



THE UNIVERSITY OF
MELBOURNE

CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

THE UNIVERSITY OF MELBOURNE, LAW SCHOOL

ANNUAL REPORT

JANUARY – DECEMBER 2000



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Report prepared and edited by Kim Prudon and Anthony Forsyth of the Centre for Employment and Labour Relations Law, and Judy Bennett of Judy Bennett Design.
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DIRECTOR'S FOREWORD

A number of new members joined the Centre's ranks in 2000, helping to create a more vibrant and active research community in the Centre and the Law Faculty generally. As well as the new appointments noted in last year's Annual Report (i.e. Colin Fenwick – Senior Lecturer; Anthony Forsyth – Lecturer (Fractional); and Jill Murray – Research Fellow), we welcomed two Masters students from the People's Republic of China, Tiandi Ziang and Laura Liao. Two members of the Centre, Anna Chapman and Sean Cooney, were promoted to Senior Lecturer positions within the Law Faculty in 2000 (congratulations to Anna and Sean). Towards the end of the year, Joo Cheong Tham accepted a lecturing position at Victoria University of Technology. Joo Cheong remains an Associate of the Centre and a Ph.D. candidate at Melbourne University, and we wish him well in his new position at VUT.



Work continued in several broad research areas within the Centre in 2000, including: the recategorisation of labour law around broader issues of labour market regulation; consideration of the efficacy of various regulatory mechanisms at the national and international level (primarily, voluntary codes of conduct); and other projects, such as those relating to comparative labour law; individualisation; and workplace democracy. Members of the Centre also became involved in collaborative projects with other organisations, such as the 'New Social Settlement' project of the Centre for Public Policy (Melbourne University), the Brotherhood of St Laurence, and the Committee for Economic Development of Australia.

This collaborative approach was taken a substantial step further in late 2000, with the Centre drawing together researchers from several institutions to work on a project investigating the links between employment systems, corporate governance and ownership structure in modern business organisations. As well as members of the CELRL, others involved in this project include representatives from the Centre for Corporate Law and Securities Regulation, the Asian Law Centre, and the Department of Management (Melbourne University); the Effective Organisations Unit (Victorian Government); the Centre for Business Research (Cambridge University); and the Australian Centre for Industrial Relations Research and Training (University of Sydney).

In recent years, the Centre has enjoyed considerable success in obtaining ARC research grants. In fact between 1996–1999, the Centre obtained 2 ARC large grants, 6 small grants, and 1 collaborative grant, amounting (in total) to more than \$250,000 in research funds. Over the same period a further \$270,000 was brought in for research purposes from other grant sources. In addition, in 2000, we received two further ARC large grants worth a total of \$175,000. I am particularly grateful to Anna Chapman, Sean Cooney, Jill Murray and Anthony O'Donnell for their work in preparing the grant applications which have resulted in this outstanding record, and which have greatly enhanced the research activity of the Centre.

Finally I would again like to thank all of the Centre's members, associates and visitors for their support for its work and activities. Additional thanks must go to Mary Greco, who continued as the Centre's Administrative Officer until commencing maternity leave in the second half of 2000; Kim Prudon, who took up Mary's position and has made an important contribution to the efficient running of the Centre; and Anthony Forsyth, who has assumed administrative responsibilities within the Centre, particularly in relation to liaison with our sponsors. The Centre welcomed two new sponsoring firms last year, Holding Redlich and Ryan Carlisle Thomas. To them, and to our other sponsors and members of the Centre's Advisory Board, I wish to express our deep appreciation for the financial and other support they provide, which is essential to the continued operation of the Centre for Employment and Labour Relations Law.

A handwritten signature in black ink, appearing to read 'Richard Mitchell'. The signature is written in a cursive, flowing style.

Richard Mitchell
Director

GOALS OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

The Centre's objectives are set out as follows:

- (a) to undertake and encourage research on comparative labour law, with particular reference to the labour law systems of the South East and East Asian and Pacific regions, Southern Africa, Europe and North America.
- (b) to undertake and encourage research into the most socially desirable and efficient means of regulating labour relations with particular regard to the role of specialist labour courts and tribunals, and the function of labour unions.
- (c) to undertake and encourage research on the development of fair and equitable individual employment rights and the participation of employees in decision making at the place of work.
- (d) to undertake and encourage research on the development of labour law as a discipline, including the development of empirical, feminist and socio-legal approaches to the study of labour law.
- (e) to undertake and encourage research on the development of labour law as a discipline with particular regard to developing an understanding of the role of law in regulating all aspects of the labour market and with specific regard to issues raised by gender-based labour market segmentation and the focus of occupational health and safety within the labour law discipline.
- (f) to undertake and promote the teaching of labour law both within the Faculty of Law and the Faculty of Economics and Commerce (in particular the Department of Management) and develop and promote innovative teaching methods and teaching materials in labour law.
- (g) to undertake publication in the form of working papers, journal articles, and books and monographs, and in the form of seminar programmes and conferences to disseminate the results of research undertaken under the auspices of the Centre, or in other programmes associated with the Centre.
- (h) to establish and foster links with similar bodies, internationally and nationally, and provide a reference point in Australia for scholars in labour law.
- (i) to establish and develop close links with the legal profession and industrial relations practitioners.



Centre members (from left): Joo-Cheong Tham, Colin Fenwick and Sean Cooney.

MEMBERS, SUPPORT STAFF AND ASSOCIATES 2000

ACADEMIC STAFF

Professor Richard Mitchell *LLB(Hons), LLM(Melb), MSc(Lond), Director*

Professor Richard Mitchell is the Director of the Centre. He has studied labour law and industrial relations at The University of Melbourne and the London School of Economics and Political Science. He is joint editor of the *Australian Journal of Labour Law*, and of the Monographs on Australian Labour Law Series. Among his areas of specialisation are labour law systems in the Asia-Pacific Region, the legal regulation of labour markets and the role of law in the construction of employment systems.

Ms Helen Askew *BA, LLB(Hons)*

Ms Helen Askew holds a BA (with majors in legal studies and history) from La Trobe University and an LLB (Hons) from Melbourne University. Helen is working with Anna Chapman (and Gail Mason, University of Sydney) on an ARC Large Grant examining the concept of harassment in a socio-legal context.

Ms Anna Chapman *BCom, LLB(Hons), LLM(Melb)*

Anna was admitted to practice in 1990 and completed her LLM in 1995. Her research interests lie primarily in discrimination law and practice, and unfair dismissal law. She has published in a range of journals and has recently been awarded an ARC Large Grant to examine the concept of harassment in a socio-legal context (with Dr Gail Mason, University of Sydney). Anna is an editorial committee member of the *Australian Journal of Labour Law*.

