2018 was another year of strong performance of the Centre.

CENTRE REVIEW, ADVISORY BOARD AND PERSONNEL

All research centres at the University of Melbourne are reviewed against a number of strategic criteria every five years. A review of the Centre was conducted in late 2018, with the independent panel reporting very favourably on the work and direction of the Centre. Notably, the report of the panel described the Centre as ‘the premier’ research centre in its field in Australia. This is a great testament to the value that the Centre brings to the field of employment and labour relations law, both in Australia and more broadly at the international level.

With John Howe’s acceptance of the position of Director of the University of Melbourne School of Government, from the commencement of 2018 the Directors of the Centre are Anna Chapman and Tess Hardy.

Anna Chapman was promoted to the level of Professor in the Melbourne Law School, effective from January 2019, in recognition of her research, engagement and contribution to the field, as well as service to the University.

A change in the Chair of the Advisory Board of the Centre was foreshadowed at the 2018 Board meeting in September. Following that meeting Justice Tony North retired as Chair of the Advisory Board, and the Board welcomed Justice Mordy Bromberg in his place. The Centre is very grateful to Justice North. His Honour has been an unflagging supporter of the Centre since he took up the role of Chair of the Advisory Board in 2010, and has generously shared his time, insights and encouragement with Centre members and especially the Directors.

A new academic colleague joined the Centre in 2018. Tarun Khaitan is an Associate Professor and ARC Future Fellow, working on a project on the resilience of democratic constitutions, with a focus on South Asia. He is also engaged in establishing the Indian Equality Law Program at Melbourne Law School, aimed at capacity-building for early career scholars. Tarun has written and co-edited collections on the theory of discrimination law in an international context. In addition to his membership of the Centre, Tarun is an Associate Director (India) of the Asian Law Centre in the Melbourne Law School, and he remains an Associate Professor and the Hackney Fellow in Law at Wadham College at the University of Oxford. In 2018 Tarun was awarded the Letten Prize. This prize is awarded every other year to a young researcher under the age of 45 who conducts research aimed at solving global challenges within the fields of health, development, environment and equality in all aspects of human life.

Alysia Blackham was awarded the Phillipa Weeks Prize for the Best Paper by an Early Career Scholar presented at the 2018 Conference of the Australian Labour Law Association. Her paper was entitled, ‘Why Do Claims Fail? A Failure Analysis of Employment Age Discrimination Case Law in Australia’.

In 2018 the Centre was again able to appoint a JD student as the CELRL Student Fellow. This Fellowship provides a law student with the opportunity to work as a research assistant with the Centre. Jahangir (Jay) Mahmood was appointed to the position from a field of impressive applicants. Jay worked on a number of projects with Centre members, including a project on the employment rights of au pairs in Australia, and an analysis of the General Protections in the Fair Work Act.

RESEARCH

Good progress was made on all funded Centre research projects over 2018, with numerous papers written and presentations delivered to a wide range of audiences. Highlights include the 2018 publication of Tess Hardy’s edited book with Andrew Stewart and Jim Stanford, The Wages Crisis in Australia: What it is and what to do about it (University of Adelaide Press) and Tarun Khaitan’s collection with Hugh Collins, Foundations of Indirect Discrimination Law (Hart Publishing).

The Centre hosted a number of very well-attended workshops during the course of 2018, including an evening public panel seminar entitled ‘Twenty Years Since the Waterfront Dispute: The beginning of the end for strike activity in Australia?’, a day long academic workshop ‘Emerging Business Models and the Evolving Regulatory Response: Perspectives from Australia and Beyond’, and over two days the Berkeley Comparative Equality and Anti-Discrimination Law Study Group Annual Conference which brought together over 50 participants from around the world.
TEACHING AND LEARNING

The Centre continued to coordinate a strong teaching program in both the Juris Doctor degree, and the Melbourne Law Masters program. In the Juris Doctor program, students have a choice of a number of subjects relevant to the field. In addition to ‘Employment Law’ (which provides a thematic overview of the field), students are able to study ‘Equality and Discrimination Law’ (which focuses on anti-discrimination law in Australia). JD Students are also provided with the opportunity to undertake an internship with a range of organisations, such as the Fair Work Commission and JobWatch (as part of the subject ‘Legal Internship’). In addition, students are able to undertake a supervised research paper in the field as part of their final year compulsory subject ‘Legal Research’. In 2018 Anna Chapman offered a stream in the ‘Legal Research’ subject on ‘Equality and Discrimination in Work’.

The employment and labour relations law specialisation in the MLM program offers eight integrated subjects (as detailed in page 20 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.

Student feedback on our subjects remains very positive, and enrolment numbers are strong and growing, with two offerings in 2018 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

Two seminars were held in the Sponsors’ Seminar Series during 2018. In March, Paul O’Grady QC (Victorian Bar) discussed three High Court of Australia decisions on collective bargaining and union rights of representation, with commentary by Jon Lovell (Ashurst). In October, Anthony Forsyth (RMIT University) and Shae McCrystal (University of Sydney) discussed the content of their new book on collective bargaining and offered their insights into future Australian developments in this field. The sponsors’ seminars generated lively discussion amongst participants from the sponsoring firms, and organisations.

In 2018, seven Labour Law Seminars were held (as detailed in page 21 of this annual report), on a broad range of topics, from regulating the fissured workplace, the business format franchising model and labour regulation, parental leave laws in the USA and Australia, and intersectional discrimination. These seminars were presented by Centre Directors and members, as well as visiting academics to the Centre. The Labour Law Seminars Series is open to members of the general public and is well attended by a diverse range of professionals and students in the field.

In addition to the Sponsors’ Seminar Series and Labour Law Seminar Series a number of other events were held throughout the course of the year, as noted above under Research. The Centre was again pleased to co-host in 2018 the annual Melbourne lecture of the Fair Work Commission, this year on the topic of Why Are Australian Wages Lagging and What Can Be Done About It?

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. Our thanks must also be extended to the Centre academic associates, teaching associates, and members of the Advisory Board.

