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# ALLA News

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## Note from the Interim Secretary

Welcome to the first issue of the Australian Labour Law Association's newsletter. We intend to put out several newsletters each year, to keep members informed about ALLA's functions and other activities.

This first newsletter provides me with an opportunity to thank all those who have joined the Association since its formation just under a year ago. In that time, the Interim Committee has sought to get ALLA 'up and running' by obtaining incorporation, holding an Official Launch, facilitating the establishment of state chapters around Australia, and seeking affiliation with the International Society for Labour Law & Social Security. Further events

are now being organised, including ALLA's first Annual General Meeting and National Conference (see page 3 for details).

While the Association has grown at a very rapid rate, with around 350 members already, new members are always welcome. After the success of ALLA's first year of operation, the Association will continue to provide opportunities for debate about labour law and related issues in 2002 and beyond.

Anthony Forsyth

## Justice Kirby Launches ALLA

'Industrial Relations Law - Call off the Funeral' was the title of High Court Justice Michael Kirby's address to the official launch of the Association on Wednesday 18 July 2001 at Victoria's Parliament House.

Approximately 100 members attended the launch. Other speakers were Professor Richard Mitchell (Interim Vice-President); the Hon. Jeff Shaw (former Attorney General of NSW) and the Hon. Monica Gould (Victorian Minister for Industrial Relations).



Justice Michael Kirby, Minister Monica Gould, and Jeff Shaw at the launch with ALLA's Interim Committee.

In his speech (which can be downloaded from ALLA's website), Justice Kirby argued that there is still an important role for an industrial relations 'safety net' in Australia, and for arbitral bodies like the Australian Industrial Relations Commission to resolve disputes that cannot be resolved in the common law courts.

## Debate on Justice Kirby's Address

In defending the role of industrial tribunals in Australia, Justice Kirby sparked quite a debate amongst industrial relations professionals.

Melbourne barrister Stuart Wood ('For impartiality's sake, do curb Kirby', Australian Financial Review, 27 July 2001) suggested that Justice Kirby's address was partisan and 'mimicking Labor policy'. Several responses followed, including 'Kirby's not the one who needs to be hosed down' by employment lawyer Louise Clegg (AFR 31 July 2001), and 'A common touch is needed' by Des Moore (AFR 1 August 2001). And while attempts were made to express the view of ALLA's Committee, the Australian Financial Review chose not to publish it.

What follows therefore, is the text of the Committee's letter to the editor of the AFR:

*'We write in response to Mr Stuart Wood's piece 'For impartiality's sake, do curb Kirby', that appeared on page 75 of your newspaper on Friday 27 July 2001.*

*The comments to which Mr Wood referred were made by Justice Kirby in an address delivered at the launch of the Australian Labour Law Association at Parliament House in Melbourne on 16 July 2001.*

*The Association was formed in November 2000, and has been established specifically to promote the professional interests of lawyers and others working in the fields of labour and social security law in Australia. We stress that the Association is intended to be a non-partisan professional body.*

While there have been many changes to the traditional conciliation and arbitration system in recent years, Justice Kirby suggested that 'it is much too early to write the obituaries of industrial relations tribunals in Australia'.

*The launch of the Association was highly successful, attended by around 100 people including representatives from academic institutions, courts and industrial tribunals, and barristers and solicitors representing both employer and employee/union interests.*

*Justice Kirby's address, along with several others made at the launch, furthered one of the Association's main objectives, which is to provide a forum for discussion and debate about labour law issues in Australia.*

*We were very pleased that someone of Justice Kirby's standing was able to be the guest of honour at this function, and in our view there was little or nothing of a controversial nature in his speech. He simply observed that, despite extensive changes to the federal and state conciliation and arbitration systems in recent years, arbitral tribunals are still influential and should not be written off.*

*To the extent that Justice Kirby suggested that there is a continuing role for arbitral tribunals and a 'safety net' of minimum standards, his comments were consistent with the policies not only of the ALP but also the Federal Government and most major employer groups.*

*The attempt to suggest otherwise by Mr Wood is wholly unfounded.*

**Professor Richard Mitchell**  
**Interim Vice President**

**Anthony Forsyth**  
**Interim Secretary**  
**Australian Labour Law Association Inc.**

## State Chapters Update

Since its establishment, ALLA has sought to extend its activities across Australia.

Much has happened in the past few months, and we are now well underway towards the formation of a chapter in each state.

At present, South Australia and Queensland have the most active chapters, and have held their first activities. In most other states co-ordinators have been appointed to assume responsibility for the establishment of active chapters in their states.