Mr Sean Cooney *BA, LLB(Hons), LLM(Melb), LLM(Columbia)*

Sean is a graduate in Arts and Law from The University of Melbourne. He worked as a solicitor in the Industrial and Employment law section of Maurice Blackburn and Co. for four years. In 1993 he completed his LLM in Asian law. His research interests are in international and comparative labour law, with a particular focus on East Asia. He holds Masters degrees in law from Columbia University and the University of Melbourne and is fluent in several languages. He has published in a range of international journals in English and Chinese, and is currently examining alternatives to the current system of international labour standards.

Mr Colin Fenwick *BA, LLB, LLM(Melb), LLM(Virginia)*

Colin is a graduate of the University of Melbourne and of the University of Virginia, with ten years' experience in the field of labour relations law in Australia, the United States and Switzerland. Colin has practised as a barrister, specialising in labour relations law, and was employed for a time as a prosecutor of workplace health and safety crimes. He has worked as a consultant in international labour standards and human rights law, based in Washington, D.C. His clients included U.S. Government agencies, the International Confederation of Free Trade Unions, the American Federation of Labour and Congress of Industrial Organisations, and human rights NGOs. Colin has recently worked as a Labour Law and Labour Relations Specialist for the International Labour Office in Geneva, and continues to work for the ILO as an external consultant. His principal research interests lie in international and comparative labour law.

Mr Anthony Forsyth *BJuris/LLB (Hons)(Monash), Grad Dip (Labour Law)(Melb)*

Anthony is a graduate in Law from Monash University, and now a lecturer and PhD candidate at the University of Melbourne. He has also completed the Graduate Diploma in Labour Relations Law at Melbourne. He has worked in practice as a specialist employment and industrial relations lawyer, as a political adviser, and as a legal officer for a major trade union. Anthony's main research interests are in the areas of Australian labour relations law and systems, trade union law and industrial action, international labour standards, and employee participation in the workplace (the subject of his PhD research). He is an Associate Editor of the *Australian Journal of Labour Law*.

Mr John Howe *BA/LLB (Monash), LLM (Temple)*

John is a PhD candidate at the University of Melbourne. He graduated in Arts and Law from Monash University and completed his LLM at Temple University in the USA in 1997. He is an Associate Editor of the *Australian Journal of Labour Law*, and his main research interests lie in the legal regulation of labour markets, in particular the implementation of employment and industry policy, and in US labour law.

Mr Glenn Patmore *BA/LLB(Hons)(Monash), LLM(Queens)*

Glenn was Senior Tutor in Law at Monash University and currently works as Lecturer in Law at Melbourne University. Admitted as a Barrister and Solicitor of the Supreme Court of Victoria, his principal fields of interest are democratic theory and practice, workplace democracy and labour relations, constitutional and administrative law and human rights law.

RESEARCH STAFF

Mr Anthony O'Donnell *LLB, BA(Hons)(Melb)*

Anthony's research interests include the operation of immigration law and social security law as modes of labour market regulation. He is also a senior research assistant at the University of Melbourne's Centre for Public Policy, where he is researching issues Australian welfare state policy.

Dr Jill Murray *BA(Hons)(Melb), MA(Melb), MSc(Oxford), DPhil(Oxford)*

Jill holds a BA Honours degree (with majors in English and History) and an MA in industrial relations from the University of Melbourne, an M Sc in industrial relations and human resource management and a D Phil from Oxford University. Her doctoral work was undertaken in the Law Faculty at Oxford, and the topic of her thesis was the impact on the ILO of the European Union's labour law regime. Jill is currently researching the role of law in securing international labour standards in the Asia Pacific region, with a special emphasis on the utility of corporate codes of conduct.

ADMINISTRATORS

Ms Mary Greco

Mary continued her work as administrator of the Centre until she commenced maternity leave in November.

Ms Kim Prudon *MA (Rotterdam)*

Kim joined the Centre in November, temporarily replacing Mary Greco. Kim has a Masters degree in history from the Erasmus University in the Netherlands and worked as a researcher at the Centre for Business History (Erasmus University of Rotterdam) prior to joining the Centre.

CENTRE ASSOCIATES

ACADEMIC ASSOCIATES

| | |
|---------------------------------------|--|
| Associate Professor Chris Arup | La Trobe University |
| Dr Michelle Brown | The University of Melbourne |
| Dr Christina Cregan | The University of Melbourne |
| Professor Keith Ewing | Kings College, University of London |
| Professor Rosemary Hunter | Griffith University |
| Associate Professor Richard Johnstone | The University of Queensland. |
| Associate Professor Tim Lindsey | The University of Melbourne |
| Professor Ronald McCallum | The University of Sydney |
| Dr Gail Mason | The University of Sydney |
| Associate Professor Marilyn Pittard | Monash University |
| Professor Ian Ramsay | The University of Melbourne |
| Professor Andrew Stewart | Flinders University of South Australia |
| Mr Joo Cheong Tham | Victoria University of Technology |
| Dr Zhu Ying | The University of Melbourne |

RESEARCH AND TEACHING ASSOCIATES

| | |
|--------------------------|---|
| Mr Alan Clayton | Consultant in Workplace Regulation |
| Dr Breen Creighton | Corrs Chambers Westgarth, Solicitors (Professorial Fellow of the Law School) |
| Professor Harry Glasbeek | York University, Canada |
| Mr Richard Naughton | Arthur Robinson & Hedderwicks, Solicitors |
| Mr Peter Rozen | Victorian Bar |
| Dr Ann Shorten | CELRL Associate |
| Dr Graham Smith | Clayton Utz, Solicitors |

RESEARCH STUDENTS UNDER SUPERVISION OF CENTRE MEMBERS

PHD

| | |
|--------------|---|
| Ms S Chenxia | <i>Corporate Governance in the People's Republic of China</i> |
| Mr J Howe | <i>Legal Regulation of Job Creation Schemes</i> |
| Mr A Forsyth | <i>Bridging the Representation Gap through the Adoption of Works Councils in Australia: A Case Study of Legal Transplants</i> |
| Mr J C Tham | <i>Regulation of Qualification Criteria for Unemployment Benefit</i> |

LLM (MAJOR THESIS)

| | |
|------------------|--|
| Ms K Murray | <i>Sex Work as Work: Industrial Issues in the Legal Sex Work Industry</i> |
| Ms K Wheelwright | <i>Legal Approaches to Company Responsibilities to Employees In Cases of Business Collapse</i> |
| Mr T Zhang | <i>Regulation of Temporary Skilled Migration: China and Australia</i> |
| Ms L Liao | <i>Protection of Irregular Workers Against Dismissal: China and Australia</i> |

LLM (MINOR THESIS)

| | |
|------------|---|
| Mr C Jones | <i>Transmission of Business Provisions under Industrial Legislation</i> |
|------------|---|

LLB (LEGAL INTERNSHIP)

| | |
|------------|--|
| Mr H Skene | <i>Expanding the Environment of Choice: The New Freedom of Association Weapon In the Workplace Relations Act</i> |
|------------|--|

