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THE CENTRE: PEOPLE AND RELATIONSHIPS

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SUMMARY OF CENTRE GENERAL ACCOUNT 2015
FOREWORD

2015 saw another strong year for the Centre, in terms of research, teaching and engagement.

PERSONNEL

The Centre was delighted to welcome The Honourable Peter RA Gray AM during his term as Melbourne Law School Judge in Residence, from February to June 2015. Justice Gray contributed widely and enthusiastically to the Centre’s seminar program and teaching efforts in addition to general discussions of the field. We are very grateful to his Honour for his time, collegiality, and also his continuing support and interest in the Centre’s endeavours.

In 2015 the Centre was very pleased to welcome a new academic colleague, as well as a new Administrator. In November 2015 Dr Alysia Blackham joined the Centre, having accepted a position as a Senior Lecturer in Melbourne Law School at this time. Alysia holds Bachelor degrees in both Arts and Law (1st class honours) from the University of Melbourne, and a PhD from the University of Cambridge. After graduating, Alysia worked as a solicitor at Herbert Smith Freehills, and has taught at both the University of Sydney and the University of Cambridge. Her PhD dissertation examined employment law and older workers in the United Kingdom from an empirical perspective. A monograph based on this work will be published by Hart in 2016.

In late 2015 Cathryn Lee took up a position as the Administrator of the Centre, after Amy Uhlhorn left the University. Cathryn comes to the Centre with a law degree from Monash University, and a keen interest in the field of employment and labour relations law. In addition to her responsibilities to the Centre, Cathryn is also the Administrator of the Obligations Group as well as the Electoral Regulation Research Network, both within Melbourne Law School.

Another highlight of 2015 was that Professor Paul Secunda, of Marquette University (Milwaukee, USA) visited the Centre as a Fulbright Scholar, from July to December. Paul’s chief research interests lie in superannuation law, and he taught ‘Comparative Superannuation Law’ in the Melbourne Law Masters program. Paul conducted research into the Australian superannuation system, and plans to return as a visitor to the Centre in 2017, to continue that work.

In 2015 the Centre was again able to appoint a JD student as the CELRL Student Fellow. Angus Mackenzie was appointed from a field of impressive applicants. Angus worked on a number of research projects over the course of the year. He assisted Anna Chapman and John Howe on their investigation of Codes of Conduct and employment law, as well as working with Tess Hardy in preparing a submission to the Senate inquiry into franchise arrangements in Australia.

RESEARCH

Strong progress was made on all existing research projects in 2015. Details can be found in the pages of this report. Adriana Orifici returned to the Centre in July 2015 (following a parental break) to continue work on Beth Gaze and Anna Chapman’s ARC funded project on the adverse action provisions in the Fair Work Act. In 2015 the project focused on an analysis and synthesis of the empirical aspects of the project. In addition, analysis of case law developments continued, and an article was published in issue 1 of the 2015 Australian Journal of Labour Law, entitled ‘Judicial Method and the Interpretation of Industrial Discrimination’. Joo-Cheong Tham progressed his project on temporary migrant work (with Iain Campbell and Judy Fudge), with field work completed on a case study of temporary migrant workers in Melbourne cafes, restaurants and take-away food outlets. In 2015 a major report was released in Helen Anderson’s project on phoenix activity, in addition to a number of articles and presentations. John Howe and Tess Hardy’s project on the enforcement of minimum employment standards was also progressed with an article on the regulation of supply chains published in the Journal of Industrial Relations. In addition, a survey of business responses to the Fair Work Ombudsman’s enforcement activities was designed and carried out.

In February 2015 Ingrid Landau commenced a PhD in the Centre. Ingrid’s dissertation examines the regime of business and human rights due diligence as a form of labour regulation. Located at the interstices of three broad but overlapping fields of scholarship – transnational labour regulation, business and human rights, and regulation and governance - Ingrid’s 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. Ingrid’s project is
being supervised by John Howe and Professor John Tobin of Melbourne Law School.

TEACHING AND LEARNING

The Centre continued to co-ordinate a strong teaching program in employment and labour relations law in 2015, both in the Juris Doctor degree, and in the Melbourne Law Masters (MLM) program.

In the Juris Doctor program students have a choice of a number of subjects relevant to the field, including ‘Employment Law’ (which provides a thematic overview of the field), ‘Equality and Discrimination Law’ (which focuses on anti-discrimination law in Australia), in addition to the ability to undertake an internship with a range of organisations such as the Fair Work Commission and JobWatch (as part of the subject ‘Legal Internship’). In addition, students are able to undertake a supervised research paper in the field as part of their final year compulsory subject ‘Legal Research’.

The employment and labour relations law specialisation in the MLM program offers nine integrated subjects (as detailed in the pages of this annual report). These subjects can be taken by students towards the Graduate Diploma in Employment and Labour Relations Law or the Master of Employment and Labour Relations 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 Centre also welcomes students undertaking a minor or major thesis as part of their LLM, in addition to PhD students.

Student feedback on our subjects remains very positive, and enrolment numbers were strong in 2015, prompting multiple offerings in 2016 of the subject ‘Employment Law’ in the Juris Doctor degree, as well as two offerings of ‘Principles of Employment Law’ in the MLM program.

PROFESSIONAL AND COMMUNITY ENGAGEMENT

The Centre delivered another strong program of seminars and other forms of engagement in 2015. Five Labour Law Seminars were held during 2015. These seminars are open to members of the general public, and were held at lunchtimes in Melbourne Law School. Topics are varied and ranged from enforcement of enterprise agreements and awards (The Hon Peter RA Gray AM); American right to work laws (Professor Paul Secunda, Marquette University); the social in the international order (Professor Kerry Rittich, University of Toronto); employment discrimination against people with disabilities in Europe (Professor Lisa Waddington, Maastricht University); and the AHRC report on supporting working parents (Ms Lisa Pusey, AHRC).

