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FOREWORD

It was another busy year for the Centre in 2019. We commenced the year with a new Chair of our Advisory Board. In late 2018 the Centre welcomed Justice Mordy Bromberg (of the Federal Court) as the incoming Chair. This followed the retirement of Justice Tony North, who had generously served as Chair of the Advisory Board since 2010.

In terms of personnel changes, Anna Chapman was promoted to the level of Professor in the Melbourne Law School, effective from January 2019, in recognition of her research, engagement and contribution to the field of labour law, as well as service to the University. Tess Hardy was on parental leave during 2019. At the end of 2019 Anna resigned as a Co-Director of the Centre, after a number of years in the role. Anna continues as a Centre member. In 2020, John Howe has come back into the role as Co-Director, with Tess Hardy.

Helen Anderson retired from the University at the end of 2019. Helen joined the Melbourne Law School in 2010, after 21 years at Monash University. Helen’s abiding research interest has been in the fair treatment of vulnerable parties, especially in the context of corporate insolvency. She has been the recipient of several grants from the Australian Research Council for her research on improving the recovery rights of employees in corporate insolvency and investigating ways to better regulate fraudulent phoenix activity. Helen has made a substantial contribution to her field, as well as the life of the Law School and Centre over the past nine years. Her collegiality and wisdom is greatly missed.

Andrew Newman successfully completed his PhD in 2019. Andrew’s dissertation, supervised by John Howe and Anna Chapman, examined the legal precariousness of temporary migrant agricultural workers in Canada and Australia. Two new PhD candidates commenced in the Centre at the beginning of the year, joining our cohort of PhD students. Liam Elphick’s project examines the role of tortious principles in the development of discrimination law, and Morgan Nyland is examining human rights charters in the context of the employment relationship. These projects are described in more detail in the pages of this annual report. The Centre was delighted to be able to offer both Liam and Morgan a CELRL PhD scholarship, to assist them in their PhD studies.

Good progress was made on all Centre research projects over 2019, with numerous papers written and presentations delivered to a wide range of audiences. Highlights include the publication of Alysia Blackham’s monograph on empirical research and workplace discrimination law, as well as three collections co-edited by Centre members. The publications section of this annual report lists publications, as well as conference papers and other outputs.

A number of seminars were held across the year, on a range of topics including the intersections of privacy regulation and labour law, automation and labour protection, modern slavery, and zero-hour contracts. The year saw the Centre host a number of major events. These included a seminar and panel discussion on the cash economy, a symposium on the Fair Work Act (at its 10 year anniversary), the Australian Equality Law Forum, and a symposium on democracy, labour law and the role of trade unions, that was held on the occasion of the centenary of the International Labour Organisation. Further details of these events are included in this annual report.

The Centre continued to coordinate a strong teaching program in both the Juris Doctor (JD) degree, and the Melbourne Law Masters (MLM) program. In the JD program, students have a choice of a number of subjects relevant to the field. In addition to ‘Employment Law’ (which provides a thematic overview of the field), students are able to study (every second year) ‘Equality and Discrimination Law’ (which focuses on anti-discrimination law in Australia). JD students are also provided with the opportunity to undertake an internship with a range of organisations, such as the Fair Work Commission and JobWatch (as part of the subject ‘Legal Internship’).

The employment and labour relations law specialisation in the MLM program offers eight integrated subjects. These subjects can be taken by students towards the Graduate Diploma in Employment and Labour Relations Law, the Master of Employment and Labour Relations Law, and the general Master of Law. Students come into the MLM program with a range of backgrounds, including in private legal practice, as well as human resource management and industrial associations.
The publication of the annual report provides an opportunity to make special acknowledgement of the important contributions made to the Centre and its work by the legal practices and organisations that are Centre Sponsors. Our thanks must also be extended to the Centre academic associates, teaching associates, and members of the Advisory Board.

We are pleased to note that all the Centre Sponsors renewed their sponsorship of the Centre in 2019. In addition to the Sponsors’ financial contributions, members of these practices frequently participate in the Centre’s research and teaching programs, as well as attending (and in some cases presenting at) the Sponsors’ Seminar Series. The many aspects of our relationships with our Sponsors are, we believe, mutually enriching.

The ongoing support and contributions of our Sponsors, as well as our academic, teaching and research associates, and the members of the Advisory Board, are all essential to the Centre’s continuing success and vitality. We also wish to thank the JD students who are involved in the Centre as Student Editorial Assistants for the Australian Journal of Labour Law, or as research assistants for the various research projects in which Centre members are involved. Also important is the financial and administrative support provided by Melbourne Law School. Once again, we thank all those who continue to offer their support: without it the Centre could not do much of the work that it does.

Anna Chapman, Tess Hardy and John Howe
May 2020
OBJECTIVES OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

The Centre was established at Melbourne Law School in 1994. It is Australia’s first research centre devoted exclusively to developing an understanding of the role and function of employment and labour relations law. Its objectives are:

- to undertake and encourage independent research on all aspects of the past, present and future regulation of work, in Australia and internationally, including interdisciplinary and multi-interdisciplinary research;
- to undertake and promote research-led teaching of labour and employment law, including by developing and promoting innovative teaching methods and teaching materials, and by fostering graduate research;
- to disseminate the results of research in employment and labour relations law; and
- to establish and foster links with similar bodies, internationally and nationally, and to facilitate engagement between stakeholders both within and beyond the University.
THE CENTRE: PEOPLE AND RELATIONSHIPS

CO-DIRECTORS

Dr Tess Hardy
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Dr Tess Hardy is a Co-Director of the Centre (from January 2019). Her research spans the fields of regulatory theory, contract, labour law and competition and consumer law. In November 2017, Tess was awarded an ARC Discovery Early Career Researcher Grant to further her research into franchise regulation, particularly the way in which regulatory mechanisms influence the behaviour of franchise stakeholders.

Tess has previously held an appointment at RMIT University and has worked as a consultant for the International Labour Organisation. From 2010 to 2013, Tess was engaged as a Research Fellow on an ARC Linkage Project (with partner organisation, the Fair Work Ombudsman). Tess has previously worked as a lawyer and senior associate at a number of national law firms, and large companies, practicing principally in workplace relations law.

Tess holds a Doctor of Philosophy in Law from Melbourne Law School. Tess also holds a Masters of Law, a Bachelor of Law (Hons) and a Bachelor of Arts from the University of Melbourne. She was previously the Associate Editor of the Australian Journal of Labour Law and currently sits on the national committee of the Australian Labour Law Association.

Professor John Howe
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Professor John Howe is a Co-Director of the Centre (from January 2020), having previously served as a Director between 2008-2016. John is also Director of the University of Melbourne School of Government. His research interests include labour market policy and regulation, regulatory theory, and corporate accountability. He has written extensively on the role of the state in regulating employment and labour markets, and on the intersection between state-based regulation and corporate governance. John is presently engaged in research concerning regulatory enforcement of minimum employment standards and labour dispute resolution in Australia and the Asia-Pacific region. He is also leading the Program on Regulation and Design at Melbourne School of Government, as well as a project on the evaluation of government social procurement initiatives.

John is a member of the Steering Committee of the international Labour Law Research Network, having served as Chair of the Steering Committee between 2015-2019, and is an Editor of the Australian Journal of Labour Law.