LLB (ADVANCED LEGAL RESEARCH)

| | |
|--------------|-------------------------------------|
| Ms K Buckley | <i>Are Police Practices Lawful?</i> |
|--------------|-------------------------------------|

ACADEMIC VISITORS TO THE CENTRE 2000

Professor Harry Glasbeek, York University (January – May)
Professor Chris Nyland, Monash University (July – December)
Associate Professor Marilyn Pittard, Monash University (January – May)

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 and bodies with an involvement in the labour law field. The Board is also constituted by one representative of the Centre's sponsoring firms

The external members are as follows:

Justice Peter Gray (Chair) *Industrial Relations Court of Australia and Federal Court of Australia*

Senior Deputy President Jennifer Acton *Australian Industrial Relations Commission*

Ms Carol Andrades *Ryan Carlisle Thomas*

Mr Josh Bornstein *Maurice Blackburn and Co.*

Justice Alan Boulton *Australian Industrial Relations Commission*

Mr Richard Bunting *Blake Dawson Waldron*

Professor Michael Crommelin *The University of Melbourne*

Mr John Denton *Corrs Chambers Westgarth*

Ms Rachel Doyle *Victorian Bar*

Mr Philip Gardner *Ryan Carlisle Thomas*

Mr Reg Hamilton *Australian Chamber of Commerce & Industry*

Ms Kate Hawkins *Slater & Gordon*

Mr Ross Jackson *Maddock Lonie & Chisholm*

Mr Ross Levin *Deacons Graham & James*

Mr Bruce Moore *Mallesons Stephen Jaques*

Mr Charles Power *Holding Redlich*

Mr Julian Riekert *Arthur Robinson & Hedderwicks*

Ms Linda Rubinstein *Australian Council of Trade Unions*

Mr Nick Ruskin *Phillips Fox*

Mr Jim Young *National Australia Bank*

Ms Susan Zeitz *EMA Legal*

The Advisory Board meets at least annually for the purpose of reviewing the Centre's activities and for advising on future directions for the research and teaching programmes carried out by members of the Centre.

THE SPONSORS PROGRAMME

The support of sponsors is essential to the continued operation of the Centre for Employment and Labour Relations Law. The Centre's sponsors for 2000 were:

Andersen Legal
Arthur Robinson & Hedderwicks
Blake Dawson Waldron
Corrs Chambers Westgarth
Deacons Graham & James
Dunhill Madden Butler
Holding Redlich
Maddock Lonie & Chisholm
Mallesons Stephen Jacques
Maurice Blackburn Cashman
Phillips Fox
Ryan Carlisle Thomas

The Centre conducts a series of evening seminars for members of the Centre's sponsoring firms and organisations.

Four seminars were held in the Sponsors' Seminar Series during 2000. These were as follows:

- **Mr John Timmins** (Auckland-based New Zealand Barrister) 'Radical Change in New Zealand Labour Law' (March)
- **Mr Rob Hulls** (Victorian Attorney General) 'Whistleblowers' Protection Legislation' (June) – as Mr Hulls was unable to attend this seminar, it was delivered on his behalf by Ms Jo Metcalf and Ms Jane Garrett of the Attorney General's Office.
- **Mr Graeme Orr** (Law School, Griffith University) 'What Rights for the Free Rider: Compulsory Union Bargaining Fees for Australia?' (August)
- **Professor Andrew Stewart** (School of Law, Flinders University of South Australia; Legal Consultant, Piper Alderman Lawyers) 'Redefining Employment? Meeting the Challenge of Contract Labour' (November)

Several other activities were undertaken during 2000 to strengthen the relationship between the Centre and its sponsors, including the presentation of seminars by Centre members at sponsoring firms.



Members at the Advisory Board Dinner: from left, Bruce Moore (Mallesons Stephen Jacques), Anthony Forsyth and Charles Power (Holding Redlich).

SERVICE TO THE PROFESSION AND THE COMMUNITY

PUBLICATIONS

Members and Associates of the Centre form the editorial group of the *Australian Journal of Labour Law* which is the leading Australian scholarly publication in its field. Richard Mitchell and Breen Creighton are joint editors of the Journal, Colin Fenwick is Senior Associate Editor and Anthony Forsyth and John Howe are Associate Editors.

The Centre also houses three other publication series which serve the interests of the legal profession and academia. These include a sponsored Monograph Series in Australian Labour Law, published by Federation Press and the Centre's own published Occasional Monograph Series and Working Paper Series. Five working papers were published in 2000, details of which can be found in the publications section of this report.

JOURNALS, REVIEWS

Staff of the Centre are members of the editorial boards and committees of several academic and professional journals, including the *Australian Journal of Labour Law* and the *International Journal of Comparative Labour Law and Industrial Relations*.

COMMITTEE MEMBERSHIPS, ASSOCIATIONS

Staff in the Centre are members of the following committees and organisations: American Society of International Law, Association of Industrial Relations Academics of Australia and New Zealand, Australian Industrial Relations Association, Australian Labour Law Association, Australian Law Teachers Association, Australian and New Zealand Society of International Law, Industrial Relations Society of Victoria, International Centre for Trade Union Rights (ICTUR), International Industrial Relations Association, Law and Society Association (US), Industrial Relations Research Association (US).

COMMISSIONED REPORTS AND SUBMISSIONS TO PUBLIC INQUIRIES AND PUBLIC BODIES

A Chapman, S Cooney, A Forsyth, J Howe, R Mitchell, J Murray and J C Tham, *Submission to the Victorian Industrial Relations Taskforce*, June 2000

C Baragwanath and J Howe, *Corporate Welfare: Public Accountability for Industry Assistance*, The Australia Institute, Discussion Paper No. 34, October 2000

S Cooney, *Inquiry into Corporate Code of Conduct Bill 2000*, Parliamentary Joint Statutory Committee on Corporations and Securities, December 2000

C Fenwick, *Australian Public Employment Laws*, International Labour Office, October 2000

A Forsyth, *Submission to the Federal Department of Employment, Workplace Relations and Small Business in relation to the Registered Organisations Bill 2000* (Exposure Draft for Comment), March 2000

A Forsyth (with other members of the Australian National Committee of the International Centre for Trade Union Rights), *Submission to the Senate Employment, Workplace Relations, Small Business and Education Committee, Inquiry into the Workplace Relations Amendment Bill 2000*, May 2000

A Orford, S Pahudja, J Beard and J Howe, *Submission to the Inquiry of the Joint Standing Committee on Treaties into Australia's Relationship with the World Trade Organisation*, September 2000

A Saunders and J C Tham (on behalf of the Western Suburbs Legal Service), *Submission to the Senate Legal and Constitutional Committee in relation to the Administrative Review Tribunal Bill 2000*, October 2000

SEMINARS

A Forsyth, *Possible Directions for Industrial Relations Reform under the Bracks Labor Government In Victoria*, Seminar for National Industrial Law Conference, Mallesons Stephen Jaques, March 2000

A Forsyth, *Outsourcing and Insourcing: Employment and Industrial Law Issues*, Seminar for Holding Redlich, Lawyers and Consultants, November 2000

THE AUSTRALIAN LABOUR LAW ASSOCIATION

Several Centre members were closely involved in the establishment of the Australian Labour Law Association (ALLA) Incorporated, in November 2000. Other initiators included representatives from legal firms, the Bar, the courts and industrial tribunals.

