

WORKPLACE REVIEW

Volume 3, Number 3

Spring 2012

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Kirk and judicial review of Industrial Court of Queensland decisions – *Sandy Horneman-Wren SC* 93

ARTICLES

High Court clarifies the test for adverse action – *Emma Purdue and Julian Riekert*

In a welcome development for employers, the High Court of Australia has recently overturned the majority decision of the Full Federal Court in *Barclay v Board of Bendigo Regional Institute of TAFE*. The High Court's decision has clarified the operation of the adverse action provisions of the *Fair Work Act 2009* (Cth) and confirmed that union representatives do not enjoy complete immunity from those policies and standards which apply to them in their dual capacity as employees. 96

Midnight madness in workers compensation – *David Shoebridge*

If anyone was labouring under the misapprehension that modern Parliaments are effective, efficient or capable, then the goings-on in the New South Wales Parliament a little after midnight on 22 June 2012 should set them right. 99

The recovery of funds that have been misappropriated from a registered organisation of employers or employers – *Robert McClelland*

An effective and expeditious remedy is needed where misappropriation or misapplication of funds by officials of registered organisations is found to have occurred. The current law is lacking in this regard, but with minor refinement, it could be significantly improved to empower the Federal Court to more effectively oversee the proper administration of registered organisations. 102

Improving gender equity = increased productivity – *Rachael Sutton*

Bridging the gender equity gap and encouraging more women into the workforce is one important factor, often overlooked, that could boost Australia's declining productivity. 110

Should dependent contractors be entitled to leave entitlements under the Fair Work Act 2009 (Cth)? – *Kim Owers*

There has been some relief for dependent contractors since the introduction of the *Paid Parental Leave Act 2010* (Cth) because for the first time they are entitled to leave entitlements in a similar manner to employees. Does it follow that dependent contractors should be entitled to leave entitlements under the *Fair Work Act 2009* (Cth)? This article argues they should not because the *Independent Contractors Act 2006* (Cth) should be the mechanism by which dependent contractors are protected. However, the system must be more accessible to dependent contractors and provide adequate enforcement. 113

No-one left laughing after practical joke goes “horribly wrong” – Meryl Remedios	
Four workers have faced the Industrial Court of New South Wales for their involvement in a practical joke that went “horribly wrong”. The workers were each prosecuted – including one worker who denounced the joke on the basis that it was not a good idea and who refused to join in.	118
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