Prior to commencing an academic career, John worked in private legal practice, and also as a researcher for public policy and advocacy organisations in Washington DC. John was Secretary of the Australian Labour Law Association between 2005 and 2009. He was Deputy Dean of the Melbourne Law School from 2013-2016.
MEMBERS

Professor Helen Anderson

(retired from the University from January 2020)
LLB (Hons) (Melb), Grad Dip Bus (Acc), LLM, PhD (Monash)
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Professor Helen Anderson’s research lies in the fair treatment of vulnerable corporate stakeholders. She has undertaken extensive work on improving the recovery rights of employees in corporate insolvency. Helen has been the recipient of several Australian Research Council Grants, including in relation to phoenix activity. Her most recent book is The Protection of Employee Entitlements in Insolvency: An Australian Perspective. The phoenix activity project produced three major reports: Defining and Profiling Phoenix Activity; Quantifying Phoenix Activity: Incidence, Cost, Enforcement and Phoenix Activity: Recommendations on Detection, Disruption and Enforcement. One of the report’s recommendations — the Director Identification Number — was adopted as both Coalition and Opposition policy.

Professor Sarah Biddulph

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Professor Sarah Biddulph’s research focuses on the Chinese legal system with a particular emphasis on legal policy, law making and enforcement as they affect the administration of justice in China. Her particular areas of research are contemporary Chinese administrative law, criminal procedure, labour law, comparative law and the law regulating social and economic rights.
Associate Professor Alysia Blackham

BA, LLB (Hons) (Melb), GradDipLegPrac (ColLaw, Syd), GradCertEdStud (HigherEd) (Syd), PhD (Cantab)  
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Associate Professor Alysia Blackham is a Discovery Early Career Research Fellow at Melbourne Law School. Alysia holds Bachelor degrees in both Arts and Law (with Hons) from the University of Melbourne, and a PhD in Law from Gonville and Caius College at the University of Cambridge.

Her research focuses on the intersection of employment law, equality law and public law, using empirical evidence to cast new light on legal problems. Alysia’s work concentrates on the consequences of demographic ageing for workplaces. A monograph based on Alysia’s PhD thesis, entitled Extending Working Life for Older Workers: Age Discrimination Law, Policy and Practice, was published by Hart in 2016, and was awarded second prize in the UK Society of Legal Scholars’ Peter Birks Prizes for Outstanding Legal Scholarship in 2017.

Alysia has worked as a solicitor at Herbert Smith Freehills and taught at the University of Sydney and University of New South Wales. Prior to joining Melbourne Law School, Alysia was the Turpin-Lipstein Fellow and College Lecturer in Law at Clare College, Cambridge and an Affiliated Lecturer at the Faculty of Law, University of Cambridge.

Professor Anna Chapman

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Professor Anna Chapman was a Co-Director of the Centre until the end of 2019. In 2018 and 2019 she was the Associate Dean (JD) in the Melbourne Law School. From June 2020 Anna is the Chairperson of the University’s Teaching and Learning Quality Assurance Committee.

Anna holds Bachelor degrees in both Commerce and Law (with Hons) from the University of Melbourne, an LLM from the University of Melbourne and a PhD from the University of Adelaide (with a Dean’s Commendation for Doctoral Thesis Excellence). Her research focuses on employment law and gender and sexuality. This work has engaged particularly with minimum labour standards, including parental leave entitlements and working hours regulation, in addition to the General Protections (adverse action) in the Fair Work Act, unfair dismissal and anti-discrimination law.

Anna’s recent work includes a project funded by the Australian Research Council (with Beth Gaze) examining the intersections between the General Protections in the Fair Work Act 2009 (Cth) and anti-discrimination law, a project that came to a completion in 2017.
Professor Sean Cooney

BA, LLB (Hons), LLM (Melb), LLM, JSD (Columbia)
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Professor Sean Cooney’s research interests concern international and comparative labour and employment law, with a focus on Asia. He has worked on new approaches to improving international working standards, including on Australian Research Council funded collaborative projects on Chinese labour law reform; enforcement in Australia; and assessing the effect of legal change in several Asia-Pacific countries. He has published articles in major refereed law journals in the United States, China and Australia. Between 2014 and 2016, Sean served as a Legal Specialist in the Labour Law and Reform Unit at the International Labour Organisation (ILO) in Geneva, where he provided advice to governments in countries such as China, India, Myanmar and Pakistan. He continues to consult for the ILO. Sean speaks Mandarin Chinese, French and German. He studied at the University of Melbourne and Columbia University and also spent several years as a lawyer practising mainly in the areas of employment and administrative law.

Sean’s books include Law and Fair Work in China, (2013, Routledge) together with Sarah Biddulph and Zhu Ying and Resolving Individual Labour Disputes: A Comparative Overview (2016, International Labour Organisation), which is co-edited with Minawa Ebisui and Colin Fenwick.

Professor Beth Gaze

BSc, LLB (Hons) (Monash), LLM (Cal) (Berkeley), PhD (Monash), Grad. Dip Psych Studies (Deakin)
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Professor Beth Gaze’s research interests lie in anti-discrimination and equality law, feminist legal thought, administrative law including tribunals, and she has a particular interest in socio-legal research including empirical research. She has published extensively in these areas, and has been the recipient of several Grants from the Australian Research Council. She has previously been a member of Commonwealth and State tribunals including the Social Security Appeals Tribunal and the Mental Health Review Board.

Beth has acted as an expert adviser to Parliament and to the International Labour Organisation, and is a member of the Editorial Board of the International Journal of Discrimination and the Law. She has published many articles and book chapters on Australian anti-discrimination law. Her most recent book is Equality and Discrimination Law in Australia: An Introduction with Associate Professor Belinda Smith of the University of Sydney (2017, Cambridge University Press). With Anna Chapman, in 2017 she finalised a major research project investigating whether the adverse action provisions of the Fair Work Act 2009 (Cth) have improved protection against employment discrimination in Australia. Beth is also a member of the Centre for Comparative Constitutional Studies.
Professor Tarun Khaitan

BA, LLB (Hons) (NLS Bangalore), BCL (Oxford), MPhil (Oxford), DPhil (Oxford)
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Tarun Khaitan is a Professor and Future Fellow at Melbourne Law School, working on a project on the resilience of democratic constitutions, with a focus on South Asia. He is also the Professor of Public Law and Legal Theory at Wadham College (Oxford), currently on leave. Tarun specialises in legal theory, constitutional law and discrimination law. He is a visiting Global Professor of Law at New York University Law School, the General Editor of the Indian Law Review, an Academic Fellow of the Honourable Society of the Inner Temple, an Affiliate of the Bonavero Institute of Human Rights and an Associate of the Oxford Human Rights Hub. His monograph entitled *A Theory of Discrimination Law* (OUP 2015 hbk, South Asia edition and Oxford Scholarship Online, 2016 pbk) has been cited by the European Court of Human Rights and reviewed very positively in leading journals, including in Law and Philosophy, where Sophia Moreau said ‘In this magnificent and wide-ranging book ... Khaitan attempts what very few others have tried.’ The book won the Woodward Medal in 2019 for making ‘a significant contribution to knowledge in a field of humanities and social sciences.’

Professor Khaitan helped draft the Indian Anti-Discrimination and Equality Bill 2017, and his research on discrimination law has been quoted and relied upon by the Indian Supreme Court. Tarun was awarded the 2018 Letten Prize, an award to a young researcher conducting excellent research of great social relevance. He is using a part of the award towards setting up the Indian Equality Law Program, aimed at capacity-building for early-career scholars.

Dr Julian Sempill

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Dr Julian Sempill is a Senior Lecturer at Melbourne Law School, where he has taught since 2009. He holds a DPhil in Law from the University of Oxford and BA/LLB (Hons) degrees from the University of Melbourne. He is completing a book for Cambridge University Press (UK) entitled *Power & the Law*. In addition to being a member of the Centre, Julian is a member of the Centre for Comparative Constitutional Studies and the Centre for Corporate Law and Securities Regulation.
Joo-Cheong Tham is a Professor at Melbourne Law School and has taught at the law schools of Victoria University and La Trobe University.