As has occurred in previous years, the Centre co-hosted the Melbourne lecture of the Fair Work Commission as part of the Commission’s Workplace Relations Education Series. One lecture was held in Melbourne in 2015. This
lecture, delivered by Anna Chapman and Beth Gaze, examined the intersections of adverse action under the Fair Work Act with anti-discrimination law.

Two seminars were held during the year for the members of the Centre’s sponsors through the Sponsors’ Seminar program. These seminars are by invitation, and are held in the evenings. In 2015 seminars were held examining summary dismissal: *Melbourne Stadiums v Sautner* [2015] (Jonathan D Forbes; Paul O’Grady; Nick Ruskin) and redundancy pay and alternative employment: *FBIS v MUA* [2015] (Steven J Moore QC; Michael Tamvakologos; John Tuck).

**21ST ANNIVERSARY**

During 2015 planning continued for the celebrations of the Centre’s 21st birthday to take place over 4 & 5 February 2016. These celebrations included a public lecture, in addition to a Workshop entitled ‘The Evolving Project of Labour Law’. The one and a half day workshop explored how labour law scholarship in Australia has evolved and where it is going, including with respect to its focus and concerns, boundaries, methodologies and approaches. The public lecture, ‘Researching, Teaching and Practising Labour Law’ took place in the evening and the many attendees heard from a panel of speakers with a wide range of perspectives. The panel comprised Professor Anthony Forsyth (RMIT University); Ms Natalie James (Fair Work Ombudsman); Mr Josh Bornstein (Maurice Blackburn Lawyers); and Ms Sarah Rey (Justitia). Professor Geoff Giudice chaired the seminar.

**ACKNOWLEDGEMENTS**

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. Thanks is also extended to the Centre academic associates, teaching associates, and members of the Advisory Board. In 2015 the Centre was pleased to welcome Bartlett Workplace as a new sponsor.

We are pleased to note that the Centre Sponsors renewed their sponsorship of the Centre in 2016. 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.

John Howe and Anna Chapman
Centre Directors
August 2016
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 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 graduate 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

DIRECTORS

Professor John Howe
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Professor John Howe was Deputy Dean of Melbourne Law School from 2013 to 2015, and a Director of the Centre for Employment and Labour Relations Law. His research interests include regulatory theory, corporate accountability and labour law, and he teaches in the areas of corporations law, corporate social responsibility and labour law. John is also a member of the Centre for Corporate Law and Securities Regulation. John has written extensively on the nature of various mechanisms of labour regulation, and the intersection between state-based regulation and corporate governance. He is co-editor of the book Labour Law and Labour Market Regulation published by Federation Press in 2006, and his book Regulating for Job Creation was published by Federation Press in late 2008.

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 presently serves on the Organising Committee of the Regulating for Decent Work Network, the Steering Committee of the Labour Law Research Network and from January 2015 is an Editor of the Australian Journal of Labour Law.

Associate Professor Anna Chapman
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Associate Professor Anna Chapman is a Director of the Centre for Employment and Labour Relations Law, and a Course Director of the MLM Employment and Labour Relations Law program.

Anna was an Editor of the Australian Journal of Labour Law from 2009 to January 2015. 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, sexuality, and race. This work has engaged particularly with minimum standards, including leave entitlements and working hours, in addition to general protections (adverse action), unfair dismissal and discrimination law.

Anna’s recent work includes an ARC funded project (with Beth Gaze) examining the intersections between the General Protections in the Fair Work Act 2009 (Cth) and anti-discrimination law.
MEMBERS

Associate Professor Helen Anderson

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Associate Professor Helen Anderson joined the Centre for Employment and Labour Relations Law and Melbourne Law School in January 2010 after working for 21 years at 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 2014, she and a team of other academics were successful in obtaining an ARC Discovery Grant to examine fraudulent phoenix activity.

Her most recent book is The Protection of Employee Entitlements in Insolvency: An Australian Perspective. The phoenix activity project has also produced two major reports, Defining and Profiling Phoenix Activity and Quantifying Phoenix Activity: Incidence, Cost, Enforcement.

Dr Alysia Blackham

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Dr Alysia Blackham is a Senior Lecturer at Melbourne Law School, and an Affiliated Lecturer at the Faculty of Law, University of Cambridge. Alysia holds Bachelor degrees in both Arts and Law (with Hons) from the University of Melbourne, and a PhD 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 recent 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, will be published by Hart in August 2016.

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.
Professor Beth Gaze

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Professor Beth Gaze taught law at Monash Law School before joining Melbourne Law School in 2005, and has previously been a member of commonwealth and state tribunals including the Social Security Appeals Tribunal and the Mental Health Review Board. Her research interests lie 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 published extensively in these areas, and has been the recipient of several ARC Grants.

Beth has acted as an expert adviser to parliament, 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, and has recently completed work on a text to be published in 2016, An Introduction to Equality and Discrimination Law in Australia with Associate Professor Belinda Smith of the University of Sydney. She is also a regular contributor to media on discrimination related issues. With Anna Chapman, she is presently engaged in 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 Sean Cooney

BA, LLB (Hons), LLM (Melb), LLM, JSD (Columbia)

Professor Cooney is currently on leave from the University of Melbourne until 2017, having taken up a position as a Labour Law Specialist at the International Labour Organisation in Geneva. 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 has examined issues of comparative labour law, and labour law enforcement, with a particular emphasis on East Asia. His recent research includes an ARC-funded study of the Fair Work Ombudsman, together with John Howe and Tess Hardy as well as a second ARC funded study on the development of labour and corporate law in the Asia Pacific (with Richard Mitchell, Petra Mahy, Peter Gahan and Ian Ramsay).