ALLA is the first organisation formed specifically for the purpose of promoting the professional interests of lawyers and others working in the fields of labour law and social security in Australia. ALLA's main objectives are to: promote the study of, and exchange of ideas about, labour law and social security in Australia and at the international level, and to provide lawyers and others working in the fields of labour law and social security with a forum for discussion and debate.

At present an interim committee is in place, consisting of:

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|--------------------------|---|
| President: | Prof. Ron McCallum (University of Sydney) |
| Vice-President: | Prof. Richard Mitchell (University of Melbourne) |
| Treasurer: | Ms Samantha Kennedy (Corrs Chambers Westgarth) |
| Secretary: | Mr Anthony Forsyth (University of Melbourne) |
| Ordinary Members: | Mr John Howe (University of Melbourne) Ms Bernadette O'Neill (Maurice Blackburn Cashman) |

More information on the Association and details on how to join can be found at ALLA's website – www.alla.unimelb.edu.au, alternatively you may contact the Centre for Employment and Labour Relations Law.

CONSULTANCY PROVIDED TO THE UNIVERSITY COMPLIANCE OFFICER, UNIVERSITY OF MELBOURNE

In 2000 Sean Cooney and Anna Chapman provided consultancy services to the University Compliance Officer (University of Melbourne). These services were provided as part of developments in the University's compliance program. They involved reviewing guides and other documents prepared for the use of staff at the University on a range of potential risks, such as staff safety, building emergencies, employee breach of contract issues and hazardous chemicals.

EDUCATION

Members of the Centre are major contributors to the Undergraduate and Graduate teaching programmes in the Law School and the Faculty of Economics and Commerce.

UNDERGRADUATE PROGRAMMES

LAW SCHOOL

730–436 Principles of Labour Law (A Forsyth and R Mitchell in 2000)

This single semester subject provided a complete coverage of the labour law curriculum for students in the LLB programme.

730–405 Democracy at Work (S Cooney, A Forsyth and R Mitchell in 2000)

This new subject covered various aspects of employee participation in workplace decision making.

FACULTY OF ECONOMICS AND COMMERCE

732–307 Law and Labour Relations in East Asia (R Mitchell and S Cooney)

A single-semester third year subject introducing students to the labour law and industrial relations systems of the Asia-Pacific Region (available to students in both the Faculty of Law and the Faculty of Economics and Commerce).

732–304 Labour Law (A Chapman)

A single-semester subject providing a detailed overview of Australian labour law in an industrial and social context. This subject is offered to students in the B Com and those enrolled in the Graduate Diploma in Industrial Relations and Human Resource Management



Advisory Board Dinner, from left, Rachel Doyle (Victorian Bar), Nick Ruskin (Phillips Fox), Richard Mitchell, Linda Rubinstein (ACTU), Sean Cooney, Charles Power (Holding Redlich).

POSTGRADUATE PROGRAMMES

LAW SCHOOL

The Faculty of Law offers a leading postgraduate programme in labour law for lawyers, industrial relations practitioners and human resource managers. Students wishing to specialise in this area may undertake one of four programmes of coursework, or coursework and thesis combined.

- a Graduate Diploma in Labour Relations Law comprised of four subjects
- a Master of Labour Relations Law comprising of eight subjects
- an LLM coursework programme specialising in labour law, comprised of four subjects and a minor thesis of 20,000–30,000 words in length (for law graduates only)
- a Doctorate of Juridical Science (SJD) programme specialising in labour law, comprised of four subjects and a major thesis of 60,000–70,000 words in length (for law graduates only)

There were five postgraduate subjects from which those students wishing to specialise in labour law were able to select in 2000. These were:

- 730–831 **Employment Law** (R Mitchell and R Naughton)
- 730–828 **Labour Relations Law** (J Howe and B Creighton)
- 730–829 **Unions and Industrial Action** (J Howe; G Smith and P Gray)
- 730–653 **Researching Labour Law** (R Mitchell)
- 730–630 **Discrimination and Dismissal Law** (A Chapman; C Andrades; D Murphy and M Rayner)

Additional subjects (not offered in 2000): Aspects of International and Comparative Labour Law, and Workplace Health and Safety.

Students may also undertake the LLM and PhD programmes, specialising in labour law, by thesis alone.

FACULTY OF ECONOMICS AND COMMERCE

Members of the Centre also participate in the graduate programmes (graduate diploma and masters degrees) offered by the Department of Management. In addition to the two third year subjects described above, the following subject is offered at fifth year level to students undertaking a Masters Degree in Industrial Relations:

- 732–624 **Advanced Labour Law** (not offered in 2000)

| | Monitoring Labour Law Change | Workplace Equity | Employee Participation in Workplace Governance | International and Comparative Labour Law | Law and Labour Market Regulation (including immigration & vocational education & training and social security) | Individualisation, Forms of Labour Contracting, Work in atypical labour markets |
|----------------------------|--|------------------|--|--|--|---|
| GROUP PARTICIPATION | | | | | | |
| CENTRE MEMBERS | A Chapman R Mitchell J Howe J C Tham A Forsyth | A Chapman | R Mitchell G Patmore A Forsyth | S Cooney R Mitchell C Fenwick A Forsyth | R Mitchell S Cooney J C Tham J Howe | C Fenwick R Mitchell A Chapman |
| RESEARCH STAFF | | H Askew | | J Murray | A O'Donnell | A O'Donnell |
| ASSOCIATES | B Creighton | G Mason | C Cregan M Brown L Waters S Marshall | Zhu Ying T Lindsey P Nicholson | C Arup J Murray A Shorten | A Clayton H Glasbeek S Deery |
| RESEARCH STUDENTS | K Wheelwright C Jones | | | | | K Murray J Fetter |

RESEARCH PROGRAMMES

The principal research areas of the Centre during 2000 were as follows:

LAW AND LABOUR MARKET REGULATION

R Mitchell, A O'Donnell, J Howe, J C Tham, and C Arup

Work continued in this general field during 2000. This project aims to broaden the subject matter of labour law by looking at the regulation of labour markets outside of the traditional labour law system. A paper drawing together many aspects of the general labour market regulation project was presented at a conference in Modena, Italy and subsequently published under the title 'Employment Protection and Employment Promotion: The Contested Terrain of Australian Labour Law' in M Biagi (ed) *Job Creation and Labour Law: From Employment Protection to Pro-action*. On the issue of immigration law and labour market policy two working papers were published in the Centre's Working Paper Series, and an article has been accepted for publication on this theme in the *Australian Journal of Labour Law* (due 2001). Work on the relationship between social security policy and labour law continued under the leadership of Chris Arup, Anthony O'Donnell and Joo Cheong Tham, including the publication of a major review of the McClure Report on Welfare Reform. John Howe's work on job creation mechanisms attracted media attention (appearances on the ABC's 7:30 Report and written media coverage) with the publication of *Corporate Welfare: Public Accountability for Industry Assistance* written jointly with C Baragwanath (see publications section for details).