His research spans the fields of labour law and public law with a focus on law and democracy; and the regulation of precarious work. He has also undertaken considerable research into counter-terrorism laws. He has published more than 40 refereed articles and book chapters, edited two collections and produced three monographs including *Money and Politics: The Democracy We Can't Afford* (2010, UNSW Press).

His research has also been published in print and online media with Joo-Cheong having published more than 50 opinion pieces including in *The Age, Australian Financial Review, The Guardian, Herald Sun* and *Sydney Morning Herald*. Joo-Cheong regularly speaks at public forums and has presented lectures at the Commonwealth, South Australian and Victorian Parliaments. He has also given evidence to parliamentary inquiries into labour migration, terrorism laws and political finance laws; and has written key reports for the New South Wales Electoral Commission on the regulation of political finance and lobbying. His research on the regulation of precarious work is currently focused on the challenges posed by temporary migrant work in Australia, particularly, the precariousness of such work. In 2012, Joo-Cheong became the inaugural Director of the Electoral Regulation Research Network. The Network - an initiative sponsored by the New South Wales Electoral Commission, Victorian Electoral Commission and the Melbourne Law School - aims to foster exchange and discussion amongst academics, electoral commissions and other interested groups on research relating to electoral regulation.

Sayomi Ariyawansa is a PhD student at Melbourne Law School. She researches across the fields of labour migration, labour trafficking and labour law, with a focus on the use of migrant labour in the Australian agriculture industry. She is also a lawyer in the Workplace Relations team of Corrs Chambers Westgarth.

Prior to joining Melbourne Law School, Sayomi completed the Master of Law program at the University of Cambridge, where she graduated with First Class Honours and was awarded the Kate Bertram Prize for Academic Excellence. She is also a former Editor of the Cambridge International Law Journal, and is a Forum Member of the Cambridge Migration Research Network.
PROFESSORIAL FELLOW

The Hon Professor Geoffrey Giudice AO
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The Hon Professor Geoff Giudice studied law and arts at the University of Melbourne, graduating in 1970. He spent nine years working in industry, before beginning to practise as a solicitor in 1979. He was admitted to the Bar in Victoria in 1984, and as a barrister specialised in industrial relations and employment law. He was appointed a Judge of the Federal Court of Australia in 1997. At the same time, he became the President of the Australian Industrial Relations Commission. In 2009, when the Commission was replaced by the newly-established Fair Work Australia, he was appointed its first President. Geoff retired from this position in February 2012.

Alongside his appointment with the Centre, Geoff has a number of other roles including consultant to Ashurst Australia, Chair of the Independent Review Panel under the Gambling Regulation Act (Vic), Chair of Catholic Professional Standards Ltd and is a Chair of the AFL Tribunal. He has a special interest in workplace relations legislative policy-making.

RESEARCH FELLOW

Dr Iain Campbell
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Dr Iain Campbell is an experienced researcher in the field of employment relations, with special expertise in precarious work, working hours, trade union strategies, and temporary migrant labour. From 1998 to 2016 he was employed as a Senior Research Fellow at RMIT University and was a Visiting Researcher at the European Trade Union Institute (Brussels), the Institut de Recherches Economiques et Sociales (Paris), and the International Labour Organisation (Geneva). In 2016 he was elected Hallsworth Visiting Professor at the University of Manchester Business School.

Iain currently works as a Research Fellow in the Centre, collaborating with colleagues, including Joo-Cheong Tham, on research publications and projects concerning temporary migrant workers and precarious work in Australia.

STUDENT FELLOW

Jahangir (Jay) Mahmood continued his position as the CELRL Student Fellow in 2019. Jay worked on a number of projects with Centre members, with the primary one being to prepare an update on case law developments regarding General Protections under the Fair Work Act.
ASSOCIATES

The Centre and its members work regularly in collaboration with a wide network of scholars in the field of employment and labour relations law around Australia and the world.

- Associate Professor Susan Ainsworth, University of Melbourne
- Professor Chris Arup, Monash University
- Professor Michelle Brown, The University of Melbourne
- Professor Cindy Estlund, New York University
- Professor Keith Ewing, Kings College, University of London
- Associate Professor Colin Fenwick, International Labour Organisation and Principal Fellow, University of Melbourne
- Emeritus Professor William Ford, University of Western Australia
- Professor Anthony Forsyth, RMIT University
- Emeritus Professor Mark Freedland, University of Oxford
- Professor Judy Fudge, McMaster University, Canada
- Professor Peter Gahan, The University of Melbourne
- Professor Richard Johnstone, Queensland University of Technology
- Professor Tim Lindsey AO, The University of Melbourne
- Dr Petra Mahy, Monash University
- Emeritus Professor Ronald McCallum, The University of Sydney
- Associate Professor Shelley Marshall, RMIT University
- Professor Richard Mitchell, Monash University
- Associate Professor Jill Murray, Monash University
- Dr Richard Naughton, Monash University
- Mr Anthony O’Donnell, LaTrobe University
- Professor Graeme Orr, University of Queensland
- Emerita Professor Rosemary Owens AO, University of Adelaide
- Professor Marilyn Pittard, Monash University
- Professor Ian Ramsay, The University of Melbourne
- Professor Joellen Riley, University of Technology Sydney
- Professor Andrew Stewart, University of Adelaide
- Professor Katherine Stone, UCLA School of Law
- Professor Leah Vosko, York University, Canada

TEACHING ASSOCIATES

The Centre for Employment and Labour Relations Law draws on a network of colleagues in both legal practice and the academy who participate in the Centre’s research and teaching programs.

- Ms Carol Andrades, Gordon Legal
- Mr Craig Dowling SC, Victorian Bar
- Mr Mark Irving QC, Victorian Bar
- Mr Paul O’Grady QC, Victorian Bar
- Mr Peter C Rozen QC, Victorian Bar
THE ADVISORY BOARD

The Centre’s work takes place under the guidance and assistance of an Advisory Board. Members of the Board are distinguished representatives of major institutions, bodies and law firms with an involvement in the employment and labour relations law field. The members in 2019 were:

- The Honourable Justice Mordy Bromberg (Chair), Federal Court of Australia
- Ms Carol Andrades, Gordon Legal
- Mr Josh Bornstein, Maurice Blackburn
- The Honourable Alan Boulton AO, formerly of the Fair Work Commission
- Mr Trevor Clarke, Australian Council of Trade Unions
- Mr Marcus Clayton, Gordon Legal
- Mr Mark Diserio, Lander & Rogers
- The Honourable Peter Gray AM, formerly of the Federal Court of Australia
- The Honourable Associate Justice Mary-Jane Ierodiaconou, Supreme Court of Victoria
- Mr Ross Jackson, Maddocks
- Mr Murray Kellock, King Wood & Mallesons
- Commissioner Tim Lee, Fair Work Commission
- Mr Leon Levine, Minter Ellison
- Mr Jon Lovell, Ashurst
- Mr Peter Lupson, K&L Gates
- Ms Frances O’Brien QC, Victorian Bar
- Ms Sandra Parker, Fair Work Ombudsman
- Mr Charles Power, Holding Redlich
- Ms Sarah Rey, Justitia
- Ms Penny Savidis, Ryan Carlisle Thomas
- Mr Michael Tamvakologos, Seyfarth Shaw
- Mr John Tuck, Corrs Chambers Westgarth
- Mr Anthony Wood, Herbert Smith Freehills
The support of sponsors is essential to the continued operation of the Centre, both in terms of the financial contributions that sponsors make to the resources of the Centre, and in terms of the involvement of sponsoring firms in providing advice and counsel for the Centre. One representative from each of the Centre’s sponsors sits on the Centre’s Advisory Board. The Centre’s sponsors in 2019 were:
VISITORS

