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AUSTRALIAN LABOUR LAW ASSOCIATION

Practising Australian Labour Law in the New Economy

AUSTRALIAN LABOUR LAW ASSOCIATION
INAUGURAL NATIONAL CONFERENCE
4-5 OCTOBER 2002



THE UNIVERSITY OF
MELBOURNE

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CORNER PELHAM & BARRY STREETS, CARLTON

PROGRAM

FRIDAY, 4 OCTOBER 2002

from 8.30am **Registration**

9.30–9.35am **Welcome & Conference Opening**
Richard Mitchell,
Centre for Employment and Labour Relations
Law, University of Melbourne

9.35–10.45am **Keynote Speaker's Address**
Professor Joanne Conaghan,
University of Kent at Canterbury, U.K.

Joanne Conaghan is Professor of Law at the University of Kent at Canterbury, and Co-Secretary of the International Network on Transformative Employment and Labour Law (INTELL), along with with Richard Michael Fischl and Karl Klare from the United States. INTELL's latest publication, co-edited by Professor Conaghan, is 'Labour Law in an Era of Globalization: Transformative Practices and Possibilities' (Oxford University Press, 2002). Professor Conaghan's address will consider some of the challenges that globalisation and the new economy pose for labour law and their implications in the Australian setting.

Comments on the Keynote Address
Breen Creighton,
Corrs Chambers Westgarth, Melbourne

10.45–11.15am Morning Tea

11.15am–1.00pm **Plenary Session I**

The new economy: impacts on the practice of labour law
Bruce Moore and Janine Young,
Mallesons Stephen Jaques, Melbourne

Decent work for the contingent workforce in the new economy
Rosemary Owens,
Law School, University of Adelaide

**The disappearing workplace:
The implications of electronic work for labour law and practice**
Marilyn Pittard,
Faculty of Law, Monash University, Victoria

1.00–2.00pm Lunch

2.00–3.15pm **Concurrent Session I:
The growing contingent workforce**

Redefining employment: Meeting the challenge of agency and contract labour
Andrew Stewart,
School of Law, Flinders University, South Australia

Casual employees: Protection against unfair dismissal and entitlement to parental leave
Joo Cheong Tham,
Law School, Victoria University of Technology

2.00–3.15pm

**Concurrent Session 2:
Information and communication technology: transforming 'work' and 'the workplace'**

Sex, lies and the boss's e-mail: When will an employee's private conduct justify dismissal?
Karen Wheelwright,
School of Law,
Deakin University, Victoria

A case study exploring employers' rights to use invasive means to regulate employees' private lives in the workplace
Samantha Kennedy and Melissa Elliott,
Corrs Chambers Westgarth, Melbourne

2.00–3.15pm

**Concurrent Session 3:
The changing nature of employment contracts**

Mutual trust and good faith: Can private contract law guarantee fair dealing in the workplace?
Joellen Riley,
Law Faculty, University of Sydney

Duress and AWAs
Max Spry,
Barrister, Canberra

Individualisation of employment relations and high performance work systems: Evidence from AWAs
Richard Mitchell,
Centre for Employment and Labour Relations
Law, University of Melbourne

3.15–3.45pm

Afternoon Tea

3.45–5.00pm

**Concurrent Session 4:
Governing the workplace:
Corporate law or labour law?**

Corporate lawyers and labour lawyers: Mars and Venus on a date?
Paula Darvas,
Faculty of Business and Economics,
Monash University, Victoria

**The demise of Ansett:
A labour lawyer's perspective**
Graham Smith,
Clayton Utz, Melbourne

We're going under, but don't tell the workers: Corporate collapses and employees' right to know
Anthony Forsyth,
Centre for Employment and Labour Relations
Law, University of Melbourne

SATURDAY, 5 OCTOBER 2002

3.45–5.00pm

Concurrent Session 5: Employment protection in uncertain times

**Unfair dismissal: Does the statutory
scheme deliver adequate protection or
merely (in)adequate compensation?**

Damian Murphy,
Barrister, Melbourne

**What happened to the fair go? Inequality
of treatment in Australian industrial
tribunals**

Fabian Flintoff,
Deacons, Sydney

**Righting unfair and discriminatory wrongs:
the policy basis of remedies for unfair and
discriminatory dismissals**

Mark Irving,
Barrister, Melbourne

3.45–5.00pm

Concurrent Session 6: Representing workers and regulating work in the new economy