Further research funding was secured for the continuation of work on vocational education and training, and for the commencement of a major study on the regulation of employment recruitment and placement agencies.

A considerable amount of work has now been undertaken by the Centre on various aspects of regulation in labour market policy. We hope to move to a synthesis of this information in the near future.

EMPLOYEE PARTICIPATION IN WORKPLACE GOVERNANCE

M Brown, C Cregan, A Forsyth, S Marshall, R Mitchell, G Patmore, and L Waters

Substantial progress was made on this project in 2000. Members of the research group met regularly throughout the year, which led to a successful application for a Melbourne Research Development Grants Scheme grant (\$7,000). This was subsequently added to by a further grant from the Faculty of Economics and Commerce. These grants will enable a survey to be conducted on employee attitudes to worker participation. A suitable site for this case study is presently being sought, and it is expected that the study will be completed during 2001.

INDIVIDUALISATION AND OTHER FORMS OF LABOUR CONTRACTING

R Mitchell and S Deery

This project is designed to examine the growth of individual employment relations between employer and employee. The project began with an international conference held at the University of Melbourne in 1998, and the subsequent publication of a book jointly edited by Stephen Deery and Richard Mitchell under the title *Employment Relations: Individualisation and Union Exclusion* in 1999. The next meeting of the international collaborators in this project took place in Tokyo in June 2000 at the 12th World Congress of the International Industrial Relations Association. A further meeting is scheduled to be held in Cambridge during 2002, to report on further research work. Stephen Deery and Richard Mitchell are currently working on an analysis of 400 Australian Workplace Agreements approved by the Employment Advocate under the terms of the Workplace Relations Act 1996 (Cth). This analysis will form the basis of their contribution (with Janet Walsh) to the next research meeting of the group.

COMPARATIVE LABOUR LAW

S Cooney, R Mitchell, and Zhu Ying

Work continued on a theoretical study examining the application of traditional comparative labour law techniques to East Asian Societies. The study was broadened through a collaboration with Dr Zhu Ying from Melbourne University's Commerce Faculty, and with other scholars at the University of Melbourne and in the East Asian region, enabling the testing of theory against empirical studies of labour market regulation in six East Asian countries. The project is scheduled to complete in late 2001.

LEGAL REGULATION OF INFORMATION IN LABOUR MARKETS

A Chapman and J C Tham

In late 1999 the Centre was invited by the editors of the *Comparative Labor Law & Policy Journal* (Champaign, USA) to contribute a manuscript examining the legal regulation of information in Australian labour markets. Work on this project is being undertaken by Anna Chapman and Joo-Cheong Tham. Two articles were prepared during 2000 and are expected to be published in successive issues of the Journal. The articles will form part of a symposium examining the rights and responsibilities of employers and employees in relation to the collection, use and provision of information such as medical records, job references, and credit references. The symposium is expected to be published in 2001 and 2002.

The first article analyses the main prohibitions that pertain to the disclosure of employee-related information to employers. It examines privacy legislation, discrimination statutes, legislation regulating the use of surveillance devices, the contract of employment and torts and equity, as they relate to disclosure of information in the employment relationship. This first article has been published by the Centre as a Working Paper (April 2001).

The second article examines the main types of information that employers are required, either directly or indirectly, to disclose to employees and prospective employees. This includes, for example, information in the form of warnings about potential health and safety risks, information about an employer's discrimination policy, and information relevant to enterprise bargaining and industrial action. It is expected that this second article will be published by the Centre as a Working Paper in the second half of 2001.

LABOUR LAW AND SOCIAL SECURITY

C Arup, A O'Donnell, and J C Tham

Work continued in this area in 2000. A O'Donnell and J C Tham attended various symposia and conferences on welfare reform and mutual obligation, and an evaluation, from a labour market perspective, of the Final Report of the government's Reference Group on Welfare Reform was published in the *Australian Journal of Labour Law*. A longer article in this area is due to be completed in 2001.

RETHINKING INTERNATIONAL LABOUR STANDARDS: PROSPECTS FOR AUSTRALIA AND THE ASIA-PACIFIC

S Cooney, R Mitchell, and J Murray

The project examines private forms of labour regulation, including voluntary codes of conduct. The empirical aspect of this project involves an assessment of voluntary codes of conduct relating to labour standards. We are conducting a number of case studies, including codes of conduct adopted by the Sydney Organising Committee for the Olympic Games in 2000, the Western Mining Corporation and the textile industry code of conduct operating in Victoria. We are interested in determining how the codes came to be drawn up, the sources of their contents, their intended application, and associated monitoring mechanisms. Some of the firms covered by these codes are in Australia and others in Taiwan, China and Fiji. Field trips to these countries will be carried out later in 2001.

The theoretical basis of the project is derived from the literature on labour regulation. It is clear that traditional forms of labour regulation (including domestic labour standards) are struggling to cope with the changes in labour market conditions caused by increasing international competition, outsourcing (including international outsourcing) and the demand by firms of “flexible” workplace practices. Alternatives to traditional labour regulation have thus become more significant. One much discussed alternative is the voluntary code of conduct, a form of regulation which is sometimes claimed to be more effective than traditional “command and control” labour law because it internalises enforcement. It can also be used to establish labour norms along supply chains. Little empirical research has been undertaken into the effectiveness of these codes, particularly in Australia. We aim to address this gap in the research. The research is funded by a large Grant from the Australian Research Council.

A NEW SOCIAL SETTLEMENT: RETHINKING SOCIAL POLICY ACROSS THE LIFE COURSE

A Chapman, S Cooney, A Forsyth, J Howe, R Mitchell, J Murray, and A O’Donnell

Commencing in 2000, this two-year project aims to develop a framework for rethinking the future of social policy in Australia, with an emphasis on labour market and household change. Funding was secured through an ARC SPIRT grant and the project involves research partnerships between the University of Melbourne, Deakin University, Monash University, the Brotherhood of St Laurence and the Committee for Economic Development of Australia. As a contribution to the project, the CELRL co-sponsored part of seminar series in 2000 on developments in labour market organisation, demography, housing and social policy. Members of the CELRL will also contribute to a series of policy papers in key areas expected to be completed in 2001.

HARASSMENT IN THE SOCIO-LEGAL CONTEXT

G Mason, A Chapman, and H Askew

Gail Mason and Anna Chapman received an ARC Large Grant 2000 for funding over three years to conduct a project examining the concept of harassment in Australia. Helen Askew has been engaged as a researcher on the project.