The Centre regularly welcomes academic colleagues from interstate and overseas. In 2019 we hosted a number of visitors, many of whom took part in events hosted by the Centre:

- Professor Lisa Waddington, Maastricht University, Netherlands (February)
- Professor Richard Johnstone, QUT (February and December)
- Dr Liz Bluff, ANU (February and December)
- Professor Valerio De Stefano, University of Leuven, Belgium (April)
- Professor Judy Fudge, McMaster University, Canada (May)
- Professor Marian Baird, University of Sydney (July)
- Professor Sara Charlesworth, RMIT University (July)
- Professor Keith Ewing, King’s College London (July)
- Professor Anthony Forsyth, RMIT University (July)
- Associate Professor Joanna Howe, University of Adelaide (July)
- Professor Jeremy Moss, University of New South Wales, (July)
- Professor David Peetz, Griffith University (July)
- Dr Patricia Ranald, University of Sydney (July)
- Professor Shae McCrystal, University of Sydney (July)
- Dr Nicholas Kimberley, Australian Catholic University (July)
- Professor Andrew Stewart, University of Adelaide (July)
- Dr Dominique Allen, Monash University (November)
- Emeritus Professor Gary D Bouma, Monash University (November)
- Dr Karen O’Connell, University of Technology Sydney (November)
- Ms Adriana Orifici, Monash University (November)
- Associate Professor Belinda Smith, University of Sydney (November)
- Ms Alice Taylor, ANU (November)
The Centre is Australia’s first research centre devoted exclusively to developing an understanding of the role and function of legal regulation of the labour market. Centre members are engaged in research in diverse aspects of the broad field of employment and labour law and labour market regulation. Areas of particular interest and expertise include the enforcement of minimum employment standards, international labour rights and standards, temporary migrant worker rights, and discrimination and inequality in employment and the labour market.

During 2019, Centre members pursued a number of specific research projects. Short descriptions of the Australian Research Council funded projects follow. Further information on all of the research projects can be found on our website at: law.unimelb.edu.au/centres/celrl/research/current-research-projects

AUSTRALIAN RESEARCH COUNCIL (ARC) FUNDED RESEARCH PROJECTS

ADDRESSING AGE DISCRIMINATION IN EMPLOYMENT

Centre Member: Alysia Blackham

While demographic ageing necessitates extending working lives, few have questioned the effectiveness of Australian age discrimination laws in supporting this ambition. This project draws on mixed methods and comparative UK experiences to offer new empirical and theoretical insights into Australian age discrimination law. Intended outcomes include a comprehensive empirical dataset and a normative model for legal reform in Australia, to inform public policy and debate and improve our ability to respond to demographic ageing, thereby offering economic, health and social benefits.

ADMINISTRATIVE JUSTICE IN CHINA: HARNESSING THE RULE OF LAW TO DEAL WITH CITIZEN COMPLAINTS AGAINST OFFICIAL MISCONDUCT

Centre Member: Sarah Biddulph

Ongoing conflicts between citizens and government officials in China pose a serious threat to the country’s social stability. Dealing fairly and efficiently with citizens’ complaints of administrative misconduct is a core component of China’s commitment to good governance and the rule of law. This project undertakes the first systematic examination of the three mechanisms underpinning administrative justice in China and their interaction: administrative litigation, administrative review, and letters and visits. It will assess China’s capacity to use law to address chronic abuse of power. It will provide a practical understanding of the changing nature of China’s commitment to the rule of law and the implications for Australia.

CONSTITUTIONAL RESILIENCE IN SOUTH ASIAN DEMOCRACIES

Centre Member: Tarun Khaitan

This project examines the design of constitutional institutions and connections with the resilience of democracy. So far, the project has produced papers concerning the threat that plutocracy poses to democratic constitutionalism, non-judicial forms of constitutional defence, and the subtler—incremental—assaults that established democracies have witnessed in recent years. A podcast on the last topic can be heard here: https://philosophy247.org/podcasts/democracy/.

FORMAL AND INFORMAL REGULATION OF LABOUR DISPUTES IN SOUTHEAST ASIA

Centre Member: John Howe

The project is investigating the formal and informal mechanisms of collective labour dispute resolution in three Southeast Asian countries: Indonesia, the Philippines and Vietnam. The project is based on the important observation that formal (state-based) labour laws and institutions often play only a limited role in these countries. That is to say, Southeast Asian legal systems, and state-based labour law and industrial relations systems more specifically, are generally characterised by limited effectiveness, while non-state regulation and the activities of unofficial actors may complement, substitute or conflict with the law.
PRECARIOUSNESS IN LAW AND LABOUR MARKETS: THE CASE OF TEMPORARY MIGRANT WORKERS

Centre Members: Joo-Cheong Tham and Iain Campbell
Associates: Judy Fudge

This project examines the situation of temporary migrant workers in Australia, focusing on the nature and extent of their precariousness both in law and in labour market practice. It offers a major contribution to current research and policy debates on the implications of temporary migrant labour.

WORK IN FRANCHISES: SEARCHING FOR SOLUTIONS AT THE REGULATORY FRONTIER

Centre Member: Tess Hardy

The underpayment scandals that have engulfed 7-Eleven, Domino’s Pizza and other well-known franchises have generated significant public concern and substantial law reform. This project combines comparative doctrinal analysis of labour and competition and consumer laws, with mixed methods research, to examine the effectiveness of regulatory frameworks and initiatives designed to enhance and ensure work-related rights and responsibilities within franchise systems. This innovative, legally grounded approach will provide a coherent, principled platform for regulating key risks that arise in franchises, and other novel business networks.

OTHER RESEARCH GRANTS RECEIVED

- Alysia Blackham: Workshop Program, Academy of the Social Sciences in Australia (to convene the workshop *Using Transparency to Achieve Equality* with Professor Margaret Thornton and Dr Dominique Allen), 2019
- Alysia Blackham: Interdisciplinary Policy Roundtable Grant, Economic and Social Participation Research Initiative, University of Melbourne (to convene the Australian Equality Law Forum), 2019
- Tarun Khaitan: Indian Equality Law Program (Funded by The Letten Prize in September 2018)

OTHER EMPLOYMENT AND LABOUR LAW RESEARCH PROJECTS

- Anna Chapman, Beth Gaze, Tess Hardy, and John Howe: Enforcing Work Law – a comparative analysis of approaches to enforcement in different areas of work law in Australia
- Sean Cooney: International Labour Organisation Consultancy, IRLEX labour law database templates on Australian, China, India, Malaysia and Vietnam
- Beth Gaze: Implementation of the Gender Equality Act 2020 (Vic)
RESEARCH STUDENTS UNDER THE SUPERVISION OF CENTRE MEMBERS

The Centre and its members are active in encouraging and supervising the work of students working towards a research higher degree in employment and labour relations law. Candidates are supervised by a Centre member and have the opportunity to participate in Centre projects and activities while completing their research.

Sayomi Ariyawansa (PhD Candidate)

Title: Tackling the Exploitation of Migrant Workers in the Australian Agriculture Sector

Supervisors: Susan Kneebone and Joo-Cheong Tham

Description: Recent investigations into the Australian agriculture sector have revealed persistent and endemic exploitation of migrant workers in the labour supply chain. This thesis argues it is necessary to reconsider who should bear responsibility for the protection of the rights of these workers. It analyses and evaluates the development and efficacy of key policy, legal and regulatory approaches, and reveals the legal paradigms and assumptions that underpin these approaches. It is suggested that these key approaches often assume that persistent exploitation primarily results from ‘rogue’ employers taking advantage of the ‘precarious’ position of migrant workers. The corollary is that the direct employer of these workers is the primary bearer of responsibility with respect to these workers. This thesis argues there are two ways policy, legal and regulatory approaches may be reframed. First, by introducing a ‘duty-based’ conception of responsibility; and, secondly, by reflecting on state responsibility — both legal and moral — for the protection of the rights of migrant workers.

