

A. Trade Unions  (Chair: Andrew Stewart)
• C. Fenwick and J. Howe ‘Trade Union Security After Work Choices’
• R. McCallum ‘The Centenary of the Jumbunna Case 1908-2008: The Cornerstone of Australian Labour Conciliation and Arbitration’
• S. O’Neill, ‘The Freedom Not to Associate: A Case for its Application in the Not for Profit Sector’

B. Safeguarding Employment Conditions  (Chair: Amanda Coulthard)
• C. Arup and C. Sutherland ‘Access to Justice Under Forward with Fairness: Ensuring Recovery of Minimum Wages and Entitlements’
• M. Rawling ‘Will the Rudd Federal Labor Government Abolish Key Legal Protections for Some Exploited Vulnerable Workers?’
• P. McDonough and S. Price ‘Lessons from the Coal Face: Work Choices and its Impact on Women’

C. Contracting and Networks  (Chair: Richard Johnstone)
• S. McCrystal ‘Is there a Public Benefit in Improving Working Conditions for Contractors?’
• I. Nossar ‘How to Regulate Contract Networks by Regulating Key Contracting Practices’
• B. Johnson ‘Redefining Unconscionable Conduct to Resolve the Tension Between Freedom of Contract and the Regulation of Commercial Contracts’

D. Good Faith and Bargaining Systems (Chair: Rosemary Owens)
• R. Naughton ‘Regulation of the Bargaining Process’
• G. Anderson ‘The Sky Didn’t Fall In: An Emerging Consensus on New Zealand Labour Law?’
• L. Heap ‘Good Faith Bargaining and Dispute Resolution: Moving Beyond the Technical to the Fundamental’

12.15 – 1.15pm Lunch
1.15 – 2.45pm Concurrent Session 2

A. Dispute Resolution (Chair: Carolyn Sutherland)
• J. Riley ‘Privatising Justice? An Examination of Private Alternative Resolution for Individual Workplace Grievances’
• A. Forsyth and H. Smart ‘Third Party Intervention Reconsidered: New Roles for Australian Industrial Tribunals’
• T. Chase and M. Brewer ‘Sexual Harassment in the Workplace and Conciliated Outcomes: Who Really Benefits from Conciliation?’

B. Immigration and Labour Markets (Chair: Sean Cooney)
• S. Bull ‘The Re-emergence of Slavery as a Labour Market Concern’
• M. Pittard ‘Temporary Overseas Workers and Employment Standards’

C. Flexible Employment Rights (Chair: Beth Gaze)
• B. Smith ‘The Right to Request Flexible Work Arrangements: Regulatory Questions and Gender Equality Concerns’
• D. Whelan ‘Introducing the Right to Request Flexible Work Arrangements: Differences and Similarities’
between the UK and Australia’


**D. Privacy and Employment (Chair: Anna Chapman)**
- A. O’Rourke and J. Teicher ‘Workplace Privacy, E Mail Monitoring and the National Security State’
- B. Hely ‘Off-Duty Misconduct and the Blurred Line Between Work Life and Private Life in Unfair Dismissal and Sexual Harassment Jurisprudence’

2.45 – 3.00pm  Afternoon Tea

3.00 – 4.30pm  Plenary Session 1 (Chair: Ron McCallum)
- The Hon. Julia Gillard, Minister for Employment and Workplace Relations

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- Christopher Platt, General Manager, Workplace Policy, Australian Mines and Metals Association ‘Has Forward with Fairness Stopped the Pendulum Swinging?’

4.30 – 5.00pm  Questions

5.15pm  Drinks and Book Launch of John Howe’s *Regulating for Job Creation* (Federation Press 2008).

7.00pm  Conference Dinner

Presentation of Phillipa Weeks Prize for Best Conference Paper

**Saturday, 15 November**

9.00 – 10.15am  Plenary Session 2 (Chair: John Howe)

- Tony Lawrence, Workplace Rights Advocate, Office of the Workplace Rights Advocate, Victoria ‘Transmission of Business: Should Traditional
Employee Protections be Restored Under Forward with Fairness?

- Cath Bowtell, Senior Industrial Officer, Australian Council of Trade Unions: ‘Trade Union Responses to Forward with Fairness’
- The Hon. Michael Walton, Industrial Relations Commission of NSW: ‘Vale the Adjudication of Workplace Disputes – Consequences for Public and Private Interests’

10.15 – 10.30am Questions

10.30 – 10.45am Morning Tea

10.45am – 12.00noon Concurrent Session 3

A. Unfair Dismissal (Chair: Karen Wheelwright)
   - A. Chapman ‘Unfair Dismissal: From Work Choices to Forward with Fairness’
   - C. Cameron and M. Mourell ‘Neither Simple Nor Fair: Prohibiting Legal Representation Before Fair Work Australia’

B. The Contract of Employment (Chair: Joellen Riley)
   - B. Moore ‘A Two-Way Street? Implications of the Evolving Mutual Duty of Trust and Confidence’
   - J. Murray ‘A Fiduciary Obligation of the Employer? Juridical Underpinnings and Practical Implications’

C. Discrimination in Employment (Chair: Michael Tamvakologos)
   - S. Bennett ‘The Development of a Right to Flexible Work: Will the NES Hasten or Hamper Progress?’
   - F. O’Brien ‘Discrimination: The Poor Relation of the Industrial Relations System’

D. Occupational Health and Safety (Chair: Colin Fenwick)
   - J. Mattson ‘A Judgement on the Art of Occupational Health and Safety Sentencing’

12.10pm – 1.10pm Conference Close
Ron McCallum, President, ALLA
8th Annual General Meeting ALLA

1.10pm Close