We are pleased to note that the Centre Sponsors renewed their sponsorship of the Centre in 2018. We welcomed Gordon Legal as a new Sponsor in 2018. In addition to the Sponsors’ financial contributions, members of these practices frequently participate in the Centre’s research and teaching programs, as well as attending (and in some cases presenting at) the Sponsors’ Seminar Series. The many aspects of our relationships with our Sponsors are, we believe, mutually enriching.

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

Anna Chapman and Tess Hardy
Centre Directors
May 2019
OBJECTIVES OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

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

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

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Professor Anna Chapman is a Co-Director of the Centre for Employment and Labour Relations Law. She is also the Associate Dean of the Juris Doctor 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 anti-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, a project that came to a completion in 2017.

Dr Tess Hardy

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Dr Tess Hardy’s research spans the fields of regulatory theory, contract, labour law and competition and consumer law. In November 2017, Tess was awarded an ARC Discovery Early Career Researcher Grant to further her research into the regulation of work in franchises.

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

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

Professor Helen Anderson

LLB (Hons) (Melb), Grad Dip Bus (Acc), LLM, PhD (Monash)
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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. Since 2014, she has led a team of other academics on a project examining ways to regulate fraudulent phoenix activity. This project, which concluded at the end of 2017, has been funded by an ARC Discovery Grant.

Her most recent book is The Protection of Employee Entitlements in Insolvency: An Australian Perspective. The phoenix activity project has also produced three major reports: Defining and Profiling Phoenix Activity; Quantifying Phoenix Activity: Incidence, Cost, Enforcement and Phoenix Activity: Recommendations on Detection, Disruption and Enforcement. One of the report’s recommendations — the Director Identification Number — has been adopted as both Coalition and Opposition policy and is expected to implemented in the near future.

Professor Sarah Biddulph

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

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Associate Professor Alysia Blackham is an Associate Professor and Discovery Early Career Research Fellow at Melbourne Law School. Alysia holds Bachelor degrees in both Arts and Law (with Hons) from the University of Melbourne, and a PhD in Law from Gonville and Caius College at the University of Cambridge.

Her research focuses on the intersection of employment law, equality law and public law, using empirical evidence to cast new light on legal problems. Alysia's 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*, was published by Hart in 2016, and was awarded second prize in the UK Society of Legal Scholars' Peter Birks Prizes for Outstanding Legal Scholarship in 2017.

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

Professor Sean Cooney

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

Professor Beth Gaze

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

Beth has acted as an expert adviser to parliament and to the International Labour Organisation, and is a member of the Editorial Board of the International Journal of Discrimination and the Law. She has published many articles and book chapters on Australian anti-discrimination law. Her most recent book is Equality and Discrimination Law in Australia: An Introduction with Associate Professor Belinda Smith of the University of Sydney (2017, Cambridge University Press). Beth is also a member of the Centre for Comparative Constitutional Studies.

Professor John Howe

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Professor John Howe is Director of the University of Melbourne School of Government and was previously Co-Director of the Centre for Employment and Labour Relations Law until January 2018. John’s research interests include labour market policy and regulation, regulatory theory, and corporate accountability. He has written extensively on the role of the state in regulating employment and labour markets, and on the intersection between state-based regulation and corporate governance. John is presently engaged in research concerning regulatory enforcement of minimum employment standards in Australia and the Asia-Pacific region. He is also researching how large business organisations engage in self-regulation of labour practices through internal policy and rule-making processes, and the interaction between these policies and employment laws.

John is Chair of the Steering Committee of the Labour Law Research Network, and is a member of the Organising Committee of the Regulating for Decent Work Network. He is an Editor of the Australian Journal of Labour Law.

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

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Associate Professor Tarun Khaitan is a Future Fellow at Melbourne Law School, working on a project on the resilience of democratic constitutions, with a focus on South Asia. He is also an Associate Professor and the Hackney Fellow in Law at Wadham College, University of Oxford, where he is currently on leave for four years from September 2017.

Tarun is also the General Editor of the Indian Law Review, an Academic Fellow of the Honourable Society of the Inner Temple, an Affiliate of the Bonavero Institute of Human Rights and an Associate of the Oxford Human Rights Hub. His monograph entitled *A Theory of Discrimination Law* (OUP 2015 hbk, South Asia edition and Oxford Scholarship Online, 2016 pbk) has been reviewed very positively in leading journals, including *Law and Philosophy*, where Sophia Moreau wrote '[i]n this magnificent and wide-ranging book ... Khaitan attempts what very few others have tried.'

Tarun helped draft the Anti-Discrimination and Equality Bill which was introduced before the Indian Parliament in 2017. His research on discrimination law has been quoted and relied upon by the Indian Supreme Court. He writes regularly for newspapers and blogs. Tarun was awarded the 2018 Letten Prize, a 2 Million Norwegian Kroner award given biennially to a young researcher under the age of 45 conducting research of great social relevance. With the funds from the award Tarun has established the Indian Equality Law Program at Melbourne Law School, aimed at capacity-building for early career scholars.

Dr Julian Sempill

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Dr Julian Sempill is a Senior Lecturer at Melbourne Law School, where he has taught since 2009. He holds a DPhil in Law from the University of Oxford and BA/LLB (Hons) degrees from the University of Melbourne. He is completing a book for Cambridge University Press (UK) entitled *Power & the Law*.

In addition to being a member of the Centre for Employment and Labour Relations Law, Julian is a member of the University of Melbourne Centre for Comparative Constitutional Studies and the Centre for Corporate Law and Securities Regulation.
Joo-Cheong Tham is a Professor at Melbourne Law School. He graduated from the University of Melbourne with a first class honours degree in law and also has a Master of Laws and Doctorate of Law from the same university. His research spans the fields of labour law and public law with a focus on law and democracy; and the regulation of precarious work. He has also undertaken considerable research into counter-terrorism laws. He has published more than 40 refereed articles and book chapters, edited two collections and produced three monographs including *Money and Politics: The Democracy We Can’t Afford* (2010, UNSW Press).