His most recent major publication is Law and Fair Work in China, (Routledge 2013) together with Sarah Biddulph and Zhu Ying.
Dr Tess Hardy

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Tess Hardy graduated from Melbourne Law School with an honours degree in law and in arts in 2004. She also holds a Masters of Law degree from Melbourne Law School. As part of her Masters, Tess completed a minor thesis on the evolution of the regulatory agency responsible for enforcement of employment standards in Australia. In 2014, Tess was awarded her PhD which considered the enrolment of non-state actors, including unions, employer associations, franchisors and others, by the Fair Work Ombudsman.

From 2005 to 2009, Tess worked as a lawyer and senior associate at a number of national law firms in Melbourne, Tokyo and Hong Kong. Her practice was principally in the area of employment and labour law. From 2010 to 2013, Tess was employed as a Research Fellow at the Centre for Employment and Labour Relations Law. In this period, Tess was engaged in an ARC Linkage Project (with partner organisation, the Fair Work Ombudsman) which sought to examine the role and operation of the federal labour inspectorate in Australia. 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.

Mr Glenn Patmore

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Mr Glenn Patmore has taught law at Monash University and currently is a Senior Lecturer at 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 republicanism 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.
Joo-Cheong Tham is an Associate 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 his key research areas, the regulation of precarious work and political finance law. He has also undertaken considerable research into counter-terrorism laws. He has published 33 book chapters and refereed articles, 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 written more than 40 opinion pieces. 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 focussed on the challenges posed by temporary migrant work in Australia, particularly, the precariousness of such work. He is working with Dr Iain Campbell, Centre for Applied Social Research, RMIT University in an Australian Research Council project on this topic.

Ingrid Landau is a doctoral student within the Centre for Employment and Labour Relations Law and the Centre for International Law and the Humanities (from February 2015). She graduated with honours in Asian Studies and Law from the Australian National University in 2006. Since then, she has worked at Melbourne Law School, the Faculty of Business Law and Taxation at Monash University and at the Australian Council of Trade Unions. At the ACTU, she was responsible for researching and providing advice on a range of areas of Australian employment and labour law, as well as international labour standards, human rights and corporate accountability.

From 2010-2014, she also acted as an Australian Worker Delegate to the International Labour Organisation’s International Labour Conference in Geneva. Ingrid has published in Australian and international journals, and has worked as principal researcher on major research projects commissioned by the Fair Work Commission and the International Labour Organisation. Her research interests include Australian employment and labour law, international and comparative labour law (with a focus on the Asia-Pacific) and corporate accountability and labour rights.
Ms Kathleen Love

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Kathleen graduated from the University of Melbourne with degrees in Science and Law (Hons). She is the Supreme Court Prize Winner of 2005, and was also awarded the Joan Rosanove QC Memorial Prize and the EJB Nunn Scholarship. Kathleen works with Beth Gaze and Anna Chapman on their ARC research project examining the intersections between the General Protections in the *Fair Work Act 2009* (Cth) and anti-discrimination law.

Prior to joining the Centre, Kathleen was a solicitor specialising in employment and industrial relations law.

Ms Adriana Orifici

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Adriana Orifici is a Research Fellow at the Centre of Employment and Labour Relations Law and is working on the ARC Discovery Project, ‘Reshaping Employment Discrimination Law: Towards Substantive Equality at Work?’ with Beth Gaze and Anna Chapman.

Adriana completed articles in 2006 at Maddocks 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.

In 2012, Adriana held the position of Intern-Collaborator with the International Training College of the International Labour Organisation in Turin, Italy under the auspices of a scholarship from the Italian Government.

Adriana graduated with Arts (Hons) and Law (Hons) from the University of Melbourne. In 2013, she completed a Master of Laws at the University of Melbourne. She commenced her PhD at Melbourne Law School in July 2016.
Ms Maria Azzurra Tranfaglia  
LLB, LLM (magna cum laude) (LUlSS University, Rome)  
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Maria Azzurra is undertaking a PhD in comparative labour law at Melbourne Law School, focusing on the regulation of agency work in Europe and in Australia. She is an employment lawyer admitted to practice in Italy and she has studied and worked both in Italy and in Australia in this field. In particular, Azzurra completed a Law Degree in 2008 at LUISS Guido Carli University of Rome, with a major in Labour Law and a final dissertation thesis in International and Comparative Labour Law, analysing the protection of employees during transfer of undertaking in Europe and in Australia.

She worked as an employment lawyer in Milan for more than 4 years, studied Human Resource Management in Australia and has previously worked as a research assistant both at the University of Melbourne and in private practice.

As a Research Assistant and Research Fellow at the Centre, Azzurra has been involved in several research projects, ranging from ownership of employees’ creations, enforcement of employment rights and migrant workers’ issues in Australia. She coordinates the Labour Law Research Network website and has been tutoring International Students enrolled in the Master of Employment and Labour Relations Law at Melbourne Law School.

