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Note from ALLA's Secretary

Welcome to the November 2012 ALLA Newsletter. Thank you for your continued involvement with ALLA this year.

Biennial Conference: Canberra, Nov 2012

The next ALLA Conference will be held on Friday 16 and Saturday 17 November 2012. The venue is the Rydges Lakeside Hotel, conveniently located in the heart of Canberra.

The conference theme is *Working in the Public Interest*. The conference will run all day on Friday, with a dinner that night, then conclude at lunchtime on Saturday. Keynote speakers include Justice Iain Ross, President of Fair Work Australia, Justice Graeme Colgan, Chief Judge New Zealand Employment Court and Professor Keith Ewing, King's College, London.

Two pre-conference workshops will be held on Thursday 15 November. Dr Anna Chapman and Associate Professor Joo-Cheong Tham will co-ordinate a teaching workshop, and Professor Richard Johnstone will co-ordinate a research workshop.

CPD accreditation is available for conference attendance. For more information, contact the ALLA Administrator at law-alla@unimelb.edu.au.

Further information about the conference, workshops and registration information is set out below.

ALLA AGM Canberra, 17 Nov 2012

ALLA's 2012 AGM will be held at 12.30pm on Saturday 17 November at the Rydges Lakeside Hotel, at the close of the National Conference. ALLA members are warmly invited to attend the AGM.

For further information concerning the AGM please contact Rachel at law-alla@unimelb.edu.au.

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. As indicated in our previous newsletter, State Chapter Seminar notifications will now be sent to all ALLA members, not just those in the host state, to enable any members travelling interstate to attend.

Best wishes for the upcoming year.

Shae McCrystal, Secretary, ALLA

ALLA Biennial Conference: Canberra, 16 – 17 November 2012

The next ALLA Biennial Conference will be held on Friday 16 and Saturday 17 November 2012, at Rydges Lakeside Hotel in Canberra.

Appropriately, given its location in our national capital, the theme for the conference is working in the public interest. The public interest has always been a central theme in Australian labour law, and recent disputes involving QANTAS and Victorian public hospital nurses have served to highlight the impact that our labour laws have, not only on the direct workplace participants but on the community more broadly. Debates concerning the content of our labour laws and the interests which they should protect continue to be played out, most recently in the Fair Work Act review process.

Friday's morning program will feature our three keynote speakers, President Iain Ross (FWA), Professor Keith Ewing (King's College, London) and Justice Graeme Colgan (New Zealand Employment Court) discussing collective bargaining from both domestic and international perspectives. The keynote addresses will be followed by a panel discussion on Collective Bargaining under the Fair

Work Act, including the role played by Fair Work Australia in the bargaining process. Panellists include Commissioner Barbara Deegan, Associate Professor Anthony Forsyth and Stuart Wood SC. Time will also be set aside for questions from the floor.

The program for Friday afternoon and Saturday includes a busy schedule featuring a Plenary Session on Australian and New Zealand Labour Law, as well as Parallel Sessions on the themes: Critical Perspectives on Industrial Relations; Equality and Discrimination Issues; Bargaining and Industrial Action; Employment Contract Law Issues; Enforcement Issues, and; Special Categories of Workers.

Further information on the full program, speakers, registration, accommodation and the conference dinner is available from the [website](#).

The conference organising committee is comprised of Cameron Roles, Andrew Stewart, Victoria Lambropoulos and Joellen Riley.

ALLA Annual General Meeting: 17 November 2012

ALLA's 2012 AGM will be held at 12.30pm on 17 November at the Rydges Lakeside Hotel, following ALLA's National Conference. ALLA members are warmly invited to attend the AGM. In addition, members will be asked to vote on a special resolution to amend ALLA's Constitution. The

resolution is intended to give the ALLA National Committee greater flexibility with respect to ALLA's international affiliations.

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 unswerving 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 will be eligible, unless they hold the academic post of Associate Professor, Professor or an honorary professorial position.

If you are presenting a paper at the Conference please be sure to submit your written paper to the Conference Organisers by 2 November 2012 in order to be eligible for the Phillipa Weeks Prize.

ILERA Congress: Melbourne, April 2013

The International Labour and Employment Relations Association will be hosting its 8th Asian Regional Congress in April 2013, in Melbourne.

The theme of the Congress is Work and Employment in the Asian Century. Further details, including the program, are available at the [congress website](#).

International Society for Labour and Social Security Law

The International Society for Labour and Social Security Law (ISLSSL) held its 20th World Congress in Santiago, Chile from 26th – 28th of September this year. The three themes of the conference were: the effectiveness of labour law and the role of labour inspection; sexual harassment and mobbing in the workplace; and the right to strike and its possible conflict with other fundamental rights.

At the executive meeting of the ISLSSL which was held during the Congress, there were changes in the executive structure. Both Secretary General Arturo Bronstein and Treasurer Corrine Vargha resigned from their long held positions, replaced by newly elected Secretary General, Giuseppe Casale; and Treasurer, Stefano Bellomo.

State Chapter Developments

New South Wales

Recent Events:

3 September 2012

The NSW Chapter held a seminar on the topic "Reflections on the Report of the Fair Work Act Review Panel" at the offices of Thomsons Lawyers in Sydney. Neil Napper (partner in the Workplace Relations and Safety team at Lander & Rogers) and Tim Ayres (NSW Secretary of the AMWU) shared their reflections on the Panel's findings and recommendations. Click [here](#) to view the flyer.

