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FOREWORD

The year 2013 was another strong year for the Centre. A high level of research, teaching, publications and professional and community engagement continued throughout the year.

RESEARCH

The ARC Discovery Project of Centre member Associate Professor Joo-Cheong Tham and Centre Associates Dr Iain Campbell (RMIT University) and Professor Judy Fudge (University of Kent) commenced in 2013. The title of this project is ‘Precariousness in Law and Labour Markets: The Case of Temporary Migrant Workers’.

Apart from the commencement of this major project, Centre members and research staff worked on a number of research projects over 2013, including ARC funded projects on enforcement, adverse action, and insolvency and employee entitlements. A substantial number of publications resulted from these projects, including the completion of Centre Member Associate Professor Helen Anderson’s monograph on employee entitlements in insolvency, published by Melbourne University Press in early 2014.

Further details of the ARC project on temporary migrant workers, and other research being conducted in the Centre, can be found in this annual report.

TEACHING AND LEARNING

In 2013 the Centre continued to co-ordinate labour and employment law teaching in the JD degree, in the Melbourne Law Masters program and in the University more broadly. All teaching continued to attract very positive feedback from students, and enrolment numbers remained strong across all programs. In 2013 a new subject, ‘Work and the Law’, was offered in the Law Undergraduate Breadth Program. This subject is able to be taken by students enrolled in undergraduate degrees at the University, including, for example, students enrolled in the Bachelor of Arts and the Bachelor of Commerce. This subject was developed and taught by Centre member Professor Sean Cooney with Professor Peter Gahan of the Faculty of Business and Economics (and Centre for Workplace Leadership).

PROFESSIONAL AND COMMUNITY ENGAGEMENT

In 2013 the Centre continued to host an invitation-only Sponsors’ Seminar Series, in addition to a public Labour Law Seminar Series. Sponsors seminars were held on the topics of codes of practice and implementation guidelines in the construction industry (Centre Associate Professor Breen Creighton), adverse action in the context of multiple decision-makers (Mr Herman Borenstein SC and Mr Craig Dowling, with commentary from Mr Andrew Farr), and the anti-bullying jurisdiction of the Fair Work Commission (Commissioner Peter Hampton, with commentary from Mr Josh Bornstein and Ms Lisa Croxford).

In November 2012 the Centre was approached by the Fair Work Commission with an invitation to co-host a new lecture series. The series, entitled the ‘Workplace Relations Lecture Series’, comprised in 2013 of four lectures by leading researchers in the field of workplace relations in both Australia and internationally. These lectures were held in the Melbourne Law School and attracted large numbers of attendees. One of the lectures was presented by Centre Director Associate Professor John Howe, together with Centre Associate Professor Anthony Forsyth, on their research examining the role of the Commission in enterprise bargaining. The Centre thanks the Commission for the opportunity to co-host this seminar series in 2013. This lecture series has been reshaped for 2014, with lectures being held by the Fair Work Commission in various capital cities around Australia. Two lectures will be held in Melbourne (in May and September), co-hosted by the Centre.

Six seminars were held in the Labour Law Seminar Series. These ranged in topics from the crisis in Greek labour law; the regulation of worklessness in Australia; the regulation of home care workers; and sexual harassment litigation.

The Centre was involved in, or co-hosted, a number of other events during 2013. Centre Director Associate Professor John Howe was a member of the Organising Committee for two major international conferences in 2013 – the Labour Law Research Network inaugural conference, held at the Faculty of Law, Pompeu Fabra University (UPF), Barcelona on 13–16 June, and the Regulating for Decent Work Network’s Third Conference, held at the International Labour Office in Geneva on 3–5 July. A number of Centre members presented papers at these two conferences.
In 2013 the Centre was able to offer two CELRL Student Fellow positions. The fellowships enable JD students to become involved in Centre research projects over the course of the calendar year. Selection as a Fellow is competitive and the 2013 Fellows – Jessica Dawson-Field and Joanna Williams – were selected from a strong field of candidates.

CENTRE REVIEW

The University and Law School requires that all research centres be subject to a major review every five years. The Centre was reviewed in November 2013. The review panel comprised Professor Jenny Morgan (Melbourne Law School, Panel Chair) Professor Andrew Stewart (University of Adelaide) and Judge Dominica Whelan (Federal Circuit Court of Australia). The review panel sat for two days, reviewing documentation and interviewing the Centre Directors and members, in addition to a number of PhD, MLM and JD students, and members of the Centre Advisory Board.

We thank all those who gave their time to meet with the panel, and of course we thank the three panel members themselves, for taking time out from their busy schedules to conduct the review.

The panel reported to the Dean on whether the purposes and objectives of the Centre were being met, and whether the Centre was continuing to play a unique and productive role in the University. The panel’s report contained useful recommendations, some of which have already been implemented whilst others are being explored and considered. The overall conclusion of the Panel is worth quoting in full:

‘The Centre produces high quality research, much of it as a result of its successful grant seeking activities. The CELRL is very much more than the sum of its parts. It has created a coherent entity which is THE centre for labour law research and teaching in Australia, and is well known internationally. Its profile is assisted by hosting the Australian Journal of Labour Law and being the administrative home of the ALLA, as well as its strong contribution to the MLM and other teaching. It has excellent relationships with the Centre’s sponsors and its research and teaching associates. In short, it is fulfilling its objectives and continues to play a unique and productive role in the University.’

PERSONNEL

In January 2013 Ms Bridget Hannan took up the position as Centre co-ordinator (and also co-ordinator of the Tax Group) for 12 months whilst Ms Tessa Dermody went on secondment to the Melbourne Law Masters Office in the Melbourne Law School. In early 2014 Tessa came back into the role of Centre co-ordinator, and Bridget moved on to a similar position in the Melbourne Law School. We thank Bridget for her efficient and effective co-ordination of the Centre during 2013, including and especially the Centre Review, and we wish her well in her new role.

As many would be aware Associate Professor Colin Fenwick has been on leave of absence from the University for a number of years. During this time Colin has been a Labour Law Specialist with the International Labour Organisation, based in Geneva. Colin is a former Centre Director, and a former Editor of the Australian Journal of Labour Law. In 2013 Colin resigned from the University to continue his career with the ILO. We are pleased to note that Colin will continue his involvement with the Centre through remaining a Centre Associate, and as a Principal Fellow of the Melbourne Law School.

