

**MINUTES OF ANNUAL GENERAL MEETING
OF THE AUSTRALIAN LABOUR LAW ASSOCIATION INC.**

**Held at Corrs Chambers Westgarth, Solicitors
600 Bourke Street, Melbourne**

Wednesday 14 November 2001 at 5.30 pm

Professor Richard Mitchell, Interim Vice-President of the Association, chaired the meeting in the absence of the Interim President, Professor Ron McCallum.

Apologies

Professor Mitchell advised that apologies for the meeting had been received from the following members:

- Professor Ron McCallum
- Commissioner Greg Smith
- Kevin Bell
- Justice Peter Gray
- Brian Hatch
- Senior Deputy President Les Kaufman
- Steve Ross
- John Ballard
- Warren Swain
- Colin Fenwick
- Commissioner Dominica Whelan
- Gary Rothville
- The Hon P J Sharkey

Ordinary Business

1. Interim Vice-President's Report on the Association's Activities 2000-2001

Professor Mitchell gave the following report:

The Association was formed on 29 November 2001 and incorporated on 27 February 2001.

The Association was formed for two principal purposes:

- (i) To act as a voice for persons professionally employed in a career or industry pertaining to the practice of labour law.

- (ii) To seek affiliation with the International Society for Labour Law and Social Security. Negotiation has been underway and should reach finalisation next September in Stockholm.

Since its formation, the affairs of the Association have been carried on by an Interim Committee consisting of:

President	Ron McCallum
Vice-President	Richard Mitchell
Secretary	Anthony Forsyth
Treasurer	Samantha Kennedy
Ordinary Members	John Howe Bernadette O'Neill

The Interim Committee has also drawn upon the assistance of others, in particular: Richard Bunting, Yoram Finger and Richard Naughton.

In the past year the Interim Committee undertook the following activities:

- Drafting the Rules of the Association
- Incorporating the Association
- Opening a bank account
- Recruiting of members (currently at 350)
- Keeping up correspondence with the International Society for Labour Law and Social Security
- Circulating a newsletter

The major activity in the past year has been the official launch of the Association at Parliament House in July. Many members attended the event at which the Honourable Justice Kirby spoke about the important role that industrial relations tribunals continue to play in Australia.

Other events of significance included the formation of state chapters in most states and territories. South Australia and Queensland have already held functions to launch their chapters, while similar events are being planned in other states.

A number of national events are coming up next year:

- The organisation of the first national conference in mid-2002, which is currently underway. On this occasion it is planned to utilise the excellent facilities of the new Law Building at the University of Melbourne.
- It is envisaged to send three or four members to Stockholm in September 2002 to represent the Association at the European

Regional Congress of the International Society for Labour Law and Social Security. Professor Mitchell advised that he would be attending to formalise the Association's application for affiliation at that meeting.

Professor Mitchell thanked Blake Dawson Waldron, in particular Richard Bunting and Yoram Finger) for their generous assistance with the rules and the incorporation of the Association, Corrs Chambers Westgarth, in particular Samantha Kennedy and Breen Creighton) for the hospitality provided and Kim Huguen of the Centre for Employment and Labour Relations Law for her assistance in the administrative affairs of the Association.

Resolution: That the Interim Vice-President's report be accepted.

Moved: Hon. Jeff Shaw

Seconded: Commissioner Tolley

Carried unanimously

2. Receipt & Consideration of Financial Statements

Ms Samantha Kennedy, Interim Treasurer of the Association, tabled the documents prepared in accordance with section 30(3) of the *Associations Incorporation Act 1981 (Vic)*, and provided a brief explanation. These documents were circulated among members in attendance at the meeting, and copies are attached to these Minutes.

Resolution: That the documents tabled by the Interim Treasurer be accepted as providing a true and fair view of the Association's financial position during and at the end of its last financial year.

Moved: Mr Damian Murphy

Seconded: Mr Richard Bunting

Carried unanimously

3. Election of Officers and Ordinary Members of the National Committee of Management

Mr Anthony Forsyth, Interim Secretary of the Association, reported that (pursuant to the Association's rules) nominations had been called for the positions of Officers and Ordinary Members of the National Committee of Management, and that the following nominations had been received as at the close of nominations on 7 November 2001:

President	Professor Ronald McCallum, <i>University of Sydney</i> (NSW)
Vice-President	Professor Richard Mitchell, <i>University of Melbourne</i> (VIC)
Treasurer	Ms Rosemary Owens, <i>University of Adelaide</i> (SA)
Secretary	Mr Anthony Forsyth, <i>University of Melbourne</i> (VIC)
Ordinary Members	Mr Adam Bandt, <i>Slater & Gordon</i> (VIC)
	Mr Richard Bunting, <i>Blake Dawson Waldron</i> (VIC)
	Ms Kathryn Fawcett, <i>Slater & Gordon</i> (VIC)
	Mr William James Ford, <i>University of Western Australia</i> (WA)
	Mr Malcolm Harding, <i>The Association of Professional Engineers, Scientists and Managers, Australia (APESMA)</i> (VIC)
	Mr John Howe, <i>University of Melbourne</i> (VIC)
	Professor Richard Johnstone, <i>Griffith University</i> (QLD)
	Ms Samantha Kennedy, <i>Corrs Chambers Westgarth</i> (VIC)
	Mr M. Damian Murphy, <i>Barrister</i> (VIC)
	Mr Richard Naughton, <i>Allens Arthur Robinson</i> (VIC)
	Ms Bernadette O'Neill, <i>Maurice Blackburn Cashman</i> (VIC)
	Professor Marilyn Pittard, <i>Monash University</i> (VIC)
	The Hon. Jeff Shaw, <i>Barrister</i> (NSW)
	Professor Phillipa Weeks, <i>Australian National University</i> (ACT)

Mr Forsyth advised that, as the number of nominations for Officer positions was equal to the number of vacancies, no elections were necessary and those candidates would be deemed elected.

He further reported that the Association's Interim Committee, at its meeting on 13 September 2001, had determined that the number of Ordinary Member positions on the National Committee should be twelve (12). However, as fourteen (14) nominations had been received for these positions, a ballot was required.

Mr Forsyth indicated that the Interim Committee had resolved to conduct such a ballot according to the 'Points System' sometimes used by the Australian Electoral Commission for the conduct of industrial elections, and explained how this procedure operates.

Finally, Mr Forsyth reported that provision had been made for those unable to attend the meeting (particularly interstate members) to vote by appointing proxies.

Members were then invited to vote in the elections.

4. Declaration of Officers and Ordinary Members of the National Committee of Management*

Mr Forsyth repeated that the following candidates had been deemed elected to the following positions as **Officers** of the Association:

President	Professor Ronald McCallum
Vice-President	Professor Richard Mitchell
Treasurer	Ms Rosemary Owens
Secretary	Mr Anthony Forsyth

Mr Forsyth declared that, following the counting of votes, the following candidates had been elected as **Ordinary Members** of the Association's National Committee of Management:

Mr Adam Bandt
 Mr Richard Bunting
 Mr William James Ford
 Mr Malcolm Harding
 Mr John Howe
 Professor Richard Johnstone
 Ms Samantha Kennedy
 Mr Richard Naughton
 Ms Bernadette O'Neill
 Professor Marilyn Pittard
 The Hon. Jeff Shaw
 Professor Phillipa Weeks

Special Business

5. Consideration of Special Resolution – Proposed Amendment of Rule 25(1)(b)

Mr Forsyth explained the need for the proposed rule change in the following terms. Currently, under rule 25(1)(b), nominations for National Committee positions must be delivered to the Secretary not less than 7 days before the date of the annual general meeting. However (as experience in organising the present elections has proved), it is difficult to do everything necessary to conduct the elections within this 7 day period (eg. notify all members of the candidates, provide advice about and receive proxy forms, etc). The proposed rule change would allow the Committee to set an earlier date for the close of nominations, thus allowing more time for organising an election, if required.

* NB. Due to the time taken for counting of votes, the declaration of election results took place after all other business at the meeting had been transacted.

He added that other rule changes may need to be considered by the incoming National Committee of Management in order to better facilitate the participation of interstate members in elections for the Committee in future, eg. removing the requirement in rule 25(6) that such elections must be held at the annual general meeting (provision could be made instead for a postal ballot).

Resolution: That the rules of the Association be amended as follows:

By deleting rule 25(1)(b) and substituting:

'25(1)(b) delivered to the Secretary of the Association not later than a date determined for the purpose by the national committee provided that such a date shall not be earlier than 35 days and not later than 7 days prior to the date fixed for the holding of the Annual General Meeting.'

Moved: Professor Mitchell

Seconded: Commissioner Simmonds

Carried unanimously

Address by the Hon. Justice G.M. Giudice

At 7.00 pm, the meeting adjourned to hear an address delivered by Justice Giudice, President of the Australian Industrial Relations Commission, entitled: 'The Industrial Relation's Commission's Powers of Private Arbitration'. A copy of this address is also attached to these Minutes.

As there was no other business, the meeting closed at approximately 8.00 pm.