His research has also been published in print and online media with Joo-Cheong having published more than 50 opinion pieces including in *The Age, Australian Financial Review, The Guardian, Herald Sun and Sydney Morning Herald*. Joo-Cheong regularly speaks at public forums and has presented lectures at the Commonwealth, South Australian and Victorian Parliaments. He has also given evidence to parliamentary inquiries into labour migration, terrorism laws and political finance laws; and has written key reports for the New South Wales Electoral Commission on the regulation of political finance and lobbying.

His research on the regulation of precarious work is currently focused on the challenges posed by temporary migrant work in Australia, particularly, the precariousness of such work. He is working with Dr Iain Campbell on an Australian Research Council project on this topic. Joo-Cheong is also currently researching labour protection under trade agreements and how the work of Robert Dahl can extend the law of democracy into the economic sphere.

In 2012, Joo-Cheong became the inaugural Director of the Electoral Regulation Research Network.

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**PRINCIPAL RESEARCH STAFF**

**Ms Sayomi Ariyanwansa**

LLB (First Class Honours)(Monash), LLM (Class I)(Cantab)

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

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

LLB, LLM (magna cum laude) (LUISS University, Rome), Grad Cert Commerce - HR Mgt (Swinburne).
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Azzurra is a labour lawyer with extensive work experience both in academia and in private practice in Italy and in Australia. She is currently undertaking a PhD in comparative labour law at Melbourne Law School, focusing on the protection of workers involved in triangular work arrangements such as agency work and labour hire. In 2018 Azzurra was the Administrator of the Labour Law Research Network, housed in the Centre.

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.

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

Members of the Centre were assisted by the following research staff:

Christopher Yapanis
Lucy (Tilly) Houghton
Louise de Plater
Skye Chapman
Madeline Close

RESEARCH FELLOW

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

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

STUDENT FELLOW

In 2018 the CELRL Student Fellow was Jahangir (Jay) Mahmood. Jay worked on a number of projects with Centre members, with the primary one being to prepare an update on case law developments regarding General Protections under the Fair Work Act.
ASSOCIATES
The Centre for Employment and Labour Relations Law and its members work regularly in collaboration with a wide network of scholars in the field of employment and labour relations law around Australia and the world.

- Associate Professor Susan Ainsworth, University of Melbourne
- Professor Chris Arup, Monash University
- Professor Michelle Brown, The University of Melbourne
- Professor Christina Cregan, The 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
- Dr Andrew Frazer, University of Wollongong
- Professor Mark Freedland, University of Oxford
- Professor Judy Fudge, McMaster University, Canada
- Professor Peter Gahan, The University of Melbourne
- Professor Richard Johnstone, Queensland University of Technology
- Professor Tim Lindsey, The University of Melbourne
- Dr Petra Mahy, Monash University
- Professor Ronald McCallum, The University of Sydney
- Associate Professor Shelley Marshall, Monash University
- Professor Richard Mitchell, Monash University
- Associate Professor and Reader Jill Murray, LaTrobe University
- Dr Richard Naughton, Monash University
- Mr Anthony O’Donnell, LaTrobe University
- Professor Graeme Orr, University of Queensland
- Emerita Professor Rosemary Owens AO, University of Adelaide
- Professor Marilyn Pittard, Monash University
- Professor Ian Ramsay, The University of Melbourne
- Professor Joellen Riley, The University of Sydney
- Professor Paul Secunda, Marquette Law School
- Professor Andrew Stewart, University of Adelaide
- Professor Katherine Stone, UCLA School of Law
- Professor Leah Vosko, York University, Canada

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

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

The Centre’s work takes place under the guidance and assistance of an Advisory Board. Members of the Board are distinguished representatives of major institutions, bodies and law firms with an involvement in the employment and labour relations law field. The members in 2018 were:

- The Honourable Anthony North (Chair until October), Federal Court of Australia
- The Honourable Justice Mordy Bromberg (Chair from October), Federal Court of Australia
- Ms Carol Andrades, Gordon Legal
- Mr Glen Bartlett, Bartlett Workplace Lawyers & Consultants
- Mr Josh Bornstein, Maurice Blackburn
- Mr Richard Bunting, Ashurst
- The Honourable Alan Boulton AO, formerly of the Fair Work Commission
- Mr Trevor Clarke, Australian Council of Trade Unions
- Mr Marcus Clayton, Gordon Legal
- Mr Mark Diserio, Lander & Rogers
- The Honourable Peter Gray AM, formerly of the Federal Court of Australia
- The Honourable Associate Justice Mary-Jane Ierodiaconou, Supreme Court of Victoria
- Mr Ross Jackson, Maddocks
- Mr Murray Kellock, King Wood & Mallesons
- Commissioner Tim Lee, Fair Work Commission
- Mr Leon Levine, Minter Ellison
- Mr Peter Lupson, K&L Gates
- Ms Frances O’Brien QC, Victorian Bar
- Ms Sandra Parker, Fair Work Ombudsman
- Mr Charles Power, Holding Redlich
- Ms Sarah Rey, Justitia
- Ms Penny Savidis, Ryan Carlisle Thomas
- Mr Michael Tamvakologos, Seyfarth Shaw
- Mr John Tuck, Corrs Chambers Westgarth
- Mr Anthony Wood, Herbert Smith Freehills
The support of sponsors is essential to the continued operation of the Centre, both in terms of the financial contributions that sponsors make to the resources of the Centre, and in terms of the involvement of sponsoring firms in providing advice and counsel for the Centre. One representative from each of the Centre’s sponsors sits on the Centre’s Advisory Board. The Centre’s sponsors in 2018 were:

![Sponsor Logos]
VISITORS

The Centre regularly welcomes academic colleagues from interstate and overseas. In 2018 we hosted 8 visitors:

- Mr Anthony O’Donnell, La Trobe University
- Professor Emanuele Menegatti, University of Bologna
- Professor Deborah Widiss, Indiana University Bloomington
- Dr Shreya Atrey, University of Bristol Law School
- Professor Lizzie Barmes, Queen Mary University of London
- Professor Jenny Buchan, University of NSW
- Professor Keith Ewing, King’s College London
- Professor Shae McCrystal, University of Sydney
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, illegal phoenix activity, and discrimination and inequality in employment and the labour market.