This year – 2014 – will see some changes in the academic staff members of the Centre. Ms Tess Hardy is joining the Melbourne Law School as a lecturer from the middle of the year. At the time of writing Tess is in the final stages of her PhD research (supervised by Centre Director Associate Professor John Howe and Centre member Professor Sean Cooney), and is most recently a lecturer at RMIT University. Tess will bring considerable talent both to the Centre and more broadly the Melbourne Law School. We are delighted with her appointment. She brings a strong intellect to both her research and teaching, and a collegial, enthusiastic and engaged approach to her work life.

One further change ought to be noted. From June 2014 Centre member Professor Sean Cooney is taking two years leave of absence from the University, to take up a research position as Labour Law Specialist with the International Labour Organisation. The position is based in Geneva, and sees Sean working alongside Colin Fenwick. This is a great opportunity for Sean and we wish him well for his time with the ILO. Needless to say we look forward to his return to the Centre in 2016.
ACKNOWLEDGEMENTS

Each year the publication of the Centre annual report provides an opportunity to make special acknowledgement of the important contributions made to the Centre and its work by the legal practices that are Centre Sponsors. Thanks is also extended to the Centre academic associates, teaching associates, and members of the Advisory Board. We are pleased to note that 15 firms and one government agency renewed their sponsorship of the Centre in 2013. 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. We would like to thank DLA Piper for its support over the last few years. Regrettably DLA Piper decided not to renew its sponsorship in 2013.

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 LLB and 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 the 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.

John Howe
Anna Chapman
OBJECTIVES OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

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

- to undertake and encourage independent research on all aspects of labour and employment regulation in Australia and internationally;
- to undertake and encourage critical research on the development of labour and employment law as a discipline, including the exploration of future developments;
- to undertake and promote the teaching of labour and employment law, including by developing and promoting innovative teaching methods and teaching materials, and by fostering postgraduate research;
- to disseminate the results of research in labour and employment law through publication in the form of working papers, journal articles and books, and in the form of seminar programs and conferences, participation in public debate, information exchange, and consultancies; and
- to establish and foster links with similar bodies, internationally and nationally, and to facilitate engagement between scholars, students, policymakers, the legal profession, industrial relations practitioners and other individuals and organisations working in labour and employment law.
THE CENTRE: 
PEOPLE AND RELATIONSHIPS

CENTRE FACULTY MEMBERS

Associate Professor John Howe BA, LLB (Monash), LLM (Temple) (Summa Cum Laude), PhD (Melb) 
Director
Room 0901 ph: (03) 8344 1094, j.howe@unimelb.edu.au

John has been Director of the Centre since November 2008. His research interests include regulatory theory, labour law and corporate accountability, and he teaches labour law, corporations law and corporate social responsibility in the teaching programs offered by the Melbourne Law School. His current research interests include enforcement of minimum employment standards, and the regulation of ownership of employee innovation. Before starting his academic career, John worked in private legal practice in Australia and as a researcher for public policy and advocacy organisations in Washington DC. He was Secretary of the Australian Labour Law Association between 2005 and 2009. He presently serves on the Organising Committee of the Regulating for Decent Work Network, the Steering Committee of the Labour Law Research Network and the Editorial Committee of the Australian Journal of Labour Law. In 2013 he commenced as the Deputy Dean of the Melbourne Law School.

Associate Professor Anna Chapman BCom, LLB (Hons), LLM (Melb), PhD (Adelaide) 
Director
Room 0702, ph: (03) 8344 5625, a.chapman@unimelb.edu.au

Associate Professor Anna Chapman became a Director of the Centre for Employment and Labour Relations Law at the start of 2013. She 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. Anna’s research focuses on employment law and gender, sexuality, and race. This work has engaged particularly with minimum standards, including leave entitlements and working hours, in addition to General Protections, unfair dismissal and discrimination law. Anna is one of the Editors of the Australian Journal of Labour Law. Her current research projects include (with Beth Gaze), an ARC Discovery Grant (2011–2013) for the project, ‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work?’ Anna is a national committee member of the Australian Labour Law Association.

Associate Professor Helen Anderson LLB (Hons) (Melb), Grad Dip Bus (Acc), LLM, PhD (Monash) 
Room 0753, ph: (03) 9035 5467, h.anderson@unimelb.edu.au

Helen joined the Centre in January 2010 from Monash University. She practised briefly and worked for the Legal Aid Commission before becoming an academic in 1989. The fair treatment of vulnerable corporate stakeholders has been her abiding research interest: her masters major thesis dealt with shareholders who rely on published audit opinions and her doctoral thesis was concerned with creditors in corporate insolvency. She continues this interest with her work on improving the recovery rights of employees in corporate insolvency. In 2013, she and a team of other academics were successful in obtaining an ARC Discovery grant to examine fraudulent phoenix activity.

Professor Sean Cooney BA, LLB (Hons), LLM (Melb), JSD (Columbia) 
Room 0703, ph: (03) 8344 8109, s.cooney@unimelb.edu.au

Sean’s research interests are in international and comparative labour law, with a particular focus on East Asia. Sean is a graduate of the University of Melbourne and, after several years in legal practice, obtained his doctoral degree at Columbia University. He has published in a range of international journals in English and in Chinese, and is at present examining issues of comparative labour law and labour law enforcement, with a particular emphasis on East Asia. He is also undertaking an ARC-funded study of the Fair Work Ombudsman, together with John Howe and Tess Hardy and a second ARC-funded study on the development of labour and corporate law in the Asia Pacific (with Richard Mitchell, Peter Gahan and Ian Ramsay). He has recently published Law and Fair Work in China, (Routledge 2013) together with Sarah Biddulph and Zhu Ying.
Associate Professor Colin Fenwick  
BA, LLB, LLM (Melb), LLM (Virginia)
(On leave of absence from the University in 2013)

Colin has over fifteen years’ experience in the field of labour relations law. He was the Director of the Centre from August 2004 until October 2008. Colin has worked in both legal practice and in the academy; in Australia, the United States and Switzerland. Colin’s research interests are predominantly in comparative and international labour law, with a particular focus on Southern Africa. Between 2006 and 2008 he was one of the editors of the Australian Journal of Labour Law. In 2013 Colin resigned from the University to continue his career with the ILO.

Associate Professor Beth Gaze  
BSc, LLB (Hons) (Monash), LLM (Cal) (Berkeley)
Room 0830, ph: (03) 8344 6173,  
egaze@unimelb.edu.au

Beth’s major interests are in anti-discrimination and equality law, feminist legal thought and administrative law including tribunals and she has a particular interest in socio-legal research including empirical research. She has held several ARC grants, and has conducted empirical research into the enforcement process under Australian federal anti-discrimination law and the experiences of appellants in the Social Security Appeals Tribunal. Beth was a consultant to the Victorian Parliament’s Scrutiny of Acts and Regulations Committee in its 2009 Inquiry into the Exceptions and Exemptions in the Equal Opportunity Act 1995, and has been a member of several State and Commonwealth tribunals. In 2011 Beth was awarded an ARC Discovery Grant with Centre member Anna Chapman on ‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work’.