PROFESSORIAL FELLOW

The Hon Professor Geoffrey Giudice AO  
BA, LLB (Melb)  
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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. As a barrister, he 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. Apart from his appointment with the Centre, he has a number of other roles including consultant to Ashurst Australia and a member of the University of Melbourne Archives Advisory Board. He has a special interest in legislative policy-making and is the author of an article entitled: Industrial relations law reform: What value should be given to stability?, published in the Journal of Industrial Relations in June 2014. In 2015 he assisted in the presentation of a workshop on independent dispute resolution institutions at the ITC-ILO in Turin, Italy. In the same year he also delivered a paper on aspects of the right to strike in Australia at the ILERA Conference in Cape Town, South Africa.
Members of the Centre were assisted by the following research staff:

- Fiona Adams
- Jason Goliszek
- Nina Lestari
- Petra Mahy
- Sarah Mercer
- Hannah Withers

Angus Mackenzie

In 2015 the CELRL Student Fellow was Angus Mackenzie. Angus worked primarily with Anna Chapman on a project with John Howe and Susan Ainsworth examining the intersections between Codes of Conduct and various areas of employment law. Angus also worked with Tess Hardy in preparation for submissions to a Senate inquiry examining franchise arrangements and employment law and with Adriana Orifici on a project with Beth Gaze and Anna Chapman looking into choice of jurisdiction for individuals experiencing potential discrimination or unfair treatment at work.

Angus completed his JD in 2015 and is now a graduate lawyer with Bartlett Workplace Lawyers and Consultants.

Amy Uhlhorn

BA (UQ), EMA (Melb)

Amy was the Centre Administrator from January to September 2015, and previously worked as a Marketing Officer at the Graduate School of Humanities and Social Sciences.

Cathryn Lee

BA, LLB (Hons) (Monash), GradDipLegPrac (Leo Cussen)

Cathryn joined the Centre as Administrator in November 2015, and also supports the Obligations Group and the Electoral Regulation Research Network. Prior to working at the University she worked as a compliance analyst and a law clerk.
CENTRE ASSOCIATES

Academic Associates

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

Teaching Associates

- Ms Carol Andrades, Ryan Carlisle Thomas
- Professor Keith Ewing, King’s College, University of London
- Mr Joel Fetter, Victorian Bar
- Mr Paul O’Grady, Victorian Bar
- Mr Peter Rozen, Victorian Bar
- Professor Paul Secunda, Marquette University Law School
- Professor Andrew Stewart, University of Adelaide
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 2015 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 Glen Bartlett, Bartlett Workplace
- Mr Josh Bornstein, Maurice Blackburn
- Justice Alan Boulton, Fair Work Commission
- Mr Mark Diserio, Lander & Rogers
- Professor Carolyn Evans, Melbourne Law School
- The Honourable Peter Gray AM, formerly of the Federal Court of Australia
- Ms Mary-Jane Ierodiaconou, Justitia
- Mr Ross Jackson, Maddocks
- Ms Natalie James, Fair Work Ombudsman
- 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 QC, Victorian Bar
- Mr Charles Power, Holding Redlich
- Ms Penny Savidis, Ryan Carlisle Thomas
- Mr James Simpson, Arnold Bloch Leibler
- Mr Michael Tamvakologos, Seyfarth Shaw
- Mr Michael Tehan, Minter Ellison
- 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 2015 were:
The Centre regularly welcomes academic colleagues from interstate and overseas. In 2015 we hosted six visitors:

- Professor Lisa Waddington, Maastricht University, The Netherlands (June)
- Professor Kerry Rittich, University of Toronto (August)
- Professor Andrew Stewart, University of Adelaide (September)
- Professor Keith Ewing, King’s College, University of London (December)
- Professor Paul Secunda, Marquette University Law School, as a Fulbright Scholar (July - December)

The Centre was very pleased to host The Honourable Peter RA Gray AM as the MLS Judge in Residence, from February to June.
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 corporate governance and labour law, 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 2015, 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 at: http://law.unimelb.edu.au/centres/celrl/research/current-research-projects

AUSTRALIAN RESEARCH COUNCIL (ARC) FUNDED RESEARCH PROJECTS

RESHAPING EMPLOYMENT DISCRIMINATION LAW: TOWARDS SUBSTANTIVE EQUALITY AT WORK?

Centre Members: Anna Chapman and Beth Gaze
Research Staff: Kathleen Love and 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 2009 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.

In addition to continuing to monitor case law developments, 2015 saw a focus on the empirical dimensions of the project. Over 50 interviews were completed and analysed during 2015. A number of presentations were made in 2015, including an invited lecture as part of the Fair Work Commission, Workplace Relations Education Series. A paper was also presented at the Labour Law Research Network conference held at the University of Amsterdam. A lengthy article entitled ‘Judicial Method and the Interpretation of Industrial Discrimination’ was published in (2015) 28(1) Australian Journal of Labour Law.

PRECARIOUSNESS OF TEMPORARY MIGRANT WORK IN LAW AND LABOUR MARKETS

Centre Members: Joo-Cheong Tham
Associates: Iain Campbell and Judy Fudge
Research Staff: Maria Azzurra Tranfaglia

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.
The project centres on three industry case-studies: 1) nurses on 457 visas; 2) temporary migrant workers in Melbourne cafes, restaurants and take-away food services; and 3) temporary migrant workers in the Victorian horticulture industry. Case-study 1) was completed in 2013. The field-work for Case-study 2) was completed in 2015. Case-study 3) also commenced in 2015 and is due to be completed in 2016. In 2015 Joo-Cheong Tham presented conference papers drawing on the project in Canada, Spain and in Amsterdam.