**Labour law as a means of fostering
workplace democracy**

Paul J Gollan,
Department of Industrial Relations, London
School of Economics; and
Glenn Patmore,
Law Faculty, University of Melbourne

**More sound than fury? Putting teeth
in corporate codes of conduct**

Lee Adams,
School of Law,
Deakin University, Victoria

**International trade union responses to
the new economy**

Mordy Bromberg,
Barrister, Melbourne

7.30pm

Conference Dinner

'Il Vicolo' Restaurant
50 Grattan Street, Carlton

Dinner Address

Commissioner Pru Goward,
Federal Sex Discrimination Commissioner

*Pru Goward was appointed Federal Sex
Discrimination Commissioner from 30 July 2001,
following a career as a national affairs journalist
and political commentator for 19 years, and
serving as head of the Federal Office of the
Status of Women from 1997 to 1999. In her
address, Commissioner Goward will explore a
range of issues affecting working women in the
new economy, including the major policy
debate following the release of her April 2002
discussion paper 'Valuing Parenthood: Options
for Paid Maternity Leave'.*

9.30–11.00am

Plenary Session 2

**Conflict of laws & labour law in the new
economy**

Ron McCallum,
Law Faculty, University of Sydney

**Closing down or locking out?
Industrial action by employers in the
new economy**

Jennifer Dunn,
Department of Industrial Relations, Queensland

**State systems and the new economy:
A view from the West**

Bill Ford, Law School, University of Western
Australia

11.00–11.20am Morning Tea

11.20am–12.00pm

Closing Session: Reflections on Conference Themes and Issues

Bernadette O'Neill,
Maurice Blackburn Cashman, Melbourne

Gordon Anderson,
Faculty of Law, Victoria University of Wellington,
New Zealand

12.00pm

Close Conference –
Ron McCallum

12.05–12.45pm

**2nd Annual General Meeting of the
Australian Labour Law Association Inc.**



AUSTRALIAN LABOUR LAW ASSOCIATION

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Conference Sponsor

Venue: Melbourne Law School,
The University of Melbourne,
Corner of Pelham and Barry Streets,
Carlton 3010

Established in November 2000, the Australian Labour Law Association Inc. (ALLA) is the first organisation formed specifically for the purpose of promoting the professional interests of lawyers and others working in the fields of labour law and social security law in Australia. It also aims to provide a forum for the exchange of ideas in these fields. Since its formation, the ALLA has attracted over 400 members including academics, practitioners, tribunal members and others drawn from around Australia. For further details and membership information, please visit our website: www.alla.law.unimelb.edu.au

The ALLA's Inaugural National Conference, 'Practising Australian Labour Law in the New Economy', will examine the nature and implications for labour law practice of the major changes in the organisation of work in Australia over the last ten to fifteen years. In response to pressures from globalisation and other forces, the emergence of the 'new economy' has presented many challenges for labour law regulation. These challenges, the ways in which labour law has responded to them, and international influences on Australian labour law change will also be considered. The Conference organisers welcome the attendance of all who are interested in these issues. We expect that our audience will benefit from the diverse range of papers, from both academic and practitioner perspectives, to be presented at the Conference.

Anthony Forsyth
Secretary, ALLA
on behalf of the National Committee

Accommodation:

Subject to availability at the time of booking. Reservations should be made directly to accommodation venues.

All venues listed are 10–15 minutes walking distance from the conference venue.

The Travel Inn Hotel

Cnr Grattan & Drummond Streets,
Carlton Vic 3053
Flag 24 hour Reservations: 13 2400
Tel: + 61 3 9347 7922
Fax: + 61 3 9347 1424
Toll Free: 1800 625 357
Email: reservations@the-travel-inn.com.au
Web: <http://www.the-travel-inn.com.au>

Rydges Carlton

701 Swanston Street, Carlton Vic 3053
Tel: + 61 3 9347 7811
Fax: + 61 3 9347 8225
Toll Free: 1800 333 001
Email: reservations_carlton@rydges.com.au
Web: www.rydges.com.au

The Clocktower

Serviced apartments
Shop 27, 255 Drummond Street, Carlton Vic 3053
Tel: + 61 3 9349 9700
Fax: + 61 3 9349 2542
Toll Free: 1800 062 966
Email: cca@hyperlink.net.au
Web: www.clocktower.com.au

The Chifley on Flemington

5-17 Flemington Rd, North Melbourne Vic 3051
Tel: + 61 3 9329 9344
Fax: + 61 3 9328 4870
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Web: www.touraufit.com



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