Mr Glenn Patmore  
BA, LLB (Hons) (Monash), LLM (Queens)
Room 0709, ph: (03) 8344 6191,  
g.patmore@unimelb.edu.au

Glenn has taught law at Monash University and currently is a Senior Lecturer at the Melbourne Law School. He is presently researching in the fields of democratic theory and practice, constitutional law, employment law, human rights and republicanism. His employment law research has focused on disability discrimination, joint consultative committees as well as employee happiness and labour law. His book, Choosing the Republic (UNSW Press), was published in 2009 and he continues to write on the topic of Australian republicanist and constitutional change. He is an editor of four books of collected essays, has written two books and published in a range of Australian and international journals.

Associate Professor Joo-Cheong Tham  
LLB (Hons) (Melb), LLM (Melb), PhD (Melb)
Room 0710, ph: (03) 8344 7030,  
j.tham@unimelb.edu.au

Joo-Cheong is an Associate Professor at the Law School and has taught at the law schools of Victoria University and La Trobe University. His key research areas are the regulation of non-standard work and political finance law. He has published over 30 book chapters and refereed articles. His research has also been published in print and online media. This work includes more than 40 opinion pieces. In the area of political finance, his book, Money and Politics: The Democracy We Can’t Afford was published by UNSW Press in 2010. He is also co-writing with Dr Iain Campbell a book on precarious work in Australia which will be published by Melbourne University Press in 2015.
PROFESSORIAL FELLOW

The Hon Professor Geoffrey Giudice AO BA, LLB (Melb)
Geoffrey.giudice@unimelb.edu.au

Professor 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. As a barrister, he specialised in industrial relations and employment law. He was appointed as 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, Professor Giudice was appointed its first President. He retired from this position in February 2012 and is an Honorary Professorial Fellow in both the Centre and the Department of Management and Marketing in the Faculty of Business and Economics at the University of Melbourne. He is a consultant to Ashurst-Australia and a member of the University of Melbourne Archives Advisory Board.

PRINCIPAL RESEARCH STAFF

Ms Tess Hardy BA, LLB (Hons), LLM (Melb)

Tess graduated from Arts and Law (Hons) from the University of Melbourne. She completed her LLM in 2009 and was a PhD candidate and research fellow with the Centre until early 2013. Tess’ primary research interests include employment regulation and enforcement. During 2013 she was engaged on an ARC research project with John Howe and Sean Cooney examining the role and operation of the federal labour inspectorate in Australia – the Fair Work Ombudsman. Prior to undertaking her PhD, Tess practised in employment and labour relations law in Melbourne, Tokyo and Hong Kong.

Ms Kathleen Love BSc, LLB (Hons) (Melb)

Kathleen graduated from the University of Melbourne with degrees in Science and Law (Hons). She is the Supreme Court Prize Winner of 2005, also being awarded the Joan Rosanove QC Memorial Prize and the EJB Nunn Scholarship. Until May 2013 Kathleen worked with Anna Chapman and Beth Gaze on an ARC research project ‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work?’ regarding adverse action and anti-discrimination laws. Prior to joining the Centre, Kathleen was a solicitor specialising in employment and industrial relations law.

Ms Adriana Orifici BA, LLB (Hons), LLM (Melb)

Adriana joined the Centre in 2013. She completed articles in 2006 at Maddocks Lawyers in Melbourne and has practiced in employment and labour relations law since that time. She has extensive experience in acting for public and private sector organisations in employment-related matters including strategic workplace relations and human resource management issues, anti-discrimination claims, occupational health and safety matters and industrial disputes. During her time in the Centre Adriana engaged on an ARC research project with Beth Gaze and Anna Chapman ‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work?’
Mr Andrew Newman LLB, BCL (McGill), BA (British Columbia)

Andrew joined the Centre and commenced his PhD in February 2011. He was a Centre Research Fellow in 2012 and a Teaching Fellow at MLS (2011–2012). His research interests include comparative labour law, labour migration, collective bargaining and non-standard forms of work, with a particular focus on temporary migrant worker programs in Australia and Canada. Prior to commencing his PhD, Andrew was at the Bar in Ontario, Canada and worked as a litigator for a Victorian government agency. He has also worked in legal policy roles for various organizations, including the UNDP in Yemen. He was the recipient of a Julian Small Foundation Research Grant (2011). At the start of 2013 Andrew left the Centre to join the Victorian Bar.

STUDENT FELLOW

In 2013 the Centre appointed two Student Fellows – Jessica Dawson-Field and Joanna Williams. Both were third year JD students.

RESEARCH ASSISTANTS

Members of the Centre were assisted by the following research staff: Annika Holden, Charley Brumby-Rendell, Clara Jordan-Baird.

COORDINATOR

Bridget joined the Melbourne Law School in January 2013 as the Coordinator for the Centre and the Tax Group. Bridget moved to Australia from New Zealand in 2009. She graduated with a Commerce degree, majoring in Marketing and Economics, from Victoria University of Wellington in 2003. Prior to working at the University she has worked in finance and administration roles across a variety of industries, including Not for Profit, Sports, Government and Professional Services.
CENTRE ASSOCIATES

Academic Associates

Professor Chris Arup
Professor Michelle Brown
Mr Alan Clayton
Professor Christina Cregan
Professor Cindy Estlund
Professor Keith Ewing
Associate Professor Colin Fenwick
Professor William Ford
Professor Anthony Forsyth
Dr Andrew Frazer
Professor Mark Freedland
Professor Judy Fudge
Professor Peter Gahan
Professor Richard Johnstone
Professor Tim Lindsey
Professor Ronald McCallum
Ms Shelley Marshall
Professor Richard Mitchell
Associate Professor and Reader Jill Murray
Mr Richard Naughton
Professor Graeme Orr
Professor Rosemary Owens
Mr Anthony O’Donnell
Professor Marilyn Pittard
Professor Ian Ramsay
Professor Joellen Riley
Professor Andrew Stewart
Professor Katherine Stone
Professor Leah Vosko

Current affiliation

Monash University
University of Melbourne
Independent consultant in workplace regulation
University of Melbourne
New York University
King’s College, University of London
University of Melbourne
University of Western Australia
RMIT University
University of Wollongong
University of Oxford
University of Kent
University of Melbourne
Queensland University of Technology
University of Melbourne
University of Sydney
Monash University
Monash University
LaTrobe University
Monash University
University of Queensland
University of Adelaide
LaTrobe University
Monash University
University of Melbourne
University of Sydney
University of Adelaide
UCLA School of Law
York University, Canada

Teaching Associates

Ms Carol Andrades
Professor Breen Creighton
Professor Keith Ewing
Professor Brian Langille
Mr Paul O’Grady
Mr Peter Rozen

Current affiliation

Ryan Carlisle Thomas
RMIT University
King’s College, University of London
University of Toronto
Victorian Bar
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 labour law field.