During 2018, Centre members pursued a number of specific research projects. Short descriptions of the Australian Research Council funded projects follow. Further information on all of the research projects can be found on our website at: law.unimelb.edu.au/centres/ceirl/research/current-research-projects

**AUSTRALIAN RESEARCH COUNCIL (ARC) FUNDED RESEARCH PROJECTS**

**ADDRESSING AGE DISCRIMINATION IN EMPLOYMENT**
Centre Member: Alysia Blackham

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

**ADMINISTRATIVE JUSTICE IN CHINA: HARNESSING THE RULE OF LAW TO DEAL WITH CITIZEN COMPLAINTS AGAINST OFFICIAL MISCONDUCT**
Centre Member: Sarah Biddulph

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

**CONSTITUTIONAL RESILIENCE IN SOUTH ASIAN DEMOCRACIES**
Centre Member: Tarun Khaitan

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

**PRECARIOUSNESS IN LAW AND LABOUR MARKETS: THE CASE OF TEMPORARY MIGRANT WORKERS**
Centre Members: Joo-Cheong Tham and Iain Campbell
Associate: Judy Fudge

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

**WORK IN FRANCHISES: SEARCHING FOR SOLUTIONS AT THE REGULATORY FRONTIER**
Centre Member: Tess Hardy

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

OTHER RESEARCH GRANTS RECEIVED

- **Tarun Khaitan** with Sandy Steel: The Methodology of Special/Particular Jurisprudence, Oxford-MLS Research Partnership, 2018
- **Sarah Biddulph**: Asia-Pacific Dispute Resolution Program: Understanding Integrated Compliance with International Trade and Human Rights Standards in Comparative Perspective (Major Collaborative Research Initiatives) awarded by University of British Columbia, 2010-2018
- **Tess Hardy**: Regulating Work in Franchises: A Cross-Jurisdictional Review (Early Career Researcher Grants Scheme), University of Melbourne, 2018

OTHER EMPLOYMENT AND LABOUR LAW RESEARCH PROJECTS

- **Anna Chapman, Beth Gaze, Tess Hardy, and John Howe**: Enforcing Work Law – a comparative analysis of approaches to enforcement in different areas of work law in Australia
- **Sean Cooney**: Program on amending the labour law of Vietnam to provide for freedom of association and collective bargaining in accordance with ILO Conventions 87 and 98
- **Sean Cooney**: Program on amending Malaysian labour laws to bring them into compliance with ILO Conventions 87, 98 and 111
- **Tess Hardy**: International Labour Organisation Consultancy, Literature Review on the Governance of Work

RESEARCH STUDENTS UNDER THE SUPERVISION OF CENTRE MEMBERS

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

**Sayomi Ariyawansa (PhD Candidate)**

**Title**: Tackling the Exploitation of Migrant Workers in the Australian Agriculture Sector  
**Supervisors**: Susan Kneebone and Joo-Cheong Tham

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

**Bernice Carrick (PhD Candidate)**

**Title**: Migration Status Equality in the Midst of the Border  
**Supervisors**: Beth Gaze and Jenny Beard

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

**Title:** Gender and Work in the Gig Economy: New Ways of Working for Women in Australia with the Same Old Problems?

**Supervisor:** Anna Chapman

**Description:** This LLM minor thesis provides a legal and empirical study of the experiences of women working as ‘freelancers’ in the gig economy, and the adequacy of the legal framework in relation to this type of work. The project explored women’s experiences of gig work, and the advantages and limitations of the work as described by interviewees. It also explored the reasons why women choose this type of work. The thesis offers preliminary suggestions for desirable law reform options. The thesis was submitted in December 2018, and passed in 2019.

Caroline Kelly (PhD Candidate)

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

**Supervisors:** Joo-Cheong Tham and Jason Varuhas

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

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

Andrew Newman (PhD Candidate)

**Title:** The Legal Precariousness of Temporary Migrant Agricultural Work: Case Studies from Canada and Australia

**Supervisors:** John Howe 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.

Ingrid Landau (PhD Candidate)

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

**Supervisors:** John Howe and John Tobin

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

Title: Workplace Investigations: Interactions with Regulation and Pathways for Reform
Supervisors: Beth Gaze and Anna Chapman

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

Maria Azzurra Tranfaglia (PhD Candidate)

Title: The Protection of Workers Involved in Triangular Working Arrangements Through Employment Agencies: A Comparative Study of the Australian and the Italian Approaches
Supervisors: John Howe and Anthony Forsyth

Description: The thesis draws on the international debate around the role of labour law in protecting workers involved in triangular work arrangements through employment agencies. It acknowledges the similar challenges posed in many jurisdictions by this non-standard form of work. At the same time, it looks at the divergent regulatory patterns in Australia and in Italy. While in the former country there is a current call for regulation to provide a stronger protection for labour-hire workers, the latter has recently started relaxing a series of strict provisions to ensure a higher level of flexibility for businesses that resort to agency work. With the aim of allowing cross-national legal learning, it takes a functionalist comparative approach to identify and make sense of the differences and similarities of the solutions proposed to protect the workers.
Members of the Centre teach a number of programs in labour and employment law in the Law School. In addition, the Centre has a sizeable cohort of 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 2018 were:

- Employment Law (offered twice each year) (Anna Chapman and Joo-Cheong Tham)
- Equality and Discrimination Law (Beth Gaze)
- Legal Internship (several teachers)
- Legal Research - Equality in the Workplace (Anna Chapman)

BREADTH SUBJECTS
In 2018, one subject was offered as a breadth subject, available to undergraduate students at the University, such as students enrolled in a Bachelor of Arts or a Bachelor of Commerce.