PHOENIX ACTIVITY: REGULATING FRAUDULENT USE OF THE CORPORATE FORM

Centre Member: Helen Anderson

Associates: Ann O’Connell, Ian Ramsay and Michelle Welsh

Research Staff: Hannah Withers

Fraudulent phoenix activity is of great concern to Australian policymakers. It occurs where there is the deliberate liquidation of a company to avoid paying debts but the business continues through another company, and in corporate groups through the liquidation of undercapitalised subsidiaries and transfer of business to other companies in the group. This behaviour causes huge losses in taxation revenue and large financial losses for employees and unsecured creditors. To strengthen Australia’s economic fabric, this project aims to determine the optimal method of dealing with fraudulent phoenix activity through a thorough examination of all of its aspects in Australia and by a comparative analysis of international responses.

In 2015 several scholarly articles were published from the project, and a number of presentations were made to a range of audiences. In addition, a major report was completed examining the incidence, cost as well as enforcement in relation to phoenix activity.

NEW INITIATIVES IN ENFORCEMENT OF EMPLOYMENT STANDARDS: ASSESSING THE EFFECTIVENESS OF FEDERAL GOVERNMENT COMPLIANCE STRATEGIES

Centre Members: Sean Cooney, John Howe and 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.

In 2015 an article examining supply chains was published in the Journal of Industrial Relations. Conference papers on franchise arrangements, and trade unions and enforcement, were delivered at the conference of the Labour Law Research Network, held at the University of Amsterdam.

OTHER EMPLOYMENT AND LABOUR LAW RESEARCH PROJECTS

- Anna Chapman, John Howe and Susan Ainsworth (Management and Marketing, Faculty of Business and Economics), ‘Codes of Conduct and Employment Law’
- Martina Boese, Sean Cooney, John Howe, Petra Mahy and Joo-Cheong Tham, ‘How Are Low Protection Workers Regulated: A Pilot Study in Australia and Indonesia’

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.

INGRID LANDAU (PHD CANDIDATE)


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.

ANDREW NEWMAN (PHD CANDIDATE)

**Title:** ‘The Legal Precariousness of Temporary Migrant Agricultural Work: Case Studies from Canada and Australia’, commenced February 2011.

**Supervisors:** John Howe, Joo-Cheong Tham and Anna Chapman

**Description:** The thesis examines the legal precariousness of temporary migrant agricultural work in Canada and Australia through a consideration of two case studies: the Canadian Seasonal Agricultural Worker Program and the Australian Seasonal Worker Program. The thesis considers the relationship between migration and employment law in regulating two key aspects of legal precariousness, the level of wages and security of employment.

MARIA AZZURRA TRANFAGLIA (PHD CANDIDATE)

**Title:** ‘Regulating Agency Work to Balance Employees’ Needs and Business’ Interests – a Comparative Study of Different Regulatory Approaches in Italy and Australia’, commenced January 2014.

**Supervisors:** John Howe and Sean Cooney

**Description:** The thesis draws on the international debate around the causes and effects of agency work as a form of non-standard work. It will assess and evaluate the different regulatory approaches to agency work taken in Italy and Australia using a new analytical framework developed from previous studies of agency work regulation and employing regulatory theory. The analysis will compare agency work regulation in the two countries, and will evaluate the extent to which each system balances employers’ interests and employees’ needs. Finally, in light of the comparative assessment, it will conclude by offering suggestions as to how specific regulatory issues relating to agency work in each country can be addressed in order to set these systems on the path towards balancing employees’ needs and business’ interests. In Australia there is a call for regulation to provide stronger protection for labour-hire employees, while in Italy, on the contrary, there is a call for deregulation aimed at ensuring a higher level of flexibility for businesses and encouraging hiring. Considering this divergent trend, this research generates regulatory proposals that can inform future policy making in the area of agency work in both countries and possibly in other jurisdictions.

OTHER SUPERVISIONS

Several members of the Centre supervised students enrolled in JD Legal Internship, students undertaking an LLM Minor Thesis and students undertaking PhD theses in non-labour law related areas.
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 employment and labour relations law subjects offered in 2015 were:

- Employment Law (Anna Chapman)
- Equality and Discrimination Law (Beth Gaze)
- Legal Internship (Helen Anderson, Anna Chapman, Beth Gaze, John Howe, Ingrid Landau, Joo-Cheong Tham)

THE MELBOURNE LAW MASTERS PROGRAM

Melbourne Law School offers a range of different teaching programs as part of the Melbourne Law Masters Program. Anna Chapman and Beth Gaze were the Directors of Studies for the Employment and Labour Relations Law Graduate Program in 2015.

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 2015 were:

- Principles of Employment Law (Anna Chapman)
- Labour Standards under the Fair Work Act (John Howe and Joel Fetter)
- Employment Contract Law (Tess Hardy and Paul O’Grady QC)
• Equality and Discrimination at Work (Beth Gaze and Carol Andrades)
• Bargaining at Work (Andrew Stewart)
• Human Rights at Work (Keith Ewing)
• International Employment Law (Sean Cooney and Paul Secunda)
• Workplace Health and Safety (Peter Rozen)
• Comparative Superannuation Law (Paul Secunda)

Further information regarding the program can be obtained from the Melbourne Law Masters website at: http://law.unimelb.edu.au/study/masters/courses

KNOWLEDGE TRANSFER AND COMMUNITY ENGAGEMENT

During 2015 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 addition, in 2015 the Centre continued to co-host the Melbourne lecture held as part of the Fair Work Commission, Workplace Relations Education Series.

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. Beth Gaze and Glenn Patmore co-ordinated the Labour Law Seminar Series during 2015.