In Australia, sexual harassment has developed as a distinct conceptual entity. This recognition of sexual harassment as a legal wrong has largely taken place through discrimination law. Unlike sexual harassment, harassing conduct that is not sexual in nature has not developed as a unified legal concept in Australia. This project seeks to analyse these emerging principles of non-sexual harassment in Australian law and practice.

The aims of the project are:

- To analyse the ways in which a concept of harassment, other than sexual harassment, is emerging in Australian discrimination jurisdictions.
- To compare these interpretations of harassment in discrimination law with constructions of vilification, stalking, workplace bullying, workplace violence and victimisation in other areas of Australian law and practice. Forms of legal regulation to be examined include criminal law, occupational health and safety law, contract of employment, unfair dismissal law and freedom of association provisions.
- To identify and theorise the social injury of non-sexual harassment.
- To trace and critique the concept of harassment in an international socio-legal context.

This project builds on earlier research conducted by Anna Chapman and Gail Mason into the NSW discrimination jurisdiction (ARC Small Grant 1997).

CORE LABOUR STANDARDS AND THE MINIMUM CORE CONTENT OF TRADE UNION RIGHTS IN AN INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

C Fenwick

This project explored the concepts of core labour standards and the minimum core content of trade union rights from an international human rights point of view. It focused on three main themes:

- The meaning and content of Article 8 of the International Covenant on Economic, Social and Cultural Rights (the Covenant), identifying the minimum core content of the obligations of States party in respect of trade union rights
- The development of an understanding of the extent to which it is possible to identify core labour standards in international human rights law
- An analysis of South African constitutional and legislative protection for core labour standards as recognised in international law, with particular attention to freedom of association and the right to organise

One book chapter resulting from this research project is due for publication in 2001.

PRIVATE PROFITS FROM PRISON LABOUR

C Fenwick

This project examines prison labour in Australia and internationally from the point of view of ILO Convention 29 concerning Forced Labour. The Convention excludes work by prisoners from its general prohibition on forced or compulsory labour. It is a condition of the exclusion, however, that the private sector must not benefit from forced prison labour. This may arise either where a prison is privately run, or where prisoners work on contract for private companies (irrespective of who runs the prison).

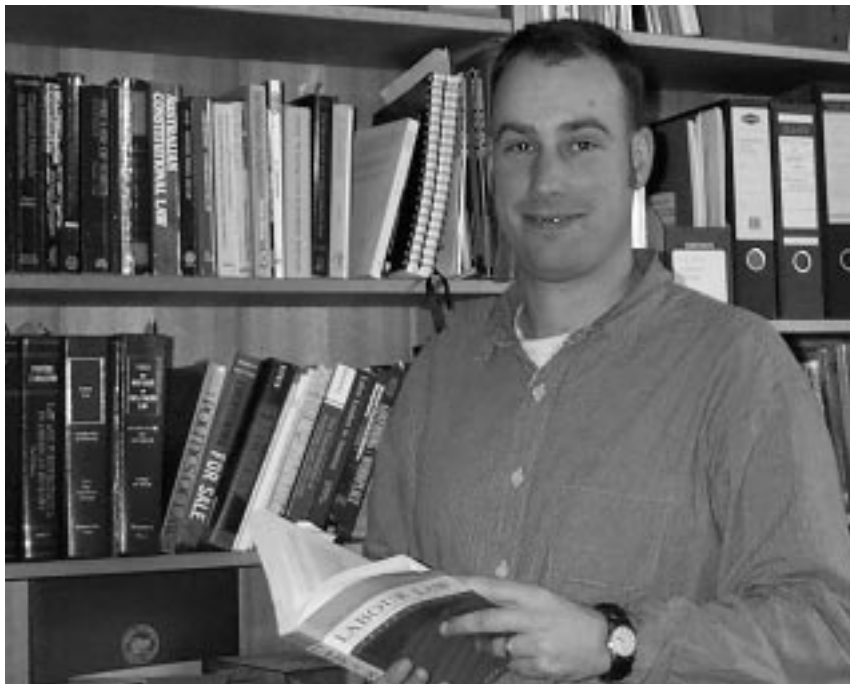
The project will analyse and synthesise the findings of the ILO's supervisory bodies on the interpretation and application of the Convention to work by prisoners, paying particular attention to recent developments in the ILO. It will map prison labour in all Australian jurisdictions within the framework of the Convention, and identify areas of non-compliance with Convention 29. These will be assessed in the context of Australia's ongoing dialogue with the ILO's supervisory bodies on the issue.

The project will then apply a similar framework of investigation and analysis to developments at the international level. The interpretation of Convention 29, a fundamental human rights instrument, is increasingly questioned by both governments and employers, in light of the world wide trend to contract out the operation of prisons. This trend owes its origins in part to the perceived pressures on governments of economic globalisation. At the same time the multi-national companies that run prisons around the world are themselves typical examples of the commonly perceived beneficiaries of economic globalisation. The project will therefore seek to place the present focus on the application of Convention 29 in the broader framework of the relationships between globalisation and universal international standards, particularly those protecting fundamental human rights.

Two articles should come out of this project toward the end of 2001. One will focus on the interpretation and application of Convention 29. The other will focus on the Australian situation. In addition, a direct result of this project is a commission to carry out a multi-country study of prison labour for private benefit on behalf of the International Confederation of Free Trade Unions. That study will be completed by the middle of 2001.

MELBOURNE UNIVERSITY LAW SCHOOL COLLABORATIVE PROJECT ON GLOBALISATION

During 2000, several members of the Centre became involved (along with other members of the Law Faculty) in a research project examining a range of legal perspectives on, and responses to, globalisation. In late November, a one-day workshop was held to explore the possibilities for collaborative research activity in this area. Those who took part from the Centre were: Sean Cooney, Colin Fenwick, Anthony Forsyth, John Howe and Jill Murray. Options for future activities, including a conference and/or publication of a book, were considered and will continue to be discussed throughout 2001.



John Howe, Centre Member.

CONFERENCE PAPERS AND SEMINARS DELIVERED BY MEMBERS OF THE CENTRE

APRIL 2000

| | | |
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| R. Mitchell | Conference Paper Conference of International Labour Law Periodicals University of Modena, Italy | Employment Protection and Employment Promotion: The Contested Terrain of Australian Labour Law |
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| J Howe | Conference Paper Conference of International Labour Law Periodicals University of Modena, Italy | 'Job Start' and the Regulation of Wage Subsidies in Australia |
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JUNE 2000

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| S Cooney | Conference Paper Labour Law Meeting 12th World Congress of the International Industrial Relations Association Tokyo, Japan | Private Sector Initiatives On Labour Standards: Outline of a Research Project |
|-----------------|--|--|

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|--------------------------------|--|---|
| S Cooney R Mitchell | Conference Paper 12th World Congress of the International Industrial Relations Association Tokyo, Japan | Labour Relations and the Law in Three East Asian NICs: Some Problems and Issues for Comparative Labour Law Inquiry |
|--------------------------------|--|---|



Centre Members: at rear, from left, Sean Cooney, Anthony O'Donnell, John Howe, Mary Greco, Glenn Patmore, Richard Mitchell. In front, Anna Chapman, Anthony Forsyth, Joo-Cheong Tham.