Bernice Carrick (PhD Candidate)

Title: Migration Status Equality in the Midst of the Border

Supervisors: Beth Gaze and Jenny Beard

Description: The thesis explores the impact of the immigration jurisdiction on discrimination and equality law in Australia and Canada. Understanding state borders as detached from territorial boundaries, it focuses how the borders of these two states attach to individuals and alter the way that discrimination and equality law attaches to them.

Liam Elphick (PhD Candidate)

Title: Discrimination as Tort: A Missed Opportunity?

Supervisor: Beth Gaze, Andrew Robertson, Alysia Blackham

Description: Discrimination law struggles with its identity, variously categorised as being within employment law, constitutional law, and human rights. However, discrimination laws operate largely as statutory torts, providing a civil action to compensate for ‘wrongs’. Judges regularly adopt tortious principles to interpret these statutes. Despite these close ties, there is no principles-based approach evidenced in discrimination legislation, jurisprudence or literature on the role of tort. This represents a missed opportunity to improve discrimination laws. Through historical, doctrinal and comparative analysis in Australia, Canada and the United Kingdom, this thesis asks: to what extent should tortious principles be used in discrimination law?

Caroline Kelly (PhD Candidate)

Title: The Influence of Administrative Law Principles in Australian Labour Law

Supervisors: Joo-Cheong Tham and Jason Varuhas

Description: The extent, and manner in which, doctrines of administrative law find expression in labour law has been the subject of little scholarly interrogation in Australia. In particular, whilst it has been observed that certain features of Australian labour law bear similarity to, and appear to have been influenced by, doctrines of administrative law, these connections have not been investigated in any detail.

This thesis seeks to commence that inquiry by examining the way in which administrative law doctrines – such as procedural fairness, reasonableness and proportionality – are reflected in the regulation and control of employer discretion within the employment relationship. To this end, three case studies are examined: the creation of the employment relationship, the control and discipline of employees during employment and termination of employment. This thesis argues that administrative law doctrines find expression in labour law because the two fields share a common normative concern with the control and distribution of power and its abuse. It is argued that administrative law doctrines do and should play an important role in shaping the nature and scope of employer power in the inherently uneven relationship of employment.
Melissa Kennedy (PhD Candidate)

**Title:** Is it Appropriate for the Criminal Law to be Used as Part of a Regulatory Response to Wage Theft in Australia?

**Supervisors:** John Howe, Tess Hardy and Dale Smith

**Description:** This thesis explores the extent to which the criminalisation of conduct should be used as part of a regulatory response to wage theft (i.e., the failure of employers to pay workers their minimum statutory entitlements), and in what circumstances. The terminology of wage theft is itself contested, as it suggests that the conduct inherently satisfies criminal tests, despite there being no jurisdiction in Australia which criminalises the underpayment of workers. This thesis looks at whether criminalisation should occur for deliberate or reckless conduct, underpayments more broadly, or whether criminalisation should not be adopted at all.

Theoretical and normative questions of whether current regulatory approaches and theories are amenable to securing compliance objectives in a labour law context are considered, as well as the limitations and problems associated with a regulatory focused model, incorporating criticisms arising from criminological approaches to corporate crime. Doctrinal elements of enforcement models, including the current civil enforcement regime for underpayments, as well as enforcement and penalty regimes more broadly, will be analysed to understand the purposes and the applicability of such models to the underpayment of wages.

Morgan Nyland (PhD Candidate)

**Title:** Australian Domestic Human Rights Legislation and the Employment Relationship

**Supervisors:** Sean Cooney and John Tobin

**Description:** This thesis asks whether the statutory bills of rights introduced in the Australian Capital Territory, Victoria, and Queensland (‘Charters’) may significantly impact on the employment relationship. In contrast to their overseas counterparts, especially in Canada and Europe, Australian labour law scholars and practitioners have afforded domestic human rights instruments very little attention. Drawing on comparative scholarship and jurisprudence, the thesis conducts a sustained analysis of several Charter rights at work. The research aims to reveal areas where the Charters have significant and under-explored implications for employment and industrial relations and areas where it is unlikely they will make a substantial impression.

Ingrid Landau (PhD Candidate)

**Title:** From Rights to Risks: Transnational Labour Regulation and the Emerging Business of Human Rights Due Diligence

**Supervisors:** John Howe and John Tobin

**Description:** Human rights due diligence is an increasingly ubiquitous concept in transnational labour regulation. Yet there is little scholarship evaluating human rights due diligence as a form of labour regulation or considering how it fits within an already crowded, complex and highly contested regulatory landscape. Located at the interstices of three broad but overlapping fields of scholarship – transnational labour regulation, business and human rights, and regulation and governance – this project engages in a conceptual and empirical socio-legal analysis of the implications of human rights due diligence for the promotion and protection of labour standards in the global economy.

Adriana Orifici (PhD Candidate)

**Title:** Workplace Investigations: Interactions with Regulation and Pathways for Reform

**Supervisors:** Beth Gaze and Anna Chapman

**Description:** Workplace investigations are commonly conducted by organisations, into a range of matters such as harassment and bullying, as well as work health and safety incidents. Although an increasing phenomenon in workplaces, little is known about the actual practices of workplace investigations and how they are regulated by law. This thesis will undertake the first comprehensive analysis of the empirical and legal dimensions of workplace investigations in Australia.

Maria Azzurra Tranfaglia (PhD Candidate)

**Title:** The Protection of Workers Involved in Triangular Working Arrangements Through Employment Agencies: A Comparative Study of the Australian and the Italian Approaches

**Supervisors:** John Howe and Anthony Forsyth

**Description:** The thesis draws on the international debate around the role of labour law in protecting workers involved in triangular work arrangements through employment agencies. It acknowledges the similar challenges posed in many jurisdictions by this non-standard form of work. At the same time, it looks at the divergent regulatory patterns in Australia and in Italy. While in the former country there is a current call for regulation to provide stronger protection for labour-hire workers, the latter has recently started relaxing a series of strict provisions to ensure a higher level of flexibility for businesses that resort to agency work. With the aim of allowing cross-national legal learning, it takes a functionalist comparative approach to identify and make sense of the differences and similarities of the solutions proposed to protect the workers.
Members of the Centre teach a number of programs in labour and employment law in the Law School. In addition, the Centre has a sizeable cohort of PhD students under the supervision of Centre members (see above). All students that are taught, and supervised, by Centre members are encouraged to take part in various activities within the Centre, including the Labour Law Seminar Series.

**SUBJECTS IN THE JD PROGRAM**
The employment and labour relations law subjects offered in 2019 were:

- Employment Law (offered twice) (Anna Chapman and Sean Cooney)
- Legal Internship (several teachers)

**THE MELBOURNE LAW MASTERS PROGRAM**
Melbourne Law School offers a range of different teaching programs as part of the Melbourne Law Masters Program. Beth Gaze and Sean Cooney were the Co-Directors of Studies for the Employment and Labour Relations Law Graduate Program in 2019.