- Employment Law (Julian Sempill)

THE MELBOURNE LAW MASTERS PROGRAM
Melbourne Law School offers a range of different teaching programs as part of the Melbourne Law Masters Program. Beth Gaze and Sean Cooney were the Co-Directors of Studies for the Employment and Labour Relations Law Graduate Program in 2018.

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 2018 were:

- Bargaining at Work (Professor Shae McCrystal)
- Conducting Workplace Investigations (Ms Sarah Rey, Ms Laura Douglas and Ms Jane Seymour)
- Employment Contract Law (Sean Cooney and Mr Paul O’Grady QC)
- Equality and Discrimination at Work (Beth Gaze and Ms Carol Andrades)
- Human Rights at Work (Professor Keith Ewing)
- International Employment Law (Sean Cooney)
- Labour Standards and their Enforcement (John Howe and Mr Craig Dowling SC)
- Principles of Employment Law (Anna Chapman, John Howe and others) (held twice in 2018)
- Workplace Health and Safety (Mr Peter Rozen QC)

Further information regarding the program can be obtained from the Melbourne Law Masters website at: law.unimelb.edu.au/study/masters/courses
During 2018 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 the Centre's two Seminar Series, and the involvement of Centre members in editorial roles with the Australian Journal of Labour Law. In addition, in 2018 the Centre continued to co-host the Melbourne lecture held as part of the Fair Work Commission’s 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. In 2018 the Labour Law Seminar series was coordinated by Sayomi Ariyawansa.

Seven seminars were held during the course of the year:

- 2 May: Hollowing out Labour and Equality Rights at Work: UK Experience of Individualism and Individualisation. Presented by Professor Lizzie Barmes, Queen Mary University of London.
- 20 June: Equality’s Riddle: Parental Leave Laws and Pregnancy Discrimination Doctrine in the United States and in Australia. Presented by Professor Deborah Widiss, Indiana University Maurer School of Law.
- 26 July: The ‘Labour’ Chapter of the CPTPP as Neoliberal Regulation. Presented by Joo-Cheong Tham.
- 3 September: The Thing about Intersectional Discrimination and Why Discrimination Law Doesn’t Get It. Presented by Dr Shreya Atrey, University of Bristol Law School.

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 Geoff Giudice. Two seminars were held in 2018:

- 31 October: Collective Bargaining under the Fair Work Act. Presented by Professor Anthony Forsyth, RMIT University and Professor Shae McCrystal, University of Sydney.

FAIR WORK COMMISSION’S WORKPLACE RELATIONS EDUCATION SERIES (CO-HOSTED LECTURE)
In 2018 the Centre was pleased to again co-host the Melbourne lecture in the Commission’s Workplace Relations Education Series.

- 8 August: Why are Australian Wages Lagging and What Can Be Done About It? Presented by The Hon Professor Joe Isaac AO, University of Melbourne. The event was chaired by Tess Hardy. Other presenters included the Hon Justice Iain Ross AO, President of the Fair Work Commission; Jeff Borland, Truby Williams Professor of Economics, University of Melbourne, and David Peetz, Professor of Employment Relations, Griffith University.
OTHER EVENTS

In addition to the regular seminar series, from time to time the Centre hosts conferences, roundtables, book launches and other events for members for the Australian and international employment and labour relations law community. These events bring together scholars, practitioners of employment and 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.

PANEL – TWENTY YEARS SINCE THE WATERFRONT DISPUTE: THE BEGINNING OF THE END FOR STRIKE ACTIVITY IN AUSTRALIA?

10 April

The waterfront dispute was the defining industrial relations episode of the Howard Coalition Government’s first term of office. On 7 April 1998, Patrick Stevedores dismissed and locked out all of its waterside workers, triggering large-scale protests and picketing at ports around the country. On the 20th anniversary of the waterfront dispute, a panel of speakers reflected on the long-term significance of the dispute for Australian workplace relations. The panel discussed the contemporary implications of the dispute, linking it to the current debate over the right to strike, the limitations imposed by the Fair Work Act and the ACTU’s #changetherules campaign. Panellists were Mr Steven Amendola, K&L Gates, Professor Anthony Forsyth, RMIT University and John Howe. The event was chaired by Tess Hardy.

BERKELEY COMPARATIVE EQUALITY AND ANTI-DISCRIMINATION LAW STUDY GROUP ANNUAL CONFERENCE 2018

11-12 June

The Berkeley Comparative Equality and Anti-Discrimination Law Conference, hosted by the Centre (through Alysia Blackham and Beth Gaze), brought together 30 speakers and 55 participants from around the world for two days of enjoyable and stimulating discussion. The conference featured keynotes from Professor Colm O’Cinneide (University College London) on ‘The Ambitions of Equality Law from Non-discrimination as Rationality to Non-discrimination as Transformation and Getting Stuck in Between’ and Professor Susan Sturm (Columbia University) on ‘Addressing Bias in and through Legal Institutions’. The conference concluded with a public lecture on ‘Advancing Equality Law’, presented by the keynote speakers of the conference Professor O’Cinneide and Professor Sturm.

WORKSHOP – EMERGING BUSINESS MODELS AND THE EVOLVING REGULATORY RESPONSE: PERSPECTIVES FROM AUSTRALIA AND BEYOND

16 July

This workshop brought together nine experts from Australia and overseas to speak on a range of topics relevant to emerging business models and the evolving regulatory response. The event, organised by Tess Hardy, was attended by around 30 invited academics from applicable fields.

BOOK LAUNCH – FOUNDATIONS OF INDIRECT DISCRIMINATION LAW

23 August

Foundations of Indirect Discrimination Law draws together original essays from leading scholars of discrimination law from North America and Europe to explore the various facets of the law on indirect discrimination, interrogating its foundations, history, legitimacy, purpose, structure, and relationship with other legal concepts. The collection provides the first international work devoted to this vital area of the law that seeks both to prevent unfair treatment and to transform societies. Edited by Hugh Collins and Tarun Khaitan, the book was launched by The Honourable Michael Kirby AC CMG.