Five seminars were held during the course of the year:

• 12 August 2015: Convergence and Fragmentation: The Social in the International Order. Presented by Professor Kerry Rittich, University of Toronto. Co-hosted with the Institute for International Law and the Humanities, Melbourne Law School.
• 2 September 2015: American Right to Work Laws Reach a Tipping Point. Presented by Professor Paul Secunda of Marquette University, United States, and Senior Fellow of the Melbourne Law Masters. Commentary by Professor Anthony Forsyth, RMIT University.
SPONSORS’ SEMINAR SERIES

The Centre conducts a series of seminars for members of the Centre’s sponsoring firms and organisations. The seminar series is co-ordinated by The Hon Professor Geoffrey Giudice AO. Two seminars were held in 2015:

- **25 March 2015:** What Employee Behaviour will Entitle the Employer to Terminate the Contract of Employment Summarily: *Melbourne Stadiums Ltd v Sautner*. Presented by Mr Jonathan D Forbes, Barrister at the Victorian Bar. Expert commentary by Mr Paul O’Grady QC (of the Victorian Bar and a Senior Fellow in the Melbourne Law Masters) and Mr Nick Ruskin (of K&L Gates).

- **17 August 2015:** Alternative Employment and Redundancy Pay: *FBIS v MUA*. Presented by Mr Steven J Moore QC of the Victorian Bar. Expert commentary by Mr Michael Tamvakologos (of Seyfarth Shaw) and Mr John Tuck (of Corrs Chambers Westgarth).

FAIR WORK COMMISSION, WORKPLACE RELATIONS EDUCATION SERIES (CO-HOSTED LECTURE)

In 2015 the Centre was pleased to co-host the Melbourne lecture in the Commission’s Workplace Relations Education Series. The Series comprise a number of free public lectures, presented by leading researchers in the field of workplace relations in both Australia and other countries.

OTHER EVENTS

In addition to the regular seminar series, from time to time the Centre hosts conferences, roundtables and other events for members for 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.

WORKSHOP


Speakers:

- Associate Professor Loretta Baldassar, University of Western Australia (care sector)
- Dr Martina Boese, LaTrobe University (cafe and restaurant sector)
- Dr Iain Campbell, RMIT University
- Associate Professor Farida Fozdar, University of Western Australia
- Mr Stephen Kang, Know Your Rights
- Ms Elsa Koleth, University of Sydney
- Ms Susan Love, Department of Immigration and Border Protection
- Ms Melba Marginson, Victorian Immigrant and Refugee Women’s Coalition
- Mr Reyvi Marinas, Migrante
- Dr Devaki Monani, Australian Catholic University (agricultural/regional sector)
- Ms Louise Peters, Fair Work Ombudsman
- Dr Shanthi Robertson, University of Western Sydney
- Mr Henry Sherrell, Migration Council of Australia
- Mr Tim Shipstone, Australian Council of Trade Unions

EDITORIAL ROLES

CENTRE WORKING PAPER SERIES

The Centre publishes two Working Paper Series: a General Series, and a Student Working Paper series for excellent papers written by students at the Law School. The General 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. In 2015, Beth Gaze edited the General Series and Tess Hardy edited the student series. All papers are available through the Centre’s website, at http://law.unimelb.edu.au/centres/celrl/research/publications

One Working Paper in the General Series was published during the year:


Three Student Working Papers were published during the year:

- Detection, Enforcement and Responsibility: Remediing Employer Non-Compliance with Superannuation Obligations. Angus Mackenzie (June 2015).

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. 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 2015 members and associates of the Centre continued to fill a number of the roles in the editorial group. In January 2015 Anna Chapman stood down as an Editor, having served six years in that role. John Howe joined Professor Andrew Stewart and Professor Richard Johnstone (both Centre Associates) as an Editor from January 2015. The work of the editorial
team was ably supported in 2015 by a team of student editorial assistants drawn from the student body of Melbourne Law School. In addition to Professor Andrew Stewart and Professor Richard Johnstone, Centre Associates who worked on the Journal during 2015 included Associate Professor Andrew Frazer (Reports and Legislative Developments) and Associate Professor & Reader Jill Murray (Book Reviews). Teaching Associate Mr Paul O’Grady QC is one of the Editors of the Practice & Procedure section of the Journal.

INTERNATIONAL JOURNAL OF DISCRIMINATION AND THE LAW
Beth Gaze is a member of the Editorial Board.

WORK AND EMPLOYMENT COLUMN, AUSTRALIAN JOURNAL OF ADMINISTRATIVE LAW
Beth Gaze is a Co-Editor.

ASSOCIATIONS

THE AUSTRALIAN LABOUR LAW ASSOCIATION
The Centre is the administrative home of the Australian Labour Law Association (ALLA).

ALLA’s AGM was held on Tuesday 24 November 2015. At the meeting Carolyn Sutherland, Dominique Allen, David Chin and Anthony Forsyth were elected as members of the National Committee. Retiring members of the National Committee included Anna Chapman, Erin McCarthy, Cameron Roles and David Quinn. Tess Hardy continues as a member of the National Committee.


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

REGULATING FOR DECENT WORK NETWORK
The Centre continued its involvement in the RDW Network in 2015. The Network is a collaboration between the International Labour Organisation, the CELRL, the Durham Law School, 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’s Fourth Conference on Developing and Implementing Policies for a Better Future at Work was held at the International Labour Office in Geneva from 8-10 July 2015. The conference investigated key dimensions of the future of work under four themes: (I) Worker protection: wages, hours, and the employment relationship; (II) Income security in the era of widening inequality – labour income, social protection, and well-being; (III) Labour market regulation and development – political economy of policy reforms and their outcomes; and (IV) Reaching out to vulnerable workers: voice, actions, and the role of collective labour relations.

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

LABOUR LAW RESEARCH NETWORK
The Centre is a founding member of the LLRN, 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. 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.