The members in 2013 were:

Justice Anthony North (Chair) Federal Court of Australia
Senior Deputy President Jennifer Acton Fair Work Commission
Mr Steven Amendola Ashurst
Ms Carol Andrades Ryan Carlisle Thomas
Mr Josh Bornstein Maurice Blackburn
Justice Alan Boulton Fair Work Australia
Mr Rick Catanzariti DLA Piper
Mr Mark Diserio Lander & Rogers
Ms Rachel Doyle SC Victorian Bar (resigned August 2013)
Professor Carolyn Evans University of Melbourne
Mr Philip Gardner Ryan Carlisle Thomas (resigned September 2013)
The Honourable Peter Gray Formerly of the Federal Court of Australia
Ms Mary-Jane Ierodiaconou Justitia
Mr Ross Jackson Maddocks
Ms Natalie James Fair Work Ombudsman (from July 2013)
Mr Murray Kellock King Wood & Mallesons
Mr Ross Levin Rigby Cooke Lawyers
Mr Peter Lupson K&L Gates
Mr Tim Lyons ACTU
Ms Frances O’Brien SC Victorian Bar (from September 2013)
Mr Charles Power Holding Redlich
Ms Penny Savidis Ryan Carlisle Thomas (from September 2013)
Mr Henry Skene Arnold Bloch Leibler (resigned June 2013)
Mr James Simpson Arnold Block Leibler (from October 2013)
Mr Michael Tehan Minter Ellison
Mr John Tuck Corrs Chambers Westgarth
Mr Nicholas Wilson Fair Work Ombudsman (resigned July 2013)
Mr Anthony Wood Herbert Smith Freehills
CENTRE SPONSORS

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 2013 were:
VISITORS

The Centre regularly welcomes academic colleagues from interstate and overseas. In 2013 we hosted seven such visitors.

- Mr Anthony O’Donnell, La Trobe University (February – May)
- Professor Brian Langille, University of Toronto, Canada (February – March)
- Professor Nancy Reichman, University of Denver, USA (February)
- Professor Keith Ewing, King’s College London, United Kingdom (April – May)
- Associate Professor Sara Charlesworth, University of South Australia (July – December)
- Ms Ana Maria Vargas, University of Milan and Lund University, Italy (September)
- Professor Patricia Eastal, University of Canberra (November – December)
RESEARCH

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 regulation of individual work relationships, discrimination and inequality in employment and the labour market, the regulation of occupational health and safety, collective labour relations and bargaining, the functions of trade unions and alternative forms of worker representation, corporate governance and labour, enforcement of minimum employment standards, international labour rights and standards, temporary migrant worker rights and unemployment law and labour market policy. Centre members also have a strong interest in comparative labour and employment law and labour market regulation, including research into labour and employment regulation in the Asia-Pacific region, Southern Africa, North America and Europe.

During 2013 Centre members pursued a number of specific research projects. Short descriptions of the Australian Research Council (ARC) funded projects follow. Further information on all of the research projects can be found on our website http://www.law.unimelb.edu.au/celrl/research.

AUSTRALIAN RESEARCH COUNCIL (ARC) FUNDED RESEARCH PROJECTS

Reform of the Personal Liability of Directors for Unpaid Employee Entitlements

Centre Member: Helen Anderson
Research Staff: Catherine Dow, Lyndal Ablett, Annika Holden and Charley Brumby-Rendell

Laws imposing liability on corporate directors must balance responsible governance by directors and the need for appropriate compensation for affected parties with the risk of inhibiting directors’ legitimate commercial decision-making. A pressing issue is the extent to which directors should be liable for unpaid employee entitlements, given the ineffectiveness of the relevant Corporations Act provisions and the burden this places on taxpayers. This project examines other models of liability, which provide greater deterrence and possible compensation, including incentives to place companies into voluntary administration. The objective is to recommend reform of the employee entitlement provisions. In 2010 an extensive literature search was undertaken, and statistical data was obtained from major regulators. In 2011 and 2012 interviews were carried out and work commenced on a book and a series of publications recording the findings of the research. The year 2013 saw the publication of further outputs from the research, with a book containing the project’s findings coming out in 2014. This book is entitled ‘The Protection of Employee Entitlements in Insolvency: An Australian Perspective’ and is published by Melbourne University Press (2014).

Reshaping Employment Discrimination Law: Towards substantive equality at work?

Centre Members: Beth Gaze and Anna Chapman
Research Staff: Kathleen Love, Adriana Orifici

The 2009 reshaping of Australian industrial law through the Fair Work Act unexpectedly introduced a comprehensive prohibition on discrimination in employment. This novel prohibition operates alongside existing anti-discrimination laws. These have quite separate conceptual foundations, and their effectiveness in promoting equality at work has been limited. This project examines the effect of the new provisions, and the interaction of the overall system of employment discrimination laws in both providing legal redress for discriminatory harms at work in Australia, and in contributing to systemic change towards equality in relations at work. The project is funded by an ARC Discovery Grant. In 2013 case law developments continued to be tracked, and a number of conference papers were presented both in Australia and internationally and an article was published in the 2013 International Journal of Comparative Labour Law and Industrial Relations. The empirical dimensions of the project attracted more focus in the latter part of the year, when Adriana Orifici joined the project (in November). A lengthy working paper on the history of the reverse onus provisions in industrial law was drafted in 2013, as was an article, forthcoming in the 2014 University of New South Wales Law Journal.
Legal Origins: Comparing the impact of different legal systems on the regulation of the business enterprise in the Asia-Pacific region

**Centre Member:** Sean Cooney  
**Research Staff:** Petra Mahy  
**Associates:** Richard Mitchell, Peter Gahan, Ian Ramsay

The legal origin hypothesis proposes that common law institutions deliver superior economic outcomes to other legal systems. International agencies have acted on this view in advocating legal reforms in a number of countries. This ignores alternative arguments/evidence that emphasise that legal systems can be responsive to local histories and conditions without adverse economic consequences. This project is funded by an ARC Discovery Grant. We aim to assess whether the legal origins hypothesis is (1) an accurate description and (2) an apt guide for legal analysis and reform in Australia and the region. The project is bringing Australia and Asia to the forefront of research on legal origins through a systematic analysis of our region comparable to those produced in other parts of the world. Publications from the project have appeared in prestigious international journals, such as the *International and Comparative Law Quarterly*, the *American Journal of Comparative Law* and the *Comparative Labor Law and Policy Journal*.

