

WORKPLACE REVIEW

Volume 3, Number 1

Autumn 2012

EDITORIAL	3
FOCUS ON: WESTERN AUSTRALIA	
Lazarus jurisdiction: The WAIRC and denied contractual benefits – <i>Duncan Fletcher</i>	4
ARTICLES	
Workplace disputes: Interests, rights and power – <i>Anne L Lytle</i> Resolving workplace disputes in a timely, cost-effective way that mutually benefits all parties and sees them getting back to work quickly is the ideal. Here, Anne Lytle considers three approaches to negotiating disputes – interests, rights and power – and provides recommendations, based on research, to averting drawn out and difficult disputes.	6
Consolidation of federal anti-discrimination laws – <i>Ben Fogarty</i> This article discusses the Australian government’s current project to consolidate federal anti-discrimination laws. By reference to the experience of the United Kingdom following its 2010 consolidating legislation, Ben Fogarty speculates that the effect consolidation will have on business and employers, civil society, government and private individuals in Australia may well be minimal.	9
Fair Work Act review – <i>Neil Napper</i> A report summarising progress to date on the review of the <i>Fair Work Act 2009</i> (Cth) follows. It includes a discussion of the review’s terms of reference and the divergent submissions that have been received.	13
Statute of limitation for Workplace Relations Act prosecutions – <i>Jim Pearce</i> Recent consideration by the Federal Magistrates Court of limitation periods under the former <i>Workplace Relations Act 1996</i> (Cth) leads Jim Pearce to review briefly the situation with limitation periods of other Commonwealth industrial legislation.	16
Rethinking the balance between employer and employee interests within the transfer of business provisions of the Fair Work Act – <i>Wilson Lu</i> Here, Wilson Lu uses a three-part conceptual model to assess whether the transfer of business provisions of the <i>Fair Work Act 2009</i> (Cth) actually strike a balance between the potentially divergent interests of employees and employers. He refers to relevant case law to consider the default and non-default positions of the provisions.	18
Superannuation reforms: Are you ready? – <i>Natalie Gullifer and Neil Napper</i> This article provides a timely overview of the proposed superannuation changes that will take effect in 2013. Employers will need to be aware of these proposed changes and get ready for the impact on their businesses.	21

INTERVIEW	
Back on the Bench: IR's favourite son returns home to head up new-look FWA – <i>by Steven Andrew</i>	23
JEFF PHILLIPS ON THE CASE	
Time to re-think penalty rates – <i>Jeffrey Phillips SC</i>	26
WORK HEALTH AND SAFETY	
The end of work health and safety harmonisation? – <i>Michael Tooma, Alena Titterton and Melissa Carnell</i>	28
BOOK REVIEWS	
Clarence Darrow: Attorney for the Damned – <i>Reviewed by Julia Alder</i>	33
Michael Kirby, A Private Life: Fragments, Memories, Friends – <i>Reviewed by Jeffrey Phillips SC</i>	35
VALE	
Mark Ryan – <i>by James Nolan</i>	37
THE LAST WORD ...	
A wrap up of events, movements and developments in the world of industrial relations – <i>Jeffrey Phillips SC</i>	38
DIARY	42
INDEX	43