27 February 2012

The NSW Chapter held a seminar at the offices of Thomsons Lawyers in Sydney. Dr Meg Smith addressed the topic "Ramifications of the Equal Remuneration Case", discussing the recent decision of Fair Work Australia in the *Equal Remuneration Case* [2012] FWAFB 1000. For further information, please see the [flyer](#) and [presentation](#).

Convenors:

Ms Jackie Seemann, Thomsons Lawyers
 Ms Janine Smith, Carroll & O'Dea Lawyers
 Tashina Orchiston, Women's Legal Services NSW
 Therese McDermott, Macquarie University
 Contact: Janine.Smith@codea.com.au

Queensland

Upcoming Events:

8 November 2012

The Queensland State Chapter will host a seminar at 5.30 pm on 8 November 2012 at the offices of Ashurst. Ian Neil SC will speak on the topic, "An Aspect of the Modern Contract of Employment: The Implied Term of Mutual Trust and Confidence". For further details please see [here](#).

Recent Events:

18 October 2012

A Seminar was held on Thursday 18 October at the offices of Ashurst. Professor Graeme Orr spoke on

the topic "Ministerial Intervention in Labour Law". For more information please see [here](#).

30 August 2012

A seminar was held on Thursday 30 August 2012 at the offices of Ashurst. Amanda Coulthard, member of the Queensland Bar, addressed the topic "Post-Employment Restraints: Principles and Trends." For more information please see [here](#).

12 April 2012

The Queensland State Chapter held a seminar on Thursday 12 April 2012 at the offices of Ashurst in Brisbane. Professor Andrew Stewart discussed "Reforming the Fair Work Act: Prospects and Possibilities". For further information, please see the [flyer](#).

Convenors:

Mr Vince Rogers, Blake Dawson:
vince.rogers@blakedawson.com
 Professor Richard Johnstone, Griffith University:
r.johnstone@griffith.edu.au

South Australia

Recent Events:

3 October 2012

The SA Chapter held a seminar at Piper Alderman on the topic "Labour Law Update: Recent Decisions and Developments". Erin McCarthy and Elise Jenkin, Partner and Associate respectively with Piper Alderman, reviewed important recent developments, including the High Court's much-anticipated ruling in *Bendigo TAFE v Barclay*. For further information please see the [flyer](#).

2 May 2012

The SA Chapter held a seminar on Wednesday 2 May at the offices of Piper Alderman in Adelaide. Andrew Stewart, John Bray Professor of Law at the University of Adelaide and President of the Australian Labour Law Association, spoke on the topic "Evading Employment: Is it Time to Move the Goalposts?"

20 February 2012

The SA Chapter held a seminar on Monday 20 February 2012 at the Adelaide Law School. Dr Meg

Smith of the University of Western Sydney discussed the recent equal pay ruling by Fair Work Australia for the social, community and disability services sector, which will mean substantial pay increases for its mostly female workforce.

Convenors:

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

Tasmania

Recent Events:

5 September 2012

The Tasmania State Chapter, together with the Industrial Relations Society of Tasmania, held a seminar on the topic "Evading Employment: Is it time to move the Goalposts?" Andrew Stewart, John Bray Professor of Law at the University of Adelaide and President of the Australian Labour Law Association addressed the common law definition of employment, as enshrined in the *Fair Work Act 2009*, and the capacity of organisations to engage workers who fall outside that definition. For more information please see the [flyer](#).

Convenor:

Mark Rinaldi, Barrister: mrinaldi@bigpond.com

Victoria

Recent Events:

1 November 2012

The Victorian State Chapter will hold a seminar at the Monash University Law Chambers, Melbourne. The seminar is co-hosted by the Faculty of Law, Monash University and the Australian Institute of Employment Rights. Mr Mark Irving from the Victorian Bar will speak on the topic of 'Barclay High Court Decision – Where to from here'. For further information, please see the [flyer](#).

26 July 2012

The Victorian State Chapter held a seminar at the offices of Ashurst in Melbourne. Professor Tonia Novitz from the University of Bristol Law School discussed the "The Rise and Demise of Right to

Strike". Professor Novitz drew on her recent research and also addressed developments at the ILO and the context of European austerity measures. For further information, please see the [flyer](#).

7 May 2012

The Victorian State Chapter held a seminar on Monday 7 May 2012. Dr Meg Smith from the University of Western Sydney discussed the recent decision of Fair Work Australia in the *Equal Remuneration Case* [2012] FWA 1000. For further information, please see the [flyer](#) or view the [presentation](#).

4 April 2012

The Victorian State Chapter held a seminar on Wednesday 4 April 2012. The Hon Justice Peter Gray of the Federal Court of Australia discussed *The Common Law Contract of Employment*. For further information, please see the [flyer](#).

Please email or phone any suggestions for events to Professor Marilyn Pittard (phone: 9905 3378; see email address below).

Convenors:

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

Western Australia

Recent Events:

27 March 2012

The WA State Chapter held a seminar at the University of WA Business School. Professor Andrew Stewart spoke (and answered questions about) the prospects for major changes to the Fair Work legislation, whether as a result of the review commissioned by the Gillard Government, or under a future conservative government. For further information, please see the [flyer](#).

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