The Administrator for the LLRN is Maria Azzurra Tranfaglia, and the LLRN’s web address is: http://www.labourlawresearch.net/
MEDIA ENGAGEMENT

HELEN ANDERSON


BETH GAZE

- Interviewed by Sarah Farnsworth on ABC Radio National The World Today, on bias: Mr Gillard as parole board head and advice to an organised crime figure, 24 April 2015
- Beth Gaze, ‘Let’s Talk about your Pay, and Loudly’, The Conversation, 25 September 2015
- Interviewed on radio about gender pay secrecy based on the article ‘Let’s Talk about your Pay, and Loudly’ The Conversation September 25, 2015. Interviewed by Emma Griffiths on Radio ABC 612 (Brisbane afternoon radio) 25 September 2015, and Vicki Kerringan on ABC Local Radio Darwin, (Drive 5.30 pm) 29 September 2015
- Quoted in Daron Jacks, ‘Coalface Tactics’, Pursuit, (first published in Legal Affairs, Mining, Environment, Conservation on 20 November 2015)

TESS HARDY

- Tess Hardy, ‘Weeding Out Worker Exploitation in the Food Supply Chain’, The Voice, 4 June 2015
- Tess Hardy, ‘7-Eleven: How the Franchise System Allows Exploitation’, The Age, 31 August 2015
- Tess Hardy (with Andy Walsh), ‘Should We Expect More from Lead Firms?’, Pursuit, 9 October 2015
- Tess Hardy, ‘Franchising — All Care and No Responsibility’, The Conversation, 29 October 2015

JOHN HOWE

- Interviewed on ABC TV News, 3 December 2015, for the story ‘Metro launches investigation into more alleged underpayment of Melbourne train cleaners’
- Interviewed on 3CR radio (Stick Together Show) 1 May 2015, regarding how the Fair Work Commission’s role has changed from that of the former Conciliation & Arbitration Commission

JOO-CHEONG THAM

- Joo-Cheong Tham, ‘Australia Grows Richer by Exploiting Foreign Students’, The Age, 19 August 2015

MARIA AZZURRA TRANFAGLIA

- Maria Azzurra Tranfaglia, ‘Australian Dream a Nightmare for Many Labour Hire Employees’, The Conversation, 18 February 2015
OTHER ENGAGEMENT

CENTRE MEMBERS

- **Anna Chapman, Beth Gaze** and **Adriana Orifici**, ‘Submission to the Productivity Commission Inquiry Into the Workplace Relations Framework’, September 2015
- **Anna Chapman, Beth Gaze** and **Adriana Orifici**, Federal Court of Australia, Consultation on Draft Practice Notes, ‘Submission on Draft Practice Note for the Employment and Industrial Relations National Practice Area’, December 2015
- **John Howe, Tess Hardy, Helen Anderson** and **Maria Azzurra Tranfaglia**, ‘Submission to the Victorian Inquiry into the Labour Hire Industry and Insecure Work’, September 2015
- **John Howe, Anna Chapman, Beth Gaze, Tess Hardy, Glenn Patmore, Adriana Orifici** and **Ingrid Landau**, ‘Submission to the Productivity Commission Inquiry Into the Workplace Relations Framework’, September 2015

HELEN ANDERSON

- Member of the Australian Reconstruction Insolvency and Turnaround Association (ARITA) formerly Insolvency Practitioners Association of Australia (IPAA), and provision of ad hoc advice to its legal counsel
- Member of the Insolvency and Reconstruction Committee, Business Law Section, Law Council of Australia
- Appeared before the Productivity Commission, ‘Business Set-up, Transfer and Closure’ inquiry, June 2015
- Submission to Treasury, ‘Proposed Industry Funding Model For ASIC’, September 2015

ANNA CHAPMAN


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 (meets quarterly)
- Consultation with Abraham O’Neill, adviser to Senator Larissa Waters, on the proposal for a pay transparency bill (subsequently the Fair Work (Gender Pay Gap) Bill 2015 (April - May 2015))

TESS HARDY

- Appeared before the Senate Inquiry, ‘The Impact of Australia’s Temporary Work Visa Program on the Australian Labour Market and on Temporary Work Visa Holders’
ADRIANA ORIFICI
• Participated in the annual meeting of the Discrimination Law Experts Group and presented on recent case law developments in adverse action, 3 December 2015

GLENN PATMORE
• Glenn Patmore and Paul Gollan, ‘Submission to the Productivity Commission Inquiry Into the Workplace Relations Framework’, 13 March 2015

JOO-CHEONG THAM
• Appointed a member of the Ethnic Communities Council of Victoria’s Employment Education and Training Policy Subcommittee
• Established and chaired the Steering Group of the Migrant Workers Campaign
• Three written submissions to the inquiry of the Senate Education and Employment References Committee into ‘The Impact of Australia’s Temporary Work Visa Programs on the Australian Labour Market and on Temporary Work Visa Holders’, totalling 41 pages. These submissions were cited on six separate occasions in the Committee’s interim report. Appeared before the Senate Education and Employment References Committee to give evidence as an expert witness
• Fellow of the Genest Global Faculty, Osgoode Hall Law School, Toronto (March - May)
• Sponsored participant of the Global Conference on Money in Politics, Mexico City, organised by OECD, International Idea, National Electoral Institute and Electoral Tribunal of the Federal Judiciary of Mexico, September 2015
CONFERENCE AND SEMINAR PAPERS

During 2015, 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.