BOOK LAUNCH - THE WAGES CRISIS IN AUSTRALIA: WHAT IT IS AND WHAT TO DO ABOUT IT

29 November

In The Wages Crisis in Australia: What It Is and What To Do About It, Andrew Stewart, Jim Stanford and Tess Hardy have drawn together expert analysts from business, universities, think-tanks, community organisations and trade unions to answer four pressing questions: What is the wages crisis? Why is it happening? Why does it matter? And what should we do about it?

Speakers at the book launch were Andrew Stewart, University of Adelaide, Tess Hardy, Natalie James, the former Fair Work Ombudsman and the current Chair of the Inquiry into the Victorian On-demand Workforce, and Troy Henderson, from The Australia Institute Centre for Future Work.
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 Melbourne 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 2018, Maria Azzurra Tranfaglia edited both the general series and the student series. All papers are available through the Centre’s website: law.unimelb.edu.au/centres/celrl/research/publications.

One Student Working Paper was published during the year:


JOURNAL EDITORSHIP

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. The work of the editorial team was ably supported in 2018 by a team of student editorial assistants drawn from the student body of Melbourne Law School. The journal was co-edited by John Howe, Professor Andrew Stewart (University of Adelaide) and Professor Richard Johnstone (Queensland University of Technology). Centre members involved in the Journal’s editorial committee are Anna Chapman, Sean Cooney and Joo-Cheong Tham.

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

- Alysia Blackham and Beth Gaze (co-editors), LSN Law Research Centres Papers; Berkeley Comparative Equality & Anti-Discrimination Law; Vol. 1, No. 4: Oct 9, 2018
- Iain Campbell, Member, Editorial Board, British Journal of Industrial Relations, Labour and Industry and the Australian Bulletin of Labour
- Beth Gaze, Member, Editorial Committee, International Journal of Discrimination and Law
- Joo-Cheong Tham, Series Editor, Anthem Studies in Australian Economics and Society and Co-editor, Special Edition on electoral law for King’s Law Journal

ASSOCIATIONS

THE AUSTRALIAN LABOUR LAW ASSOCIATION

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

ALLA’s 18th AGM was held on 10 November. The ALLA Executive Committee was confirmed as Professor Marilyn Pittard, President; Professor Anthony Forsyth, Vice-President; Dr Dominique Allen, Secretary; and Ms Emma Goodwin, Treasurer. Tess Hardy continues as a member of the National Committee.


The conference was preceded by a teaching workshop and a research workshop, which were co-sponsored by the Centre, and facilitated by Sean Cooney and Joo-Cheong Tham.

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

REGULATING FOR DECENT WORK NETWORK

The Centre continued its involvement in the RDW Network in 2018. The Network is a collaboration between the International Labour Organisation, the Centre, 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 Arbeits Qualifikation (IAQ). The objective of the RDW Network is to foster research and the 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. John Howe is a member of the Organising Committee of the Network.

For further information about RDW, please visit: ilo.org/travail/whatwedo/projects/WCMS_122341
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 66 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 chair of the Steering Committee of the Network, which consists of six labour law scholars, each from a different region of the world. Maria Azzurra Tranfaglia was the Network’s Administrator in 2018.

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

MEDIA ENGAGEMENT

ALYSIA BLACKHAM

- ‘Why mandatory retirement ages should be a thing of the past’, The Conversation, 9 April
- Interviewed on Drive with Jules Schiller, ABC Radio Adelaide, 30 October

BETH GAZE

- Interview on ABC News 24, ‘Pay equity in Australia and Iceland’s recent equal pay legislation’, 7.45 pm, 4 January
- Opinion piece, ‘Blurred lines: your employer, twitter and the law’, Pursuit (University of Melbourne online news and commentary), 2 August
- Opinion piece, ‘Twitter sacking tests concept of free speech’, Herald-Sun, p 23, 6 August
- Quoted in Nigel Gladstone & Linda Morris ‘Minding the gap: older women head back to work to bridge superannuation shortfall’, Sydney Morning Herald, 30 September
- Opinion piece, ‘Inequality Persists: Change comes slowly but society does not make it easy’, Sunday Age, p 32, 7 October
- Interviewed by Cathy Van Extel on ABC RN Breakfast: ‘Should schools be able to exclude LGBTIQ students and teachers?’, 6.51 am, 11 October
- Quoted in Wendy Tuohy, ‘Bad behaviour or sackable offence: where is the line at the office Christmas Party?’, Sydney Morning Herald, 6 December and The Age, 10 December

TESS HARDY

- Co-authored with Andrew Stewart, Jim Stanford, ‘The five not-so-easy steps that would push wage growth higher’, The Conversation, 29 November

TARUN KHAITAN

- Podcast for Philosophy 24/7, ‘Indirect discrimination’
- ‘What constitutionalism calls for’ co-authored with Rohit De, The Times of India, 16 January
- ‘Was the centre right in resisting Justice Joseph’s elevation?’ The Hindu, 4 May
- ‘World’s most powerful court on the brink’, IACL Blog, 14 May
- ‘A sinking, slow and steady’, The Indian Express, 18 May
- ‘Inclusive pluralism or majoritarian nationalism: Article 15, Section 377, and who we really are’, Indian Constitutional Law and Philosophy, 9 July
- ‘On the presumption of constitutionality for pre-constitutional laws’, Indian Constitutional Law and Philosophy, 11 July
- ‘Against natural rights – why the Supreme Court should NOT declare the right to intimacy as a natural right’, Indian Constitutional Law and Philosophy, 17 July
- ‘The essential practices test and freedom of religion: Notes on Sabrimala’, Indian Constitutional Law and Philosophy, 29 July
- ‘On the gendered criminalisation of adultery’, Indian Constitutional Law and Philosophy, 3 August
- Guest, ‘India’s Supreme Court decriminalises gay sex’, RN Drive Program, Australian Broadcasting Corporation, 6 September
- ‘Indian democracy at crossroads’, Verfassungsblog, 22 October
- ‘Is democracy in decline?’, Big Ideas Program, Australian Broadcasting Corporation, 27 November