JULY 2000

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|------------------|---|-----------------------------------|
| A Chapman | Convenor Annual Conference of the Australasian Law Teachers Association (ALTA) University of Canberra | Labour Law Interest Group Session |
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| A Forsyth | Conference Paper Australasian Law Teachers Association (ALTA) Conference Labour Law Interest Group Session University of Canberra | The Retreat from Government Support for Employee Consultation and Participation in the Workplace |
|------------------|--|--|

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|-----------------|--|---------------------------|
| J Murray | Conference Paper Australasian Law Teachers Association (ALTA) Conference Labour Law Interest Group Session University of Canberra | Regulation and Labour Law |
|-----------------|--|---------------------------|

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|------------------|--|--|
| G Patmore | Unchain My Mind Forum Organised by Pluto Press Australia and the Australian Fabian Society Trades Hall, Melbourne | Industrial Democracy for Australia: Towards a New Form of Employee Participation in the Workplace |
|------------------|--|--|

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|-----------------|--|---|
| J C Tham | Conference Paper Australasian Law Teachers Association (ALTA) Conference Labour Law Interest Group Session University of Canberra | The Unemployment Income Support Penalty Regime: Dragooning the Unemployed |
|-----------------|--|---|

AUGUST 2000

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|------------------|---|---|
| C Fenwick | Conference Paper Conference on Minimum Core Content of Economic, Social And Cultural Rights University of Pretoria, South Africa | The Minimum Core Content of Trade Union Rights in the South African Context |
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NOVEMBER 2000

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|-----------------|--|---|
| S Cooney | Conference Paper Inaugural meeting of the International Association of Labor Laws and Policies South Korea | Labour Relations and the Law in Three East Asian Nics: Some Problems and Issues for Comparative Labour Law Inquiry |
|-----------------|--|---|

OTHER ACTIVITIES OF THE CENTRE IN 2000

ACIRRT, UNIVERSITY OF SYDNEY

On 8 September 2000, representatives of the Centre met with John Buchanan, Associate Director of the Australian Centre for Industrial Relations Research and Training (ACIRRT) at the University of Sydney. The meeting was held to discuss the respective Centres' areas of research and other activities, and to explore possible areas of collaboration in the future.

INTERNAL SEMINAR SERIES

A number of internal seminars were held in the Centre in 2000, usually involving presentations by members of the Centre about research 'work in progress'. Two additional seminars were also held by visitors to the Centre:

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|----------------|---|
| March 2000 | Anthony Forsyth 'Employee Participation' |
| March 2000 | John Howe 'Job Start' and the Regulation of Wage Subsidies in Australia' |
| August 2000 | Colin Fenwick 'The Minimum Core Content of Trade Union Rights in the South African Context' |
| September 2000 | Professor Chris Nyland (visitor) (Monash University) 'The Social Clause and Trade Agreements: Union Strategies for the Pursuit of Labour Rights' |
| November 2000 | Anthony O'Donnell and Joo Cheong Tham 'The McClure Report on Welfare Reform' |
| November 2000 | Richard Mitchell and Jill Murray 'A New Social Settlement: Rethinking Social Policy across the Life Course' |
| December 2000 | Richard Mitchell 'Human Resource Management and the Individualisation of Australian Industrial Relations' |
| December 2000 | Dr Katarzyna Gromek-Brok (visitor) (University of Hull, United Kingdom) 'Recent Developments in Social Policy and their Impact on British Labour Law' |



One of the Centre's seminars: from left, Linda Rubinstein (ACTU) and Jill Murray.

SUMMARY OF ACCOUNTS

CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW:

GENERAL ACCOUNT

| | |
|--|---------------|
| Income 2000 | \$ |
| Brought forward from 1999 | 28,599 |
| Sponsor Donations | 29,000 |
| Editorial Fees, contract payments (etc.) | 9,000 |
| Sale of Publications | 324 |
| TOTAL | <u>66,923</u> |
| Expenditure 2000 | \$ |
| Salaries (research and other staff) | 16,590 |
| Travel | 15,571 |
| Printing/Advertising | 2,845 |
| Conferences/Seminars | 1,288 |
| Purchase of Monographs and Journals | 1,264 |
| General Office Expenses | 8,105 |
| TOTAL | <u>45,663</u> |
| UNCOMMITTED BALANCE | <u>21,260</u> |

SPECIAL ACCOUNT

MONOGRAPHS ON AUSTRALIAN LABOUR LAW

| | |
|----------------------------|---------------|
| Income 2000 | \$ |
| Brought forward from 1999 | <u>16,775</u> |
| Expenditure 2000 | |
| Consultants Services | <u>4,500</u> |
| UNCOMMITTED BALANCE | <u>12,275</u> |

SPECIAL ACCOUNT

SUMMER SCHOOL IN ASIAN LABOUR LAW

| | |
|----------------------------|---------------|
| Income 2000 | \$ |
| Brought forward from 1999 | <u>19,396</u> |
| Expenditure 2000 | |
| Travel | <u>12,840</u> |
| Uncommitted Balance | <u>6,556</u> |

GRANTS RECEIVED

MELBOURNE RESEARCH DEVELOPMENT GRANTS SCHEME

Employee Willingness to Participate in Organisational Decision Making Systems:
Causes and Consequences
M Brown, C Cregan and G Patmore \$7,000

AUSTRALIAN RESEARCH COUNCIL (LARGE GRANT)

The Legal Regulation of Channels of Worker Recruitment,
Placement and Supply
R Mitchell \$69,000 (over 2 years)

Harassment in the Socio-Legal Context
A Chapman and G Mason (University of Sydney) \$106,000 (over 3 years)

Rethinking International Labour Standards: Prospects for
Australia and the Asia Pacific
S Cooney and R Mitchell \$82,000 (continuing)

PUBLICATIONS

BOOKS

B Creighton and A Stewart, *Labour Law: An Introduction*, Federation Press, Sydney, 2000, xliv + 500pp (entirely rewritten version of 1994 edition).

D Glover and G Patmore (eds), *For the People: Reclaiming Our Government*, Labor Essays 2001, Pluto Press, 2000, 248pp.

MONOGRAPHS

B Howe, L Hancock, A O'Donnell (eds), *Reshaping Australian Social Policy: Changes In Work, Welfare and Families*, Committee for Economic Development of Australia, Melbourne, 2000, 68 pp.

CHAPTERS IN BOOKS AND MONOGRAPHS

C Arup, J Howe, R Mitchell, A O'Donnell and J C Tham, 'Employment Protection and Employment Promotion – The Contested Terrain of Australian Labour Law', in M Biagi (ed) *Job Creation and Labour Law: From Protection Towards Pro-Action*, Kluwer Law International, The Hague, 2000, pp 99–120.