FEBRUARY

- **Helen Anderson**, Presentation to the Interagency Phoenix Forum, Australian Taxation Office, Melbourne
- **Beth Gaze**, ‘The Racial Discrimination Act after 40 Years: Advancing Equality, or Sliding into Obsolescence?’, Presented at the Australian Human Rights Commission: 40 Years of the Racial Discrimination Act Conference, Sydney

MARCH

- **Joo-Cheong Tham**, ‘The Fault-Lines of Fairness in Political Finance Jurisprudence’, Legal Theory Workshop, McGill Law School, Montreal (March), Bell Chair in Canadian Parliamentary Democracy Lecture, Department of Political Science, Carleton University, Ottawa (April), Pierre Genest Memorial Lecture, Osgoode Hall Law School, Toronto (April)

APRIL

- **Helen Anderson**, Australian Taxation Office Expert Panel Discussion, Sydney
- **Joo-Cheong Tham**, ‘Why is Labour Protection for Temporary Migrant Workers So Fraught? A Perspective from Australia’, Global Labour Research Centre, York University, Canada, Workshop on the Regulatory Challenges of Temporary Labour Migration, Onati, Spain (June), Labour Law Research Network, University of Amsterdam (June)

MAY

- **Beth Gaze** (with Professor Lisa Waddington), University Hallmark Disability Research Initiative: ‘Disability Discrimination: Australian and European Perspectives’, Maastricht University

JUNE

- **Tess Hardy**, ‘Brandishing the Brand: Enhancing Employer Compliance through the Regulatory Enrolment of Franchisors’, Labour Law Research Network, University of Amsterdam


JULY


• Helen Anderson and Michelle Welsh, ‘Access to Justice - The Troubled Path for Victims of Illegal Phoenix Activity’, Australasian Law Teachers Association, Melbourne


• Joo-Cheong Tham, ‘What Role Should Electoral Commissions Have in Electoral Law-making?’, Electoral Authority Stakeholder Management Workshop, Victorian Electoral Commission, Melbourne

AUGUST

• Beth Gaze, ‘Defining Discrimination — When Should it be Unlawful?’, Melbourne Law School Staff Seminar

OCTOBER

• Helen Anderson, ‘Good Phoenix Bad Phoenix’, ARITA Vic/Tas state conference Melbourne

• Alysia Blackham, ‘Using Open Data in Research: Possibilities, Challenges and Ethics’, Cambridge Socio-Legal Group, University of Cambridge

• Alysia Blackham, ‘Judges and Retirement Ages in the UK: A Proportionate Means of Achieving Legitimate Aims?’, University of Sheffield

NOVEMBER

• Helen Anderson, ‘Insolvency and Tax: Smoke and Mirrors’, keynote speaker, Griffith 2015 Business Law Symposium

• Alysia Blackham, ‘Judicial Diversity and Mandatory Retirement: Obstacle or Route to Progress?’, Appointing Judges in an Age of Diversity: A Workshop on the 10th Anniversary of the JAC, University of Birmingham

• Anna Chapman, ‘General Protections, Discrimination and the Industrial Context’, Australian Labour Law Association NSW Chapter, Sydney

• Tess Hardy, ‘To What Extent Should Head Franchisors Be Held to Account for Workplace Contraventions Committed in their Franchise Business?’, Third Biennial Labour Law Conference of the New Zealand Labour Law Society, Victoria University of Wellington


• Joo-Cheong Tham, ‘The Trans-Pacific Partnership Agreement and Labour Migration’, TPP Revealed Workshop, Global Economic Law Network, Melbourne Law School

• Joo-Cheong Tham, ‘McCloy v NSW, electoral regulation and political equality’, Electoral Regulation Research Network 4th Biennial workshop, Law School, University of New South Wales

• Joo-Cheong Tham, ‘Commentary: How Should Political Funds of Trade Unions be Regulated’, Electoral Regulation Research Network seminar, Melbourne Law School
PUBLICATIONS

During 2015, Centre members’ publications appeared in a wide range of book chapters, journals and reports, both Australian and international.

BOOK CHAPTERS


EDITED COLLECTIONS


JOURNAL ARTICLES — REFEREED


### JOURNAL ARTICLES — UNREFEREED

- **Helen Anderson**, ‘Quantifying Illegal Phoenix Activity’ (2015) 27(4) *Australian Insolvency Journal* 30-33
- **Joo-Cheong Tham**, ‘The Crisis of Political Money; or, What the Rest of Australia Can Learn from New South Wales’, (Spring 2015) 74(3) *Meanjin* 69-76

### RESEARCH REPORTS

- **Beth Gaze** and Dominique Allen, *Australia*, Comparative Anti-Discrimination Law Theme, International Academy of Comparative Law, France, 10pp
- **Beth Gaze**, *The Measurement of Discrimination in Australia*, International Labour Organisation, Geneva, 80pp
### SUMMARY OF CENTRE GENERAL ACCOUNT 2015

#### Income 2015

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Brought Forward from 2014</td>
<td>$76,204.00</td>
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<tr>
<td>2015 Sponsorship</td>
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<td>Donation</td>
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<td>Faculty Allocation</td>
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<tr>
<td><strong>Total Income</strong></td>
<td><strong>$123,767.00</strong></td>
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#### Expenditure 2015

<table>
<thead>
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<th>Category</th>
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</thead>
<tbody>
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<td>Salary expenditure</td>
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<tr>
<td>Consumable goods and services</td>
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<tr>
<td>Expert services</td>
<td>$684.82</td>
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<tr>
<td>Finance related</td>
<td>$1,471.27</td>
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<tr>
<td>Infrastructure related expenses</td>
<td>$763.86</td>
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<tr>
<td>Travel, conferences and entertainment</td>
<td>$11,349.73</td>
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<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>$48,499.17</strong></td>
</tr>
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</table>

**Balance:** $75,267.83