



AUSTRALIAN LABOUR LAW ASSOCIATION

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AUSTRALIAN LABOUR LAW ASSOCIATION
SECOND NATIONAL CONFERENCE

EMPLOYMENT REGULATION FOR THE CHANGING WORK PLACE

EMPLOYMENT REGULATION FOR THE CHANGING WORKPLACE

Friday 24 & Saturday 25
September
2004



University of Sydney
Law School

PROGRAM

FRIDAY 24 SEPTEMBER

9am	Registration
9.30am	Welcome
9.45am-10.30am	<p>Keynote address: Professor Katherine Stone</p> <p><i>Professor Katherine V.W. Stone is an internationally recognized authority in the fields of labour law, labour history, and employment policy. She is Professor of Law and the Anne Evan Estabrook Professor of Dispute Resolution at Cornell Law School and Cornell University's School of Industrial and Labour Relations. Professor Stone has also taught at the Yale Law School, Stanford Law School, the University of Chicago Law School, New York University Law School, and Cardozo Law School. She is the author of Arbitration Law (Foundation Press, 2002) and Private Justice: The Law of Alternative Dispute Resolution (Foundation Press, 2000). Her articles have appeared in the Yale Law Journal, the Stanford Law Review, the University of Chicago Law Review, the UCLA Law Review, and numerous other journals.</i></p> <p><i>Her latest book From Widgets to Digits: Employment Regulation for the Changing Workplace (Cambridge University Press, 2004) provides an integrated framework with which to understand and address problems generated by the changing nature of the workplace.</i></p>
10.30am-11am	MORNING TEA BREAK
11am-12.30pm	<p>Plenary session 1:</p> <p>Joellen Riley: <i>Who owns human capital?</i></p> <p>Justice Graeme Colgan: <i>What Role for Lawyers, Courts and Commissions in the 21st century?</i></p> <p>Pittard, Kowalski and Farrell: <i>Regulating the global workplace: Analysing the implications of Global outsourcing</i></p>
12.30pm-2pm	<p>LUNCH</p> <p><i>Provided as part of the registration fee, at a restaurant to be advised.</i></p>
2pm-3.30pm	<p>Parallel Sessions</p> <p><i>(Papers are 20 minutes each, plus 10 minutes for questions at the end)</i></p>

Session 1A: The future of collective labour law

- Gollan and Gaffney: *Enterprise Unions – a false hope or the new frontier?*
- Mark Mourell: *Corporate regulation of Australian Unions.*
- John Howe: *Building and Construction Industry Improvement Bill 2003: The Coalition's Blue print for 21st Century Labour Regulation?*
- Buttigieg, Creighton, Fetter, Gahan, Josev and Mitchell: *Regulating for performance? Certified agreements and the diffusion of high performance work practices.*

Session 1B: Work, family, life and law

- Belinda Smith: *Family responsibilities and workforce disadvantage – does current discrimination legislation provide any hope?*
- K Lee Adams: *The Intersexion of OHS and EO: Breastfeeding in the Workplace.*
- Kaz Eaton: *Unfair but not unlawful: so what? Discrimination in employment under the HREOC Act.*

Session 1C: The future of the contract of employment

- Peter Punch: *Good faith and fair dealing: Developments since Byrne v Australian Airlines.*
- Louise Clegg: *The implied term of mutual trust and confidence not all its cracked up to be.*
- Arthur Moses: *Restraints of trade.*
- Michael Tamvakologos: *The personal nature of the employment contract.*

3.30pm-4pm AFTERNOON TEA BREAK

4.00pm-5.10pm Parallel Sessions
(Papers are 20 minutes each, plus 10 minutes for questions at the end)

Session 2A: Corporate regulation and labour law

- Mitchell & O'Donnell: *Shareholder Value, Corporations Law and Labour Law, the Australian Experience.*
- Lenne, Mitchell and Ramsay: *Employee shareownership schemes in Australia.*
- Elizabeth Raper: *Crash and burn: to what extent has the use of the concept of joint employment, the GEERS scheme and Corporate law reforms curtailed the use of strategic insolvency as a device for avoiding employee entitlements?*

Session 2B: Reflections on the objects of labour law (note, this session will be 20 minutes longer)

- Joel Butler: *Globalisation and the regulation of work: new forms of work, new forms of regulation?*
- Suzanne Jamieson: *Regulation and Deregulation: Australian Labour Law through a reflexive lens.*
- Glenn Patmore: *Considerations of the role of happiness as a new objective for labour law.*
- Margaret Lee: *Bargaining in Good Faith, Coercion and Duress: Relative Ethical Flexibility in the 21st century.*

Session 2C: Casualisation and employment security

- Joo Cheong Tham: *Income security of casual employment – a legal perspective.*
- Fabian Flintoff: *Casual Employees: Paid too little or too much?*
- Ben Kruse: *Boundary Changes and Amalgamations: Employment protection in NSW Local government.*

7pm-11.30pm DINNER
Tattersalls Club
181 Elizabeth Street, Sydney
(*\$85 per person to be paid at registration <http://www.secureregistrations.com/ALLA2>)
Guest Speaker His Honour Justice Gray
*His Honour Justice Gray of the Federal Court of Australia, is an extremely entertaining after dinner speaker as well as an enthusiastic supporter of the Association**

PROGRAM

SATURDAY 25 SEPTEMBER

- 9.30am-10.40am Plenary session 2
(Papers are 20 minutes each, plus 10 minutes for questions at the end)
- Ron McCallum: *Industrial Citizenship.*
- Gordon Anderson: *Growing Good Faith in NZ Employment Law-Experience since 2000.*
- Jill Murray: *International Trends in the Regulation of Work and Family Life.*
- 10.40am-11am MORNING TEA BREAK
- 11am-12.10pm Plenary session 3
(Papers are 20 minutes each, plus 10 minutes for questions at the end)
- Craig Bosch: *The employment law consequences of the transfer of business: a comparative perspective.*
- Ross Jackson: *Labour Hire and the Contract of employment: who's the boss? Analysis of recent cases.*
- Carolyn Sutherland: *Dispute Resolution in the changing workplace: A delegated responsibility?*
- 12.10pm-12.50pm ALLA Annual General Meeting
- 12.50pm CLOSE

ABOUT THE AUSTRALIAN LABOUR LAW ASSOCIATION (ALLA)

ALLA was established at an inaugural meeting held at the University of Melbourne on 29 November 2000, and was incorporated in Victoria on 27 February 2001. ALLA now has active State Chapters in New South Wales, Queensland, South Australia, Victoria, Western Australia, Tasmania and the ACT.

Membership of ALLA is open to lawyers and others who are interested in the aims of the Association. ALLA currently has in excess of 400 members around Australia, drawn from legal practice, courts and tribunals, academic institutions, unions, employer associations, and other related fields.

The theme for this second national conference is "employment regulation for the changing workplace". The purpose of this conference is to explore the objectives and form of modern labour law in the changing workplace of the 21st Century.

REGISTRATION

Registration for the Conference includes GST and covers: Conference papers, lunch on Friday as well as morning and afternoon tea both days. Dinner on Friday night is optional at a cost of \$85 per person. Numbers for the dinner are strictly limited.

Registration can be made through the ALLA website (<http://law.anu.edu.au/alla/>) or directly via: www.secureregistrations.com/ALLA2.

Registration fees including GST are as follows:

ALLA Member	\$265.00
Non member	\$330.00
Full time Student	\$165.00