J Howe, "'Jobstart" and the Regulation of Wage Subsidies in Australia', in M Biagi (ed) *Job Creation and Labour Law: From Protection Towards Pro-Action*, Kluwer Law International, The Hague, 2000, pp 121–135.

B Howe and A O'Donnell, 'Working Life, Families and the Welfare State' in M Quinn and W Weeks (eds), *Issues Facing Australian Families*, 3rd ed, Longman, Sydney, 2000, pp 225–239.

A O'Donnell and L Hancock, 'Introduction: The Challenge of Reshaping the Social Settlement' in B Howe, L Hancock, A O'Donnell (eds), *Reshaping Australian Social Policy: Changes in Work, Welfare and Families*, Committee for Economic Development of Australia, Melbourne, 2000, pp 7–18.

D Glover and G Patmore, 'Reclaiming our Government: An Introduction' in D Glover and G Patmore (eds), *For the People: Reclaiming Our Government*, Labor Essays 2001, Pluto Press, 2000, pp 1–20.

ARTICLES IN REFEREED JOURNALS

A Chapman, 'Discrimination Complaint-Handling in NSW: The Paradox of Informal Dispute Resolution' (2000) 22 *Sydney Law Review* pp 321–350.

B Creighton, 'One Hundred Years of the Conciliation and Arbitration Power: A Province Lost?' (2000) 24 *Melbourne University Law Review* pp 839–865.

A Forsyth, 'Trade Union Regulation and the Accountability of Union Office-Holders: Examining the Corporate Model' (2000) 13 *Australian Journal of Labour Law* pp 28–49.

A O'Donnell, 'The Public Employment Service In Australia: Regulating Work or Regulating Welfare?' (2000) 13 *Australian Journal of Labour Law* pp 143–166.

A O'Donnell, 'Welfare After Work?' (1999/2000) 14 *Arena Journal* pp 140–156.

CONTRIBUTIONS TO LOOSELEAF SERVICES

A Chapman, 'Anti-Discrimination' (July 2000) *Lawyers Practice Manual Victoria*, S Campbell, G Powles, A Evans, S Smith, R Hyams, J Dickson, P O'Connor (eds), LBC Information Services, Sydney, 1997, pp 1501/1–1501/31.

PUBLISHED CONFERENCE PROCEEDINGS (REFEREED)

S. Cooney and R. Mitchell, 'Labour Relations and the Law in Three East Asian NICs: Some Problems and Issues for Comparative Labour Law Inquiry', Invited Paper, Proceedings of the 12th World Congress of the International Industrial Relations Association published under the title *The Impact of Globalisation on National and Regional Systems of Industrial Relations and Employment Relations*, Tokyo, 2000, Proceedings, Volume 2, pp. 153–167.

WORKING PAPERS

C Arup, J Howe, R Mitchell, A O'Donnell and J C Tham, 'Employment Protection and Employment Promotion: The Contested Terrain of Australian Labour Law', Centre for Employment and Labour Relations Law, Working Paper No. 19, April 2000.

C Baragwanath and J Howe, 'Corporate Welfare: Public Accountability for Industry Assistance', The Australia Institute, Discussion Paper No. 34, October 2000.

M Brown and S Ainsworth, 'A Review and Integration of Research on Employee Participation In Australia 1983–1999, Centre for Employment and Labour Relations Law, Working Paper No. 18, March 2000.

S Marshall, 'The Stake Holding Theory of Corporate Governance: Can it Deliver upon its Promises?', Centre for Employment and Labour Relations Law, Working Paper No. 17, March 2000.

A O'Donnell and R Mitchell, 'Immigrant Labour in Australia: The Regulatory Framework', Centre for Employment and Labour Relations Law, Working Paper No. 20, August 2000.

A O'Donnell and R Mitchell, 'Immigration Law and Policy and its Contribution to Labour Market Regulation: A Historical Survey to 1979', Centre for Employment and Labour Relations Law, Working Paper No. 16, February 2000.

NOTES, REVIEWS, ETC.

A Chapman, 'The Anti-Discrimination Act 1998 (Tas)' (2000) 13 *Australian Journal of Labour Law* pp 183–189.

A Chapman, 'Industrial Legislation in 1999' (2000) 42 *Journal of Industrial Relations* pp 29–40.

B Creighton, 'Qantas Airways v Christie' 18 *International Labour Law Reports* pp 130–149.

B Creighton, 'Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia' 18 *International Labour Law Reports* pp 433–453.

A Forsyth, 'Victoria on the Move! (IR Developments In Victoria)' (January 2000) *CCH Australian Industrial Law Update* pp 1–2, 16.

A Forsyth, 'Where to for Enterprise Bargaining In Victoria?' (March 2000) *CCH Australian Industrial Law Update* pp 9–10.

A Forsyth, 'Unfair Contracts Jurisdiction for Victorian Owner Drivers?' (May 2000) *CCH Australian Industrial Law Update* pp 5–6.

A Forsyth, 'Employee Participation in the Workplace' (July 2000) *CCH Australian Industrial Law Update* pp 1–2, 12.

A Forsyth, "'Fair Employment" Laws for Victoria?' (September 2000) *CCH Australian Industrial Law Update* pp 1–2, 16.

A Forsyth, Review of 'Bargained Out: Negotiating Without Unions in Australia' by J Campling and P Gollan (2000) 13 *Australian Journal of Labour Law* pp 320–323 (book review).

J Howe, 'Picketing and the Statutory Definition of Industrial Action' (2000) 13 *Australian Journal of Labour Law* pp 84–91.

R Mitchell, Review of 'Labour Law' by K Wheelwright (2000) 13 *Australian Journal of Labour Law* pp 110–111 (book review).

J Murray, 'Labour Faces The Future: The Online Conference on Organised Labour in the 21st Century' (2000) 16 *International Journal of Comparative Labour Law and Industrial Relations* pp 103–107.

J Murray, 'Australia in The Dock: The ILO's Decision in The Waterfront Dispute' (2000) 13 *Australian Journal of Labour Law* pp 167–170.

J Murray, 'Opting Out: A New Proposal for Self-Regulation' (2000) 13 *Australian Journal of Labour Law* pp 315–319.

A O'Donnell and J C Tham, 'Participation for All? The McClure Report on Welfare Reform' (2000) 13 *Australian Journal of Labour Law* pp 297–307.

A O'Donnell, Review of Globalization and Labour Relations edited by P Leisink (2000) 27 *CESAA Review* pp 35–37 (book review).

G Patmore and M Harding, Review of Human Rights under the Australian Constitution by George Williams (2000) 23 *Melbourne University Law Review* pp 817–828 (book review).

A Shorten, 'The End of an Era' (2000) 3 (6) *School Principal* pp 6–8.

A Shorten, 'New Territory for the Courts?' (2000) 3 (11) *School Principal* pp 1, 7–8.