JOO-CHEONG THAM

- Quoted in Paul Karp, ‘Coalition’s changes to finance bill would override state bans on political donations’, The Guardian, 28 September
- Quoted in Paul Karp, ‘Foreign donation laws at risk over Coalition change that “overrides” state rules’, The Guardian Australia, 15 October
- Podcast for the University of Bristol’s Futures of Work project on ‘Futures of labour migration’, 19 December
OTHER ENGAGEMENT

HELEN ANDERSON

- Member, Australian Labour Law Association
- Academic member, Australian Restructuring Insolvency and Turnaround Association
- Executive Committee Member, Corporate Law Teachers Association
- Honorary General Treasurer and Executive member, Australasian Law Teachers Association
- Member, Insolvency and Reconstruction Committee, Business Law Section, Law Council of Australia
- Fellow, Australian Academy of Law
- Section editor, Insolvency Law, Company and Securities Law Journal
- Submission to Treasury, 'Transparency of Business Tax Debts', January
- Submission to Treasury, 'Treasury Laws Amendment (Taxation and Superannuation Guarantee Integrity Measures) Bill 2018', January
- Submission to Treasury, 'Tackling the Black Economy: Designing A Modern Australian Business Number System' Consultation Paper, July
- Submission to Treasury, 'Combatting Illegal Phoenixing Exposure Draft', September
- Submission to Treasury, 'Modernising Business Registers and Director Identification Number Draft Legislation', October
- Submission to Treasury, 'Modernising Business Registers Program Review of Registry Fees', December
- Submission to Treasury, 'Improving black economy enforcement and offences', December
- Treasury and Department of Jobs and Small Business, invited participation, Consultation on Safeguarding the Fair Entitlements Guarantee, Melbourne, June
- Australian Taxation Office, invited participation, Consultation on Modernising Business Registers, Melbourne, July
- Australian Securities and Investments Commission, invited participation, Consultation on the Revision of Form EX01, July
- Australian Taxation Office, invited participation, Director Identification Number working group, September
- Treasury, invited participation, Combatting Illegal Phoenixing legislation roundtable, September
- with the Discrimination Law Experts Group, Submission to The Gender Equality Team, Department of Health & Human Services, Government of Victoria Inquiry: The Victorian Gender Equality Bill, October

ALYSIA BLACKHAM

- Member, Hallmark Ageing Research Initiative (HARI) Steering Committee, University of Melbourne
- Member, International Advisory Board of the Berkeley Comparative Equality & Anti-Discrimination Law Study Group
- Member, Discrimination Law Experts Group
- Member, Discrimination Law Service Providers Group (Victoria)
- Member, Socio-Legal Studies Association (UK)
- Member, Society of Legal Scholars (UK)
- Member, Association of Industrial Relations Academics of Australia and NZ (AIRAANZ)

IAN CAMBPELL

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

ANNA CHAPMAN

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

BETH GAZE

- Member, Australian Labour Law Association
- Member, Socio-Legal Studies Association (UK)
- Member, Discrimination Law Association (UK)
- Member, Discrimination Law Experts Group (Australia)
- Stakeholder consultation on the Gender Equality Bill (Vic), September
- Speaker at Citizen’s Jury panel for the Minister for Women on attitudes to quotas in relation to the proposed Gender Equality Bill (Vic), September
- with the Discrimination Law Experts Group, Submission to the Department of Attorney-General and Justice, ‘NT Inquiry: Modernisation of the Anti-Discrimination Act’, February
- with the Discrimination Law Experts Group, Submission to The Gender Equality Team, Department of Health & Human Services, Government of Victoria Inquiry: The Victorian Gender Equality Bill, October

TESS HARDY
- National Committee member of the Australian Labour Law Association
- with Shae McCrystal, Submission to the Australian Competition and Consumer Commission Investigation into the Collective Bargaining Class Exemption, September
- with Melissa Kennedy and John Howe, Submission to the Queensland Education, Employment and Small Business Committee Inquiry into Wage Theft in Queensland, August
- with Andrew Stewart, Submission to the Senate Inquiry into the Exploitation of General and Specialist Cleaners Working in Retail Chains for Contracting or Subcontracting Cleaning Companies, July
- Submission to the Senate Inquiry into the Operation and Effectiveness of the Franchising Code of Conduct, May

JOHN HOWE
- with Tess Hardy and Melissa Kennedy, Submission to the Queensland Education, Employment and Small Business Committee Inquiry into Wage Theft in Queensland, August
- Member, Australia Labour Law Association

JOO-CHEONG THAM
- Member, Australian Labour Law Association
- Advisory Board member, Global Labor Migration Network, Global Migration Studies Centre, the University of Maryland
- Deputy Chair, Migrant Workers Centre Incorporated
- Convenor, Steering Group, Migrant Workers Campaign
- Member, Ethnic Communities’ Council of Victoria’s Employment Education and Training Policy Subcommittee
- Member, Electoral Tribunal, Graduate Student Association
- Submission to the inquiry of the Joint Standing Committee on Electoral Matters into the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 (Cth), January
- with K D Ewing, Submission to the inquiry of the Senate Foreign Affairs, Defence and Trade References Committee into the Comprehensive Progressive Trans-Pacific Partnership Agreement, May
- Submission to the inquiry of the Senate Foreign Affairs, Defence and Trade References Committee into the Comprehensive Progressive Trans-Pacific Partnership Agreement, May
- Submission to the inquiry of the Joint Standing Committee on Electoral Matters into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 (Cth), September