### Developments by State:

#### Australian Capital Territory

**Professor Phillipa Weeks** (Australian National University) agreed to co-ordinate ACT activities.

#### New South Wales

**Professor Ron McCallum** (University of Sydney and Interim President of ALLA) and **The Hon Jeff Shaw** (Barrister and former Attorney-General of NSW) have assumed joint responsibility for setting up a NSW chapter.

#### Queensland

The Queensland Chapter was officially launched on 11 September 2001. Guest speakers were **The Hon Arch Bevis MP** (Shadow Minister for Industrial Relations and Member for Brisbane) on the Labor Party's industrial reform agenda, and **Mr David Hall** (President of the Industrial Relations Court and Commission of QLD) who spoke about the role of lawyers in industrial relations. Both speakers commended the formation of ALLA and its QLD chapter. The launch was well attended by representatives from law firms, the Commission and unions.

Queensland activities are jointly organised by **Ms Amanda Coulthard** (Associate Professor at Bond University and Special Counsel at Corrs Chambers Westgarth), **Professor Richard**

**Johnstone** (Griffith University and Australian National University) and **Mr Graeme Orr** (Lecturer at Griffith University).

#### South Australia

Membership in SA has grown to 36 members and the South Australian Chapter, convened by **Ms Rosemary Owens**, Senior Lecturer in Law at Adelaide University and **Professor Andrew Stewart**, Flinders University and Legal Consultant to Piper Alderman Lawyers, is already establishing itself as a lively forum.

The South Australian Chapter held its inaugural meeting at the Law School, Adelaide University, in June and decided it would meet thereafter every two months. Each meeting would address a topic of interest, with one of the members introducing the discussion with a short paper. The venue of the meetings will be rotated around the offices of the various members.

The second meeting of ALLA (SA Chapter) was held on September 4<sup>th</sup> at the South Australian Industrial Court. Rosemary Owens presented a paper on the topic 'Globalisation and the New Labour Law'.

The next meeting of the SA Chapter will be held on Tuesday 30 October, from 6 to 7.30pm and will be held at the offices of Piper Alderman. The topic for discussion will be 'A Crisis in Employment Status? The High Court's Ruling in Hollis v Vabu' and will commence with a paper presented by Professor Andrew Stewart, who will discuss both the practical and policy implications of the High Court's decision to find that bicycle couriers working for Crisis Couriers were employees rather than independent contractors.

#### Western Australia

Co-ordinator for Western Australia will be **Professor Bill Ford** (Dean of Law at the University of Western Australia).

## Members...

In less than a year, ALLA has managed to attract close to 350 members nationwide.

The following tables provide some indication as to the professional background and state of

origin of ALLA's membership. Note that, as the Association was originally formed in Victoria, the majority of members are still from that state, although it is hoped that the efforts

described above will lead to a more even spread of members around Australia over time.

State	Members (%)
ACT	4.8
NSW	21.4
NT	0.3
QLD	12.2
SA	11.6
TAS	0.3
VIC	44.3
WA	4.8
Other	0.3
<b>Total</b>	<b>100.0</b>

Background	Members (%)
Academic Institutions	12.2
Legal Practice	68.8
Courts and Tribunals	7.7
Government	3.6
Unions	3.9
Other	3.9
<b>Total</b>	<b>100.0</b>

## Upcoming Events

- **Annual General Meeting**
- **National Conference**

### Annual General Meeting

Pursuant to the Rules of the Association, an Annual General Meeting will be held on **Wednesday, 14 November 2001**, at 6pm at the offices of Corrs Chambers Westgarth, 600 Bourke Street, Melbourne.

The AGM will be followed by a seminar, presented by **The Hon Justice Giudice**, President of the AIRC, who will speak on the topic '**The Industrial Relations Commission's Powers of Private Arbitration**'.

Elections will be held at the AGM for officeholders and ordinary members of ALLA's **National Committee of Management**. An agenda and nomination form accompany this newsletter.

### National Conference

Planning is currently under way for the Association's first National Conference, which is likely to take place in the first half of 2002. It is hoped that conferences will be held bi-annually thereafter.

All members will be invited to attend the 2002 National Conference as soon as arrangements are finalised. Please also check our website regularly for details.

## ALLA and GST - Notice to all Members

The purpose of this notice is to clarify various matters relating to the GST implications of ALLA membership.

As a non-profit body with minimal annual turnover, ALLA is not required to register for GST purposes and has decided not to voluntarily register at this stage. This decision will be kept under review by ALLA's National Committee of Management.

An earlier version of the ALLA membership application form made reference to the \$20.00 membership fee being 'inclusive of GST'. This

statement may have unintentionally caused confusion as while ALLA is not registered or required to be registered, the annual membership fee is not subject to GST.

The membership application form has since been corrected. I apologise for any inconvenience caused by the above.

Yours sincerely,



Anthony Forsyth  
Interim Secretary, ALLA