

THE ANU COLLEGE OF LAW PRESENTS:



INAUGURAL PHILLIPA WEEKS' LECTURE IN LABOUR LAW

WORK CHOICES TO FAIR WORK AUSTRALIA: Ruminations of the Partly Vindicated

The Hon Michael Kirby AC CMG

Distinguished Visiting Fellow, ANU College of Law
Former Justice of the High Court of Australia



Monday 7 September, 5pm*

Law Theatre

ANU College of Law, Bldg 5, Fellows Road

The Australian National University

Please RSVP (by cob 3 Sept) to E: rsvp@law.anu.edu.au

Enquiries to T: (02) 6125 1096. This lecture is free and open to the public.

In this memorial lecture, to pay tribute to the late Phillipa Weeks, a greatly respected member of the community of the ANU College of Law, The Hon Michael Kirby will reflect upon the demise of Work Choices and the commencement of Fair Work Australia.

As one of the nine Justices, in the history of the High Court of Australia, who served as a presidential member of the national conciliation and arbitration tribunal, Michael Kirby is an unrepentant, formerly paid-up member of the much maligned 'Industrial Relations Club'. He will reflect upon what has happened since his speech at the centenary of the industrial relations tribunal in October 2004. In that speech, he criticised 'industrial ayatollahs' and suggested that the Tribunal was effectively entrenched by s.51(xxxv) of the Australian Constitution. The later decision of the High Court in the Work Choices case (2006), with its vindication of the use of the corporations power (over the dissents of Justices Kirby and Callinan) requires revision of the lecturer's former view. Yet, he suggests that he is partly vindicated by the response of the electorate in 2007 where many opinion polls showed that the unpopularity of Work Choices (and of the political advertising sustained in the Combet case to support that law) were major reasons for the defeat of the Howard government. Australians recognised the benefits of an industrial system that promised a 'fair go all round'. The new title of the transmogrified national industrial tribunal is, he suggests, a significant attempt to clothe it in the garments of the deep seated sense of Australian fairness.

* **BOOK SIGNING**—from 4.30pm there is also a special opportunity to meet Justice Kirby and for him to sign a copy of the book by Ian Freckelton and Hugh Selby, *Appealing to the Future: Michael Kirby and his legacy*, Thomson Reuters (Lawbook Co), 2009.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.

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