MARIA AZZURRA TRANFAGLIA
- Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics of Australian and New Zealand
- Volunteer, Not for Profit Association for Newly Arrived Italian Migrants
- Volunteer, Ethnic Community Council of Victoria
During 2018, 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**, ‘Insolvency: It’s All About the Money’, Corporate Law Teachers’ Association Annual Conference, Melbourne
- **Iain Campbell**, ‘Temporary Migrant Workers’, Workshop on Wage Stagnation, University of Adelaide, Adelaide
- **Joo-Cheong Tham**, ‘The Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 (Cth): Dealing with Foreign Interference or Stifling Charities?’, Electoral Regulation Research Network, Melbourne Law School, Melbourne
- **Azzurra Tranfaglia** and **Iain Campbell**, ‘Trading Off Workplace Rights? Italian Temporary Migrant Workers in Australia’, AIRAANZ Conference, Adelaide

**MARCH**
- **Joo-Cheong Tham**, ‘UK, Brexit and the Trans-Pacific Partnership Agreement: Implications of the Post-Brexit Architecture for the Constitution and Workers’ Rights’, Workshop to Honour Professor Keith Ewing, University of Nottingham, Nottingham

**APRIL**
- **Helen Anderson**, ‘Update on Accessory Liability and Protecting Vulnerable Workers’, Fair Work Commission, Melbourne

**MAY**
- **Sarah Biddulph**, ‘Bureaucratic Inertia: Causes and Explanations Using the Example of Workplace Safety Regulation’, South China Normal University

**JUNE**
- **Maria Azzurra Tranfaglia**, ‘Tackling Non-compliance with Workplace Rights in Supply Chains - Australian Regulatory Solutions’, 2018 Summer School on ‘Management and reporting of nonfinancial aspects by organisations’, University of Bologna, Italy
- **Sarah Biddulph**, ‘Policy Recommendations and Themes of Good Governance’, University of British Columbia
JULY
- **Sayomi Ariyawansa**, ‘On the Backs of Migrant Workers – Imported Labour in the Australian Agriculture Sector’, Australasian Society of Legal Philosophy Conference, Gold Coast

AUGUST
- **Beth Gaze**, Panel Speaker at the launch of Foundations of Indirect Discrimination Law (Eds: Hugh Collins and Tarunabh Khaitan), Melbourne

SEPTEMBER
- **Joo-Cheong Tham**, ‘Labour Provisions in Trade Agreements: Neoliberal Regulation at Work?’, International European and Human Rights Unit, Law School, Bristol University, Bristol
- **Joo-Cheong Tham**, ‘Equality and Community for Migrant Workers’, Lecture for Perspectives on Work Research Group, Law Faculty, University of Bristol, Bristol

OCTOBER
- **Beth Gaze** and Sarah Rey, ‘Workplace Sexual Harassment in the #metoo age’, Law Institute of Victoria Workplace Relations Conference, Melbourne
- **Sarah Biddulph**, ‘Promoting the Efficient Regulation of Workplace Safety and Health in China’, China – Oceania Legal Forum

NOVEMBER
- **Sayomi Ariyawansa**, ‘On the Backs of Migrant Workers – Imported Labour in the Australian Agriculture Sector’, Australian Labour Law Association 9th Biennial Conference, Gold Coast
- **Iain Campbell**, ‘The Puzzle of Harvest Labour: Alleged Labour Shortages, Underpayments and the Restless Search for New Forms of Foreign Labour’, Forum on Migrant Workers in Agriculture, University of Sydney, Sydney
- **Andrew Stewart, Rosalind Read, Joellen Riley and Tess Hardy**, ‘Panel Discussion of Collective Bargaining Under the Fair Work Act (Federation Press, 2018)’, Australian Labour Law Association 9th Biennial Conference, Gold Coast
- **Sarah Biddulph**, ‘Minor Crime and Comparative Approaches to Reform’, National Police University Beijing, China
During 2018, Centre members’ research appeared in a wide range of books, book chapters and journals, both Australian and international.

**EDITED BOOKS**
- Andrew Stewart, Jim Stanford and **Tess Hardy** (eds), *The Wages Crisis in Australia: What it is and what to do about it* (University of Adelaide Press, 2018).

**BOOK CHAPTERS**
- **Andrew Stewart**, **Jim Stanford** and **Tess Hardy**, ‘Australia, We have a Problem’, in Andrew Stewart, Jim Stanford and Tess Hardy (eds), *The Wages Crisis in Australia: What it is and what can be done about it* (University of Adelaide Press, 2108) 2-20.
- **Tess Hardy** and Andrew Stewart, ‘What’s Causing the Wages Slowdown?’, in Andrew Stewart, Jim Stanford and Tess Hardy (eds), *The Wages Crisis in Australia: What it is and what to do about it* (University of Adelaide Press, 2108) 57-70.
JOURNAL ARTICLES – REFEREED

- Alysia Blackham, ‘“We are all Entrepreneurs Now”: Options and New Approaches for Adapting Equality Law for the “Gig Economy”’ (2018) 34(4) International Journal of Comparative Labour Law and Industrial Relations 413-434.

OTHER PUBLICATIONS

### SUMMARY OF CENTRE GENERAL ACCOUNT 2018

#### INCOME 2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brought forward from 2017</td>
<td>$88,013</td>
</tr>
<tr>
<td>2018 Sponsorship</td>
<td>$41,382</td>
</tr>
<tr>
<td>Donation</td>
<td>$2,500</td>
</tr>
<tr>
<td>Faculty Allocation</td>
<td>$7,500</td>
</tr>
<tr>
<td>Seminar/Conference Registration</td>
<td>$3,747</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>$143,142</strong></td>
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</tbody>
</table>

#### EXPENDITURE 2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Research salary expenditure</td>
<td>$20,282</td>
</tr>
<tr>
<td>CELRL PhD Scholarship</td>
<td>$11,400</td>
</tr>
<tr>
<td>Consumable goods and services</td>
<td>$8,226</td>
</tr>
<tr>
<td>Infrastructure related expenses</td>
<td>$513</td>
</tr>
<tr>
<td>Travel, conference and catering</td>
<td>$28,950</td>
</tr>
<tr>
<td>Grant Expense</td>
<td>$3,483</td>
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<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>$72,854</strong></td>
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</table>

#### BALANCE

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BALANCE</strong></td>
<td><strong>$70,288</strong></td>
</tr>
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</table>