Coursework Programs:

- Master of Employment and Labour Relations Law
- Graduate Diploma in Employment and Labour Relations Law
- LLM by coursework

Research Programs:

- LLM by major thesis
- Doctorate of Juridical Science (SJD)
- PhD

The coursework subjects offered in 2019 were:

- Bargaining at Work (Professor Shae McCrystal)
- Employment Contract Law (Sean Cooney and Mr Paul O’Grady QC)
- Equality and Discrimination at Work (Beth Gaze and Ms Carol Andrades)
- International Employment Law (Sean Cooney)
- International Equality Law (Beth Gaze and Professor Judy Fudge)
- Labour Standards and their Enforcement (John Howe and Mr Craig Dowling SC)
- Principles of Employment Law (Anna Chapman and Mr Mark Irving QC) (offered twice in 2019)
- Workplace Health and Safety (Mr Peter Rozen QC)

Further information regarding the program can be obtained from the Melbourne Law Masters website at: law.unimelb.edu.au/study/masters/courses
During 2019 the Centre was engaged in a range of knowledge transfer activities. These exchanges took place through a variety of mechanisms including the Centre’s two Seminar Series, and the involvement of Centre members in editorial roles with the Australian Journal of Labour Law.

LABOUR LAW SEMINAR SERIES
These free public seminars are intended to be of interest to a wide audience including academics, members of the legal profession, and those engaged in the day to day business of industrial relations and/or human resource management. Among other things, the Labour Law Seminar Series provides an opportunity for Centre members, visitors and associates, together with invited speakers, to present preliminary results of their research into the operations of labour and employment law. In 2019 the Labour Law Seminar series was coordinated by Joo-Cheong Tham and Sayomi Ariyawansa.

Four seminars were held during the course of the year:

- 11 February: The Relationship between Disability Discrimination Law and Quota Schemes in Europe. Presented by Professor Lisa Waddington, Maastricht University with discussant Beth Gaze.
- 10 April: Automation, Artificial Intelligence, and Labour Protection. Presented by Professor Valerio De Stafano, University of Leuven.
- 28 May: From Combatting Human Trafficking to Eradicating Modern Slavery: Assembling a Global Governance Regime. Presented by Professor Judy Fudge, McMaster University.

SPONSORS’ SEMINAR SERIES
The Centre conducts a seminar series for members of the Centre’s sponsoring firms and organisations. The seminar series is co-ordinated by Geoff Giudice. In 2019 the following seminar was convened:


MAJOR EVENTS
In addition to the regular seminar series, the Centre hosts a number of events each year.

WORKSHOP – ENFORCING WORK LAW
22 February and 6 December
The project is a collaboration between Centre members Anna Chapman, Beth Gaze, Tess Hardy and John Howe with Professor Richard Johnstone (QUT) and Dr Liz Bluff (ANU). The project examines compliance and enforcement across various dimensions of work law, including wages and hours, discrimination, security of employment, and work health and safety. In 2019 the CELRL hosted two day-long meetings of the research group at the Law School, to discuss the development of methodology of the project and the themes that were emerging from the research.

WORKSHOP – CELRL EARLY CAREER RESEARCHERS MEETINGS
14 & 27 March, 28 May and 2 July
In 2019, the Centre conducted four sessions for early career members of the Centre, organised by Alysia Blackham. The first session was an informal event to meet and introduce new PhD students to the Centre, and included a lively discussion on undertaking a PhD and building a career in labour law with Joo-Cheong Tham and Alysia Blackham. The second session was on Labour Law Research Methods, and considered how different research methods might be applied to labour law scholarship, and their advantages and disadvantages. The session was led by three members of the Centre - Julian Sempill, who spoke about legal theory; Sean Cooney, who spoke about comparative research; and Alysia Blackham, who spoke about empirical research. The third session was an informal conversation between early career members and Professor Keith Ewing; and the fourth a conversation with Professor Judy Fudge.
SEMINAR AND PANEL DISCUSSION - LAW REFORM FOR THE CASH ECONOMY: WHAT IS NEEDED AND HOW WILL THINGS CHANGE?

14 May
This evening seminar ‘Law Reform for the Cash Economy: What is needed and how will things change?’ was presented by Dr Michael Andrew AO. The seminar was followed by a panel discussion that drew out matters of particular relevance to labour law, corporations law, and tax law. John Howe spoke on the labour law implications of the cash economy, and Helen Anderson on the corporate law dimensions. The Centre co-hosted this event with the Melbourne Law School Tax Group and Centre for Corporate Law.

SYMPOSIUM: THE CENTENARY OF THE INTERNATIONAL LABOUR ORGANISATION: DEMOCRACY, LABOUR AND TRADE UNIONS

18 – 19 July
This symposium was held under the auspices of the Centre and organised in partnership with the Australian Council of Trade Unions (ACTU). Held to coincide with the Centenary of the International Labour Organisation, the symposium tackled themes central to the future of the labour movement, particularly those relating to democracy, labour law and the role of trade unions. It featured leading figures from the Australian trade union movement including the ACTU’s President, Michele O’Neil, and its Assistant Secretary, Scott Connolly.

The evening panel of the symposium comprised Sharan Burrow AC, General Secretary, International Trade Union Confederation; Professor Keith Ewing, King’s College London; and Greg Vines, Deputy Director-General, International Labour Organisation. It was chaired by Deputy President of the Fair Work Commission, Richard Clancy with closing remarks provided by Justice Mordy Bromberg of the Federal Court of Australia.

The event, organised by Julian Sempill and Joo-Cheong Tham, was attended by around 100 invited guests including academics and professionals.

The papers from this event were collected and co-edited by Caroline Kelly, Julian Sempill and Joo-Cheong Tham. They are available at: https://law.unimelb.edu.au/__data/assets/pdf_file/0009/3249423/SymposiumPapers_final_web.pdf.

SYMPOSIUM: THE FAIR WORK ACT A DECADE ON: THE CONSEQUENCES OF COMPROMISE

26 July
This day-long symposium (initiated by colleagues at the University of Sydney and hosted by the Centre) provided an opportunity to reflect on the impact of the Fair Work Act over its first decade. Law academics as well as industrial relations academics were invited to examine the Act’s operation to date, and consider the extent to which the Act remains fit-for-purpose in a changing world of work.

CELRL members engaged in this project are Anna Chapman, Beth Gaze, Tess Hardy and Iain Campbell.

The revised papers of the project were published as a Special Issue of the Australian Journal of Labour Law (in 2020).

FORUM: AUSTRALIAN EQUALITY LAW

28 November
The inaugural ‘Australian Equality Law Forum’ brought together over 65 scholars, lawyers and representatives from government, equality bodies, unions, employers and not-for-profits to discuss some of the most challenging issues in discrimination law. In 2019, the themes discussed at the Forum included: sexual harassment; exceptions and exemptions; enforcement; and equality law in the workplace. The key reflections that emerged from the Forum were published in The Conversation: https://theconversation.com/we-need-to-talk-about-discrimination-law-and-why-a-thoughtful-approach-to-reform-is-so-important-129697

Speakers at the Forum included Centre members Alysia Blackham, Beth Gaze as well as PhD student Liam Elphick.

FORUM: DISCRIMINATION LAW EXPERTS MEETING

29 November
The Australian Discrimination Law Experts Group (http://adleg.org.au/) met following the Australian Equality Law Forum. This meeting was a key opportunity for members of the Group to share work in progress and future research projects; to collaborate on joint submissions to government inquiries; and to consider future areas of law reform and advocacy. The meeting in 2019 featured an extended consultation with Australian Human Rights Commission President, Rosalind Croucher on the AHRC’s Free and Equal Inquiry (https://www.humanrights.gov.au/free-and-equal).
EDITORIAL ROLES

JOURNAL EDITORSHIP

The Australian Journal of Labour Law is the leading Australian scholarly publication in its field, publishing three issues per year. The Centre is the Journal’s administrative home. The work of the editorial team was ably supported in 2019 by a team of student editorial assistants drawn from the student body of Melbourne Law School. The journal’s Editors are John Howe, Professor Shae McCrystal (University of Sydney), and Professor Andrew Stewart (University of Adelaide), and the Associate Editor is Melissa Kennedy. Centre members involved in the Journal’s editorial committee are Anna Chapman, Sean Cooney and Joo-Cheong Tham.