New Initiatives in Enforcing Employment Standards: Assessing the effectiveness of federal government compliance strategies

**Centre Members:** Sean Cooney and John Howe  
**Research Staff:** Tess Hardy

This project is assessing the operation and impact of the Fair Work Ombudsman, the federal agency enforcing working conditions relating to pay, reasonable working hours and leave. The research is grounded in the literature on regulatory effectiveness and includes comparison with comparable agencies domestically and internationally, as well as empirical studies of the actions of the FWO's staff and of the response of the target employers. The project is supported by an ARC Linkage Grant awarded in 2009. In 2013, the project team published a number of major papers based out on research carried out for the project, including an article in the *Federal Law Review* on the FWO's use of enforceable undertakings, and an article in the *Sydney Law Review* tracing FWO litigation patterns over the period 2006–2012. Preliminary work was also conducted for the final phase of the project, which will be a survey of business responses to FWO interventions.

'Nothing can be created out of nothing': Workers, their know-how and the employment relationships that support them

**Centre Members:** John Howe  
**Associates:** Chris Arup, Chris Dent, William van Caenegem  
**Research Staff:** Andrew Newman

This empirical project, through the collection of qualitative data, is seeking to establish how Australian employers and workers bargain over the fruits of know-how, and whether this promotes or inhibits innovation. It will suggest, if necessary, reforms to the intellectual property and labour law systems to enhance legal incentives for this form of innovation. The project commenced in 2009 and is supported by an ARC Discovery Grant. In 2013, the project team published a major paper in the *University of NSW Law Journal* presenting findings from interviews with legal practitioners, in-house legal counsel and judges about their experience with the use and enforcement of restraint of trade and confidential information clauses in employment contracts. Centre member John Howe and Research Fellow Andrew Newman also published a paper on collective bargaining over employee creation in the *Australian Journal of Labour Law*. The project team hosted a workshop at Melbourne Law School in December 2013. This workshop brought together scholars and practitioners with expertise in the area of restraint of trade clauses to discuss current practice and law reform possibilities.
Precariousness in Law and Labour Markets: The case of temporary migrant workers

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

This project aims to describe and analyse the precariousness of temporary migrant workers in Australia. It will use analysis of legal texts, collation and analysis of secondary statistics, an in-depth comparison with Canada, and a detailed program of case-studies in four crucial industries (mining, hospitals/health care, horticulture, fast food/restaurants) in order to throw light on key questions surrounding the rapid increase of temporary migrant workers. It will analyse labour market vulnerability and exploitation, the impact on local workers, and the economic benefits of temporary migrant workers. Its findings will contribute to the improved operation of Australia’s labour markets and to more effective labour market regulation.

OTHER EMPLOYMENT AND LABOUR LAW RESEARCH PROJECTS

- Employment Rights of International Students: Enhancing Protection Through a Community-University Collaboration
- Employee Happiness and Labour Law
- Fair Work Commission’s Influence in the Enterprise Bargaining Process
- Law and Labour Market Regulation
- Security of Employment and Unfair Dismissal Law
- The Challenges of Regulating Temporary Migrant Labour in Australia
- Temporary Migrant Work and Contested Notions of Social Justice
- Trade Union Enforcement of Minimum Enforcement Standards

In addition, during 2013 a number of research projects were pursued in areas beyond labour and employment law. These were:

- Electoral Regulation and its Prospects for Australian Democracy
- International Perspectives on the Regulation of Party Funding
- Non-discrimination and Freedom of Religion
- Political Finance in Australia
- Establishing a Sustainable Framework for NSW Election Funding and Spending Laws

RESEARCH STUDENTS UNDER THE SUPERVISION OF CENTRE MEMBERS

The Centre for Employment and Labour Relations Law and its members are active in encouraging and supervising the work of students working towards a research higher degree. Candidates are supervised by a Centre member and have the opportunity to participate in Centre projects and activities while completing their research.

Current Projects

**Do Hai Ha (PhD Candidate)**

*The Right to Strike in Vietnam: Toward a Better Regime*

**Supervisors:** Sean Cooney and Pip Nicholson

The Vietnamese economic reforms (Doi Moi) launched in late 1980s led to substantial changes in the Vietnamese labour regime, including the introduction of a new framework for industrial conflict resolution. Preliminary research shows that this legal framework was, by and large, developed through legal transplantation. This thesis seeks to evaluate the effect of Vietnam’s legal borrowings in the area of industrial conflicts. Legal transplants in Asia and especially in Vietnam are an under-researched area of study. This research will be one of the first studies that explores the absorption of transplanted legal processes and institutions in Vietnam. The thesis will assess the transplant’s impact and whether the transplant could have been better designed and enabled. As such, it aspires to provide new findings in this area and contribute to the ongoing reform of industrial conflict resolution.
Tess Hardy (PhD Candidate)
Friend or Foe? Regulatory Enrolment of Non-state Actors in the Enforcement of Minimum Employment Standards in Australia
Supervisors: Sean Cooney and John Howe

In Australia, employer non-compliance with minimum employment standards has been found to be systemic and sustained. More recently, a host of factors, including greater exposure to global markets and rapid and extensive changes to the workplace relations system, have intensified the various drivers of non-compliance and revealed the limitations of traditional compliance and enforcement strategies. Tess’ PhD thesis is an empirical study of how the Fair Work Ombudsman has sought to enrol non-state actors in a bid to reconfigure its strategies and improve its regulatory effectiveness. By drawing on the burgeoning literature concerning the fragmentation and hybridization of regulation, the thesis critically examines the initiation and implementation of various collaborative initiatives of the Fair Work Ombudsman as part of a comparative case study. In doing so, it aims to illuminate the variations, possibilities and potential limitations of a more decentred approach in relation to the enforcement of minimum employment standards in Australia.

Andrew Newman (PhD candidate)
Protection, Precarity and Temporary Migrant Work: An Examination of the Canadian Seasonal Agricultural Worker Program and the Australian Seasonal Worker Program
Supervisors: John Howe and Joo-Cheong Tham

Both Australia and Canada have in recent years experienced a growth in legally precarious non-standard forms of work, which are frequently characterized by low wages, lack of employment security and a low incidence of collective bargaining. The increased prevalence of precarious work is frequently attributed in the academic literature to gaps in the network of employment law protections and benefits, which continues to focus primarily upon the protection of the ‘standard’ full-time, ongoing, resident worker.

