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COVID-19: Advancing the Industrial Relations Reform Objectives of Australian Employers? – *Anthony Forsyth*

This article seeks to assess the extent to which the industrial relations reform objectives of Australian employers and business groups have been advanced by the COVID-19 pandemic. It examines the rapid changes to employment regulation in the early stages of the crisis, including urgent award variations giving employers in key economic sectors flexibility to alter employment conditions, the granting of similar powers to businesses through JobKeeper-related amendments to the *Fair Work Act 2009* (Cth), and variations of enterprise agreements. The article then focuses on the industrial relations reform process instigated by the Coalition Government in May 2020, and the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020* (Cth) which emerged later that year. Analysis of the provisions of this legislative proposal, only partially enacted in March 2021 due to opposition in the Senate, is linked to consideration of the reform objectives of the business community in recent years in three areas: flexible forms of work, award regulation and enterprise bargaining. The article concludes that while only some aspects of the employer agenda have been realised to date, business interests have dominated the national discourse on workplace regulation in response to the pandemic at the expense of the legitimate concerns of workers and unions. However, this tendency is likely to be reversed as the newly-elected Albanese Labor Government implements its policy commitments on workplace reform. 151

Addressing Misuses of Market Power By Large-Scale Data Driven Digital Platforms: A Neo-Brandeis Approach to Competition Issues in Australia – *Aidee Varan*

The law has long been concerned with the ability of corporations with substantial market power to suppress competition in markets that they occupy or in related markets. This concern is amplified in a digital context. Key digital platforms, such as Facebook and Google, have increasing incentives and abilities to entrench their market power in ways that undermine competition. Such anti-competitive practices have already attracted heightened scrutiny in other jurisdictions, and Australia's 2019 Digital Platforms Inquiry Final Report anticipates similar conduct occurring in Australia. Currently, Australia's competition framework is ill-equipped to effectively prevent or address misuses of market power by digital platforms. Despite a general prohibition on misuses of market power, further reform is necessary. Such reform should be underpinned by the Neo-Brandeis movement – an economic theory that allows for monopolies to operate in certain situations, provided there are effective checks and balances on those monopolies to ensure that they are not abusing their unique position in the market. This movement shifts the focus away from previous economic schools, namely the Chicago School, which has impacted the adjudication and regulation of competition laws, contributing to the competition issues posed by key digital platforms today. 173

Cryptocurrency and Interim Court Relief: Chen v Blockchain Global Ltd, CLM v CLN and Fetch.ai Ltd v Binance – *Albert Monichino*

Cryptocurrencies are, to their adherents, a libertarian utopia. Cryptocurrency tokens can be created and transferred through decentralised and transnational networks of individual computers. In theory, trading in cryptocurrency is a pursuit free from the intermediary control of banks or sovereign governments. In this largely unregulated sphere, things can and often do go wrong. This article examines the interim relief that common law courts have recently given when things have gone wrong in the cryptocurrency space. In particular, this article will consider three recently decided cases in Australia, Singapore and England, respectively, before drawing some conclusions regarding the lessons which can be learned from the analysis. 205

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