In addition, Centre members were involved in the following editorial duties:

- Iain Campbell, Member, Editorial Board, British Journal of Industrial Relations, Labour and Industry and the Australian Bulletin of Labour
- Sean Cooney, Member, Advisory Board, University of Bologna Law Review
- Sean Cooney, Member, Advisory Board, National Taiwan University Law Journal
- Beth Gaze, Member, Editorial Committee, International Journal of Discrimination and Law
- Joo-Cheong Tham, Series Editor, Anthem Studies in Australian Economics and Society

ASSOCIATIONS

THE AUSTRALIAN LABOUR LAW ASSOCIATION

The Centre is the administrative home of the Australian Labour Law Association (ALLA).

ALLA’s 19th AGM was held on 7 November 2019. The ALLA Executive Committee was confirmed as Professor Marilyn Pittard, President; Professor Anthony Forsyth, Vice-President; Dr Dominique Allen, Secretary; and Ms Emma Goodwin, Treasurer. Tess Hardy continues as a member of the National Committee.

For further information about ALLA, please visit: law.unimelb.edu.au/alla

REGULATING FOR DECENT WORK (RDW) NETWORK

The Centre continued its involvement in the RDW Network in 2019. The Centre is one of the founding members of the RDW Network. The RDW is a collaboration between researchers at the International Labour Organisation (ILO), the University of Amsterdam’s Amsterdam Institute for Labour Studies / Hugo Sinzheimer Institutuut (AIAS-HSI), the Centre for Employment and Labour Relations Law (CELRL), Jawaharlal Nehru University’s Centre for Informal Sector and Labour Studies (CISLS), the University of Durham’s Law School (DLS), the Cornell University’s ILR School, the University of Duisburg-Essen’s Institut Arbeit und Qualifikation (IAQ), the Institute for Applied Economic Research (IPEA), the Korea Labor Institute (KLI), the University of Manchester’s Work and Equalities Institute (WEI), and academic and policy institutions from across the world. The network is interdisciplinary and involves researchers from a range of fields including economics, law, sociology, development studies, industrial relations and geography.

The objective of the RDW Network is to foster research and exchange of ideas concerning the role of labour and employment law protections in fostering economic development. The Network also aims to advance research and policy directions tailored towards making labour market regulation more effective.

The RDW’s Sixth Conference was held at the ILO’s office in Geneva in July 2019. John Howe and Sean Cooney were members of the RDW Organising Committee.

For further information about RDW, please visit: https://www.ilo.org/global/research/events-courses/rdw/lang--en/index.htm
LABOUR LAW RESEARCH NETWORK (LLRN)

In 2011, the Centre assisted in the formation of a new international association of labour law scholars, the Labour Law Research Network (LLRN).

The LLRN is based on cooperation between over 70 labour law research centres from all over the world. The goal of the LLRN is to advance research in labour law, and specifically to facilitate the dissemination of research work and encourage open discussion of scholarship and ideas in the field. All individual labour law scholars are welcome to join, whether affiliated with a research centre or not.

Centre member John Howe was a member of the inaugural Steering Committee of the LLRN, and was Chair of the Steering Committee from 2015-2019.

The LLRN holds a biennial conference, with the 5th Conference to be held at the University of Warsaw in June 2021.

For further information about the LLRN, please visit: labourlawresearch.net/.

MEDIA ENGAGEMENT

ALYSIA BLACKHAM


LIAM ELPHICK

- Published an opinion piece with Alice Taylor, ‘Religious Discrimination Bill is a mess that risks privileging people of faith above all others’, The Conversation, 30 August: https://theconversation.com/religious-discrimination-bill-is-a-mess-that-risks-privileging-people-of-faith-above-all-others-122631.
- Published an opinion piece with Amy Maguire and Anja Hilkemeijer, ‘The government has released its draft religious discrimination bill. How will it work?’, The Conversation, 29 August: https://theconversation.com/the-government-has-released-its-draft-religious-discrimination-bill-how-will-it-work-122618.


Published an opinion piece, ‘Marriage equality was momentous, but there is much still to do to progress LGBTI+ rights in Australia’, *The Conversation*, 6 March (republished by QNews): https://theconversation.com/marriage-equality-was-momentous-but-there-is-still-much-to-do-to-progress-lgbti-rights-in-australia-110786.

**BETH GAZE**

- Interviewed for and quoted in ‘How Aussie workplaces handle office romances, and what you should do if you’re in one’, *Daily Telegraph*, November 7.

**JOHN HOWE**


Interviewed for and quoted in Kate Stanton, ‘Working hard to make work fairer’, *Pursuit* as part of its *Made Possible By Melbourne* campaign, 28 May and 6 June: https://www.youtube.com/watch?v=vl9x7AkucA.


**MELISSA KENNEDY**

- Quoted in ‘Wage theft no anomaly, academics tell inquiry’, *Workplace Express*, 29 April.

**JOO-CHEONG THAM**

Numerous media appearances including on *ABC 24News; 7.30 Report; ABC Radio; Sky News and quoted in The Australian; The Age; Australian Financial Review; The Saturday Paper; The Monthly; Sydney Morning Herald.*

- Published an opinion piece ‘Government advertising may be legal, but it’s corrupting our electoral process’, *The Conversation*, 10 April: https://theconversation.com/government-advertising-may-be-legal-but-its-corrupting-our-electoral-process-115061.
OTHER ENGAGEMENT

HELEN ANDERSON

- Member, Australian Labour Law Association
- Academic Member, Australian Restructuring Insolvency and Turnaround Association
- Member, Insolvency and Reconstruction Committee, Business Law Section, Law Council of Australia
- Fellow, Australian Academy of Law
- Section Editor, Insolvency Law, Company and Securities Law Journal
- Submission to Treasury, ASIC Industry Funding Model and Registry Search Fees, 31 January.
- Submission to Senate Economics Legislation Committee, Inquiry into Treasury Laws Amendment (Registries Modernisation And Other Measures) Bill 2019, 27 February.
- Submission to Senate Economics Legislation Committee, Inquiry into Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019, 1 March.
- Consultation, Modernising Business Registers Advisory Group, 25th November

ALYSIA BLACKHAM

- Member, International Advisory Board of the Berkeley Comparative Equality & Anti-Discrimination Law Study Group
- Member, Australian Discrimination Law Experts Group
- Member, Discrimination Law Service Providers Group (Victoria)
- Member, Socio-Legal Studies Association (UK)
- Member, Society of Legal Scholars (UK)
- Member, Australian Labour Law Association
- Member, Australasian Law Academics Association
- Co-founder and inaugural convener, Australian Labour Law Association Early Career Network
- Associate Editor, Berkeley Center on Comparative Equality & Anti-Discrimination Law E-journal

IAIN CAMPBELL

- Member, International Working Party on Labour Market Segmentation
- Member of RC 44 (Labour Movements) and RC 30 (Sociology of Work), International Sociological Association

ANNA CHAPMAN

- Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics of Australia and NZ (AIRAANZ)

SEAN COONEY

- Global Law Faculty, Peking University Law School

LIAM ELPHICK

**BETH GAZE**

- Member, Australian Labour Law Association
- Member, Socio-Legal Studies Association (UK)
- Member, Discrimination Law Association (UK)
- Member, Australian Discrimination Law (Academic) Experts Group
- With the Australian Discrimination Law Expert Group, submission to Australian Human Rights Commission Inquiry Free and Equal in Australia, Discussion paper on reform of Commonwealth anti-discrimination laws, 24 December. This submission followed a half day consultation meeting in Melbourne on 28 Nov 2019 with the President and staff of the AHRC.
- Provided expert advice to AHRC Free and Equal Inquiry into Reform of Commonwealth Anti-Discrimination Laws, December.
- Provided expert advice to ALRC Inquiry into Exceptions in Commonwealth Anti-Discrimination Laws, July.