Accompanying the growth of precarious employment in both countries has been the proliferation of temporary migrant worker programs. In response to a perceived shortage of local workers willing to undertake seasonal harvesting work, both the Canadian and Australian governments have created temporary migrant worker schemes in the agricultural sector. In both countries, a key stated government policy objective of such schemes is to protect temporary migrant workers from exploitation through the application of migration and employment law tools. However, to what extent are such measures effective in protecting temporary migrant workers from precarious employment?

This thesis will critically examine the tension between protection and precarity with respect to temporary migrant workers admitted under the Canadian Seasonal Agricultural Worker Program and the Australian Seasonal Worker Program. It will expressly consider the ways in which migration laws constitute the labour market and impact upon the operation of employment law in both countries. In so doing, it will expand the traditional scope of employment law analysis and examine how the differing regulatory regimes of Canada and Australia achieve protection or entrench precarity among temporary migrant agricultural workers.
OTHER STUDENT RESEARCH PROJECTS

Centre members also supervise a number of other students undertaking research higher degrees. These include:

Marco Bini – ‘Public Sector Directors’ Duties’ (PhD). Supervisors: Associate Professor John Howe, Associate Professor Beth Gaze and Professor Ian Ramsay.

Katie Elkin – ‘The Regulation of International Medical Graduates in Australia and New Zealand’ (PhD). Supervisors: Professor David Studdert, Professor Lesleyanne Hawthorne and Associate Professor John Howe.

Andrew Godwin – ‘The Relevance of Traditional Proprietary Rights to the Reform of Rural Land Rights in China’ (PhD). Supervisors: Professor Sean Cooney, Associate Professor Sarah Biddulph, Professor Michael Bryan.

Mark Irving – ‘Equitable Remedies for Unfair Termination’ (LLM, Minor Thesis). Supervisors: Professor Sean Cooney and Associate Professor Matthew Harding.

Michael Legg – ‘Public and Private Enforcement of Securities Laws in Australia’ (PhD). Supervisors: Professor Ian Ramsay and Associate Professor Helen Anderson.


Nimmith Men – ‘Alternative Dispute Resolution in Cambodia’ (PhD). Supervisors: Professor Sean Cooney and Professor Camille Cameron.

Tony Mihalopoulos – ‘Recognition Space for Indigenous and Ethno-Cultural Groups in Australia’ (PhD). Supervisors: Associate Professor Beth Gaze and Dr Lisa Sarmas.

Wendy Ng – ‘Stepping Through the Looking Glass: China’s Anti-Monopoly Law on its Own Terms’ (PhD). Supervisors: Professor Sean Cooney and Professor Caron Beaton-Wells.

Qingfan You – ‘New Forms of Worker Organisation in China’ (PhD – Monash). Supervisors: Professor Sean Cooney and Professor Peter Gahan.
TEACHING AND LEARNING

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 research students under the supervision of Centre members.

Information regarding the projects of these research students is contained in the earlier part of this annual report (under the heading ‘Research Students under the Supervision of Centre Members’). All labour and employment law students are encouraged to take part in various activities within the Centre, including the Labour Law Seminar Series.

SUBJECTS IN THE JD PROGRAM

The subjects offered in 2013 were:

- Employment Law (Associate Professor Anna Chapman)
- Legal Research – Law and Disadvantaged Groups (Associate Professor Beth Gaze)

In addition, students are able to undertake the subject Legal Internship. This subject involves a placement at a range of institutions such as the Fair Work Commission and JobWatch, in addition to a supervised essay. During 2013 Centre members also taught in several other subjects in the JD degree, including Legal Method and Reasoning and Constitutional Law.

SUBJECTS IN THE LAW UNDERGRADUATE BREADTH PROGRAM

- Work and the Law (Professor Sean Cooney and Professor Peter Gahan, Faculty of Business and Economics)

THE MELBOURNE LAW MASTERS PROGRAM

The Melbourne Law School offers a range of different teaching programs as part of the Melbourne Law Masters Program. Associate Professor Anna Chapman and Associate Professor Beth Gaze were the Directors of Studies for the Employment and Labour Relations Law Graduate Program in 2013.

Coursework Programs:

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

Research Programs:

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

The subjects offered in 2013 were:

- Bargaining at Work (Professor Breen Creighton)
- Employment Contract Law (Professor Sean Cooney and Associate Professor Joo-Cheong Tham)
- Equality and Discrimination at Work (Associate Professor Anna Chapman, Associate Professor Beth Gaze and Ms Carol Andrades)
- Human Rights at Work (Professor Keith Ewing)
- International Employment Law (Professor Brian Langille)
- Labour Standards under the Fair Work Act (Associate Professor Anna Chapman and Mr Paul O’Grady)
- Principles of Employment Law (Associate Professor Joo-Cheong Tham)
- Workplace Health and Safety (Mr Peter Rozen)

Further information regarding the program can be obtained from the Melbourne Law Masters website at: [http://www.law.unimelb.edu.au/masters](http://www.law.unimelb.edu.au/masters).
KNOWLEDGE TRANSFER AND COMMUNITY ENGAGEMENT

During 2013 the Centre was engaged in a range of knowledge transfer activities, between the University and other higher education institutions, legal practitioners, industry groups, trade unions, community groups, international institutions such as the International Labour Organisation, Australian government bodies and parliament, and the public.

These exchanges took place through a variety of mechanisms including its two Seminar Series, and the involvement of Centre members in editorial roles with the Australian Journal of Labour Law, to name a few. In 2013 the Centre was pleased to announce the establishment of the Workplace Relations Lecture Series, which was a collaboration between the Fair Work Commission and the Centre. Centre members also played active roles in various associations, were regular contributors to print and electronic media and made submissions and gave evidence to parliamentary inquiries in 2013.

SPONSORS’ SEMINAR SERIES

The Centre conducts a series of seminars for members of the Centre’s sponsoring firms and organisations. Three seminars were held in 2013:

- **Professor Breen Creighton**, RMIT University, on ‘Using Codes of Practice and Implementation Guidelines to Drive Industrial Reform in the Construction Industry’ (18 April).
- **Mr Herman Borenstein SC and Mr Craig Dowling**, Victorian Bar, with commentary from Mr Andrew Farr, Lander & Rogers, on ‘Adverse Action: Will Multiple Decision Makers Reverse the Onus?’ (8 August).
- **Commissioner Peter Hampton**, Fair Work Commission, with commentary from **Mr Josh Bornstein**, Maurice Blackburn Lawyers, and **Ms Lisa Croxford**, Herbert Smith Freehills, on ‘The Anti-Bullying Jurisdiction of the Fair Work Commission’ (24 October).

