

# WORKPLACE REVIEW

Volume 3, Number 4

Summer 2012

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The shift from a centralised system of conciliation and arbitration to a market-focused system that relies on collective bargaining has radically altered Australia’s industrial relations landscape. This article discusses these changes, in particular the current role of the Federal Magistrates Court of Australia, and proposes some opportunities where the court, with Fair Work Australia, could provide for quick and effective arbitration. ....	143
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This article illustrates, through a number of case examples, that mere difficulty in estimating the loss flowing from the breach of a fixed-term employment contract will not deter the courts in their duty to ensure a successful employee is properly compensated. The courts will assess those damages based on the “degree of probabilities or possibilities” of what would have happened if the contract had not been breached (in this case, in relation to the opportunity of the employment contract being renewed). As will be discussed, this process is inherently uncertain and can involve speculation, or even guesswork. ....	163
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