**JOHN HOWE**

- Director, Melbourne School of Government
- Member, Australian Labour Law Association
- Chair, Labour Law Research Network
- Editor, Australian Journal of Labour Law

**MELISSA KENNEDY**

- With Tess Hardy, Submission to the Western Australia Department of Mines, Industry Regulation and Safety Inquiry into Wage Theft in Western Australia, 27 March.
- Submission to Attorney-General’s Department, Discussion Paper: Improving Protections of Employees’ Wage and Entitlements: Strengthening Penalties for Non-Compliance, November.

**JOO-CHEONG THAM**

- Member, Australian Labour Law Association
- Advisory Board Member, Global Labor Migration Network, Global Migration Studies Centre, University of Maryland
- Deputy Chair, Migrant Workers Centre Incorporated
- Board Member, Centre for Public Integrity
- Convenor, Steering Group, Migrant Workers Campaign
- Member, Ethnic Communities’ Council of Victoria’s Employment Education and Training Policy Subcommittee
- Member, Electoral Tribunal, Graduate Student Association

**TESS HARDY**

- National Committee Member, Australian Labour Law Association
- Submission to the Attorney-General Consultation on Industrial Relations, Discussion Paper - Improving Protections of Employees’ Wages and Entitlements: Strengthening Penalties for Non-Compliance, November.
- With Melissa Kennedy, Submission to the Western Australian Department of Mines, Industry Regulation and Safety Inquiry into Wage Theft in Western Australia, 27 March.
During 2019, members of the Centre delivered papers to a range of Australian and international conferences and workshops.

**JANUARY**
- **Alysia Blackham**, ‘Age Discrimination Beyond Employment’, invited paper, Kobe University, Japan

**FEBRUARY**
- **Helen Anderson**, ‘Piercing The Corporate Veil To Reach The Money For Employees: Why, How And Where To Next?’, Corporate Law Teachers Association Annual Conference, Auckland
- Michelle Welsh and **Helen Anderson**, ‘Director Restriction: An Alternative To Disqualification For Corporate Insolvency’, Corporate Law Teachers Association Annual Conference, Auckland
- **Alysia Blackham** with Mia Rönnmar, ‘The Ageing Workforce and Collective Bargaining: A Comparative Perspective on Measures to Promote Work Ability in Sweden, the UK and Australia’, Association of Industrial Relations Academics in Australia and New Zealand Conference, RMIT University
- **Anna Chapman** and **Beth Gaze**, ‘Adverse Action Protections in the Fair Work Act: High Expectations Dashed in 10 Years of Disappointment?’, Association of Industrial Relations Academics of Australia and New Zealand Conference, RMIT University
- **Anna Chapman** and Nana Oishi, ‘Au Pairs: The Forgotten Migrant Workers of Employment Regulation’, Association of Industrial Relations Academics of Australia and New Zealand Conference, RMIT University
- **Tess Hardy**, ‘Trivial to Troubling: The Evolution of Enforcement under the Fair Work Act’, Association of Industrial Relations Academics of Australia and New Zealand Conference, RMIT University
- **Beth Gaze**, Discussant at Labour Law Seminar: ‘The Relationship Between Disability Discrimination Law and Quota Schemes in Europe’ presented by Professor Lisa Waddington from Maastricht University, Melbourne Law School

**MAY**
- **Sean Cooney**, ‘Work Health and Safety in Australia’, Chinese Academy of Industrial Relations, China
- **Sean Cooney**, ‘The Future of Labour Law’, ILO/Ministry of Human Resources and Social Security, Beijing
- **Beth Gaze**, Panel presentation at ‘Sexual Harassment in Australia’, Berkeley International Anti-Discrimination Law Study Group, sub-group on sexual harassment, conference, Berkeley

**JUNE**
- **Sean Cooney**, ‘Challenges in Developing Legislative Occupational Safety and Health Frameworks’, Labour Law Research Network Conference, Valparaíso

Liam Elphick and Alice Taylor, ‘Discrimination Law and the Language of Torts in the UK Supreme Court’, Berkeley Comparative Equality and Anti-Discrimination Law Study Group, Stockholm University


JULY

Sayomi Ariyawansa, ‘Exploitation and Temporary Migrant Workers’, Global Summit on Labor Migration, Global Labor Migration Network, Amsterdam


Beth Gaze, ‘Me Too But Not That Way: Employer Sexual Harassment Policies And Protecting The Victims Of Sexual Harassment’, Regulating for Decent Work Conference, International Labour Organisation


AUGUST

Joo-Cheong Tham, ‘Controlling Election Campaign Spending: What Can Be Learnt from Overseas Experiences?’, Observatory Research Foundation, Delhi

Joo-Cheong Tham, ‘Democracy, Elections and Reform’, Centre for a New South Asia, Jindal School of International Affairs and Centre for Public Interest Law, Jindal Global Law School, Jindal University

Joo-Cheong Tham, ‘Transparency and Political Accountability in Australia’, ‘The Future of Electoral Democracy in India and Australia’, India Habitat Centre, Delhi

OCTOBER

Liam Elphick, ‘The Religious Discrimination Bill: An Explainer’, The University of Western Australia Ally Network Seminar, University of Western Australia

Sean Cooney, ‘International Anti-Discrimination Law and Trade Agreements’, National Sun Yat Sen University Department of Sociology

Sean Cooney, ‘Technological Innovation and the Law of Work: Challenges to Legal Regulation’, Tsinghua University


NOVEMBER

Sarah Biddulph, ‘Governance from the Ground Up’, The Second National Governance Model Reform and Ruling by Law, South China Normal University School of Law

Beth Gaze, Panel Chair, Australian Equality Law Forum, Melbourne Law School


John Howe and Ingrid Landau, ‘Human Rights Due Diligence in Legislation on Public Procurement and Modern Slavery’, Workshop on Public Procurement and Modern Slavery, King’s College London

DECEMBER

During 2019, Centre members’ research appeared in a wide range of publications, both Australian and international.

**BOOKS**

**EDITED BOOKS**

**BOOK CHAPTERS**
- Michelle Welsh and Helen Anderson, ‘Phoenix Companies As An Abuse Of Companies’ in Birkmose, Neville and Engsig Sørensen eds., *Abuse of Companies* (Kluwer, 2019).
- Kate Offer, Murray Wesson, Fiona McGaughey, Natalie Sked and Liam Elphick, ‘“Why Bother if the Students Don’t?” The Impact of Declining Student Attendance at Lectures on Law Teacher Wellbeing’ in Judith Marychurch and Adiva Sifris eds., *Wellness for Law: Making Wellness Core Business* (LexisNexis, 2019).
JOURNAL ARTICLES – REFEREED


OTHER PUBLICATIONS

- Yee-Fui Ng and Joo-Cheong Tham, ‘Enhancing the Democratic Role of Direct Lobbying in NSW’ (Discussion Paper prepared for the New South Wales Independent Commission Against Corruption, 2019).
### SUMMARY OF CENTRE GENERAL ACCOUNT 2019

#### INCOME 2019

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<td>Seminar / Conference Registration</td>
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<td><strong>Total Income</strong></td>
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#### EXPENDITURE 2019

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<td>Salary expenditure</td>
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<td>CELRL PhD Scholarships</td>
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<td>Consumable goods and services</td>
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<td>Infrastructure related expenses</td>
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<td>Travel, conferences and catering</td>
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**BALANCE** $74,781