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. Associate Professor Anna Chapman and Mr Glenn Patmore co-ordinated the Labour Law Seminar Series during 2013.

Six seminars were held during the course of the year:

- **Professor Brian Langille**, University of Toronto, on ‘Labour Law Dominoes’ (7 March).
- **Professor Keith Ewing**, King’s College London, on ‘Labour Law in Times of Crisis – Lessons from Greece’ (16 April).
- **Mr Anthony O’Donnell**, La Trobe University, on ‘Unemployment in a Time of Full Employment: Regulating Worklessness in Mid-20th Century Australia’ (18 April).
- **Associate Professor Sara Charlesworth**, University of South Australia, on ‘Partial Protection? The Regulation of Home Care Workers’ Working Conditions in Australia’ (24 September).
- **Professor Patricia Easteal**, University of Canberra and **Ms Skye Saunders**, Australian National University, on ‘Whispers from the Bush: Sexual Harassment in Australian Rural Workplaces’ (31 October).
- **Ms Fran O’Brien SC**, Victorian Bar, on ‘Litigating Sexual Harassment Matters’ (15 November).
ASSOCIATE PROFESSOR ANNA CHAPMAN,
MR ANTHONY O’DONNELL AT THE LABOUR
LAW SEMINAR UNEMPLOYMENT IN A TIME OF
FULL EMPLOYMENT

ASSOCIATE PROFESSOR ANNA CHAPMAN,
PROFESSOR DI OTTO AND PROFESSOR KEITH
EWING AT THE LABOUR LAW SEMINAR LABOUR
LAW IN TIMES OF CRISIS

ASSOCIATE PROFESSOR ANNA CHAPMAN,
PROFESSOR JENNY MORGAN, MS FRAN O’BRIEN SC, AND
ASSOCIATE PROFESSOR BETH GAZE AT THE LABOUR LAW SEMINAR LITIGATING SEXUAL HARASSMENT
MATTERS
FWC & CELRL WORKPLACE RELATIONS LECTURE SERIES

In 2013 the Centre was pleased to co-host, with the Fair Work Commission, the Workplace Relations Lecture Series. The Series comprised a number of free public lectures, presented by leading researchers in the field of workplace relations in both Australia and other countries. These lectures were held at the Melbourne Law School.

- Dr Brigid van Wanrooy on ‘The 2011 Workplace Employment Relations Study: First Findings and Implications for Australia’ (15 February).
- Professor Mark Bray, University of Newcastle, on ‘The Ambiguities of Workplace Cooperation’ (24 May).
- Mr Dean Parham on ‘Productivity and Pay Developments in Labour’s Share of Income Gains’ (16 August).
- Associate Professor Anthony Forsyth, RMIT University and Associate Professor John Howe, University of Melbourne, on ‘The Fair Work Commission’s Role in the Enterprise Bargaining Process’ (6 December).
OTHER EVENTS

In addition to the regular seminar series, from time to time the Centre hosts conferences, roundtables and other events for members of the Australian and international labour law community. These events bring together scholars, practitioners of labour law, industrial relations and human resource management, and members of the public to focus on current issues in Australian, international and comparative labour law.

Business and Human Rights in Myanmar Roundtable Discussion
On 17 April the Centre co-hosted a roundtable discussion with the Australian Council of Trade Unions. The roundtable brought together government, worker and employer representatives, academic experts, and civil society groups with an interest in issues around Australian investment and human rights in Myanmar.

Visit by Delegation of Judges from Indonesia
On 16 May the Centre hosted a visit to the University by a delegation of judges from Indonesia. The judges were specialists in industrial law, from various regions in Indonesia. The Centre was approached by the Fair Work Commission to host this welcome to the judges.

Foenander Lecture – ‘Overworked and Underpaid? The New Realities of the Labour Market’.
On 11 September 2013 the Centre co-hosted the annual Foenander Lecture, in conjunction with the Faculty of Business and Economics. The lecture was presented by Professor Sue Richardson AM, National Institute of Labour Studies, Flinders University.

Legal Empowerment of Street Vendors: Evaluating the impact of business rights for the poor
On 20 September the Centre co-hosted a seminar given by visiting academic Ana Maria Vargas Fallas from Lund University and University of Milan. This seminar was co-hosted with the Melbourne Social Equity Institute.
**EDITORIAL ROLES**

**Australian Journal of Labour Law**

The *Australian Journal of Labour Law* is the leading Australian scholarly publication in its field, publishing three issues per year, with each annual volume in the vicinity of 300–350 pages. It is a peer reviewed journal, and was ranked ‘A’ in the 2010 ERA journal ranking process. The Centre is the Journal’s administrative home.

During 2013 members and associates of the Centre continued to fill a number of the roles in the editorial group. Associate Professor Anna Chapman continued as a Co-Editor of the Journal. Associate Professor Joo-Cheong Tham is the Reports Co-Section Editor. The work of the editorial team was ably supported in 2013 by a team of Student Editorial Assistants.

Centre associates who worked on the journal during 2013 include: Professor Richard Johnstone and Professor Andrew Stewart (Co-Editors), Dr Andrew Frazer (Legislative Developments) and Associate Professor Jill Murray (Book Reviews).

**Centre Working Paper Series**

The Centre publishes two Working Paper Series. The first occasional Series provides an opportunity for the publication of suitable work of Centre members, associates and others in the field of employment and labour relations law. Typically these manuscripts are not suitable for submission to a peer reviewed journal, as they may contain preliminary analysis or findings, or be relatively short in length.

The second working paper series – the CELRL Student Working Paper Series – publishes the work of students in subjects taught as part of the employment and labour relations law program of the Melbourne Law Masters, and employment and labour relations law subjects in the JD program.

Associate Professor Beth Gaze edited the Centre Working Paper Series during 2013, overseeing the publication of three CELRL Student Working Papers. Further details about these can be found on page 30.

**ASSOCIATIONS**

**The Australian Labour Law Association**

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

At ALLA’s AGM held on 11 November 2013, the national committee said farewell to two members who did not stand for re-election: Professor Ron McCallum (University of Sydney) and Professor Richard Johnstone (Griffith University). Special thanks was offered to Ron McCallum, who was the inaugural ALLA President and has been a member of the National Committee since the inception of the association. The national committee also welcomed new members Mr David Quinn (Queensland) and Ms Tess Hardy (Victoria). Associate Professor Anna Chapman is a member of the National Committee.

ALLA puts on a diverse and vibrant array of state seminars, generally free to ALLA members. Topics addressed at the Victorian Chapter forums in 2013 included: ‘Exploring the duty of trust and confidence after CBA v Barker’ presented by Dr Chris Bleby SC and Mr Mark Irving; ‘Life under a Coalition Government: Lessons from the UK’ presented by Professor Keith Ewing of King’s College London, and; ‘A President’s Term on Australia’s National Employment Tribunal, 1997–2012’ presented by the Hon Reg Hamilton, Deputy President of the Fair Work Commission.

ALLA’s seventh biennial National Conference will be held in Sydney on Friday 14 and Saturday 15 November 2014. The theme of the conference will be, ‘Under the Microscope: The Next Phase of Australian Labour Law?’ The conference will offer members a unique opportunity to reflect on the development of Australian labour law to date, and critically discuss upcoming developments as well as new research in labour law. The program will commence with a keynote speech by the Hon Peter Gray, former Judge of the Federal Court of Australia.

Regulating for Decent Work Network

The Centre continued its involvement in the RDW Network in 2013. The Network is a collaboration between the International Labour Organisation, the CELRL, the Fairness at Work Research Group at the University of Manchester, the University of Amsterdam Institute for Advanced Labour Studies (AIAS) and the University of Duisburg-Essen Institut Arbeit Qualifikation (IAQ).

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 Network’s Third Conference on Regulating for Equitable and Job-Rich Growth was held at the International Labour Office, Geneva, Switzerland on 3–5 July 2013. The conference had an interdisciplinary focus, and was attended by academics and labour administrators from around the world, and officials from the ILO with policymaking responsibilities. Associate Professor John Howe was a member of the Organising Committee for the conference.

For further information about RDW please visit http://rdw.law.unimelb.edu.au/.

Labour Law Research Network

The Centre is a founding member of a new international association of labour law scholars, the Labour Law Research Network, which was formed in 2011.

The Network is based on cooperation between over 30 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 this field. All individual labour law scholars are welcome to join, whether affiliated with a research centre or not. Associate Professor John Howe is a member of the inaugural Steering Committee of the Network, which consists of six labour law scholars, each from a different region of the world. He was also a member of the Organising Committee for the inaugural LLRN Conference, held at the Faculty of Law, Pompeu Fabra University (UPF), Barcelona, Spain, from June 13–16, 2013.

The LLRN’s web address is: http://www.labourlawresearch.net/

OTHER ENGAGEMENT

Helen Anderson

Anna Chapman
- Conducted a case competition on social media and employment for the Kwong Lee Dow Young Scholars Workshop, July 2013.

Anna Chapman and Beth Gaze

Beth Gaze
- Member, Discrimination Service Providers’ Group: information sharing committee of members from the government agencies and legal services that are involved in discrimination law in Victoria.

Joo-Cheong Tham
- Submission to the Senate Legal and Constitutional Affairs Legislation Committee’s inquiry into the Migration Amendment (Temporary Sponsored Visas) Bill 2013 (Cth).
- Gave the keynote speech entitled ‘Multiculturalism and temporary migration: where does justice fit in?’ at an expert roundtable hosted by the Australian Multicultural Council (an advisory body to the Commonwealth Government in relation to multiculturalism).
- Gave a speech to the National Council of the Transport Workers’ Union on the 457 visa program.
MEDIA ENGAGEMENT

During 2013 Centre members and associates contributed widely as commentators on labour and employment law issues, in the print and electronic media. Contributions included radio interviews, and publications in both print and online media.

Outputs included:

**Beth Gaze**
- Quoted Benjamin Preiss ‘Strike threat over limits on research’ *The Age*, 1 April 2013.
- Quoted Vince Chadwick ‘Dispute over bullying could affect schools’ rights to expel students’ *The Age*, 2 June 2013.
- SYN Youth Radio Panorama on coalition government plans to reform s 18C of the Racial Discrimination Act (the (racial vilification provision), 6 September 2013.
- ABC Local Radio Drive (774) with Libby Gorr on affirmative action in politics, 19 September 2013.

**Joo-Cheong Tham**
- (with Leigh Hubbard), ‘457 visa scheme: time for a proper debate’, *The Guardian: Comment is Free*, 17 June 2013.
CONFERENCE AND SEMINAR PAPERS

In 2013 members of the Centre delivered papers to a range of Australian and international conferences and workshops, and delivered seminars to industry, government bodies and community groups.

JANUARY


FEBRUARY


MARCH


■ Joo-Cheong Tham, ‘Ratification of International Conventions on Migrant Workers: Will it Improve Protection of Temporary Migrant Workers in Australia?’, School of History and Politics, University of Adelaide, Adelaide.

APRIL


■ Glenn Patmore, discussant at The Law of Deliberative Democracy Symposium, King’s College London, London.

JUNE


JULY

- Beth Gaze, ‘Recent changes to sex discrimination laws’ Victorian Women Lawyers twilight seminar, Melbourne.

SEPTEMBER


NOVEMBER


DECEMBER

PUBLICATIONS

CHAPTERS IN EDITED COLLECTIONS


JOURNAL ARTICLES – REFEREED


JOURNAL ARTICLES – UNREFEREED

CENTRE STUDENT WORKING PAPERS SERIES


## GENERAL ACCOUNT

**Income 2013**  
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<td>Sponsorship</td>
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<td>Faculty allocation</td>
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<td><strong>TOTAL</strong></td>
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**Expenditure 2013**  
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<td>Domestic &amp; international travel</td>
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<td>Printing and design services</td>
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<td>Conferences, workshops and CELRL Seminar Series</td>
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<td>Books, event registrations &amp; subscriptions</td>
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<td>General expenses</td>
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<td>Centre visitors</td>
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**UNCOMMITTED BALANCE**  
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## GRANTS AND COMMISSIONS RECEIVED IN 2013

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<th>Type of Grant</th>
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<tr>
<td>Helen Anderson (with Ann O’Connell, Ian Ramsay and Michelle Welsh)</td>
<td>3 years</td>
<td>ARC Discovery Grant</td>
<td>Phoenix Activity: Regulating Fraudulent Use of the Corporate Form</td>
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<td>Joo-Cheong Tham (with Iain Campbell and Judy Fudge)</td>
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<td>ARC Discovery Grant</td>
<td>Precariousness in Law and Labour Markets: The Case of Temporary Migrant Workers</td>
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<tr>
<td>Sean Cooney, Joo-Cheong Tham and John Howe (with Martina Boese, Peter Gahan, Petra Mahy and Richard Mitchell)</td>
<td>1 year</td>
<td>Melbourne Interdisciplinary Seed Funding</td>
<td>How are Low Protection Workers Regulated? A Pilot Study in Australia and Indonesia</td>
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