Phillipa Weeks Lecture in Labour Law

Uneasy or accommodating bedfellows? Common law and statute in employment regulation

Wednesday 25 September 2013  5.30 – 6.30 pm

Joellen Riley  Dean and Professor of Law at Sydney Law School

Sparke Helmore Theatre 2, ANU College of Law, Fellows Road,
The Australian National University

In 2005, Professor Phillipa Weeks published an insightful chapter entitled ‘Employment Law – A Test of Coherence Between Statute and Common Law’ in S Corcoran and S Bottomley (eds) Interpreting Statutes. That chapter examined the emergence, development and ultimate emasculation of an implied term of trust and confidence in employment, as a consequence of the interaction of judicial reasoning and legislative intervention. At the time, Professor Weeks bemoaned the ‘dismal state’ of Australian common law, and proposed a solution to the apparent incoherence and doctrinal imperfection in the law. This address will pick up the story where Professor Weeks left off, by considering the influence of several developments – judicial and statutory – since publication of this important piece, and will revisit possible solutions in the light of those developments.

Joellen Riley is Dean and Professor of Labour Law at Sydney Law School. She holds degrees in Arts and Law from the Universities of Sydney and Oxford, and has been teaching and researching in the field of employment and labour law since 1998. She studied law after a number of years as a financial journalist, and spent some time in commercial legal practice before moving into academia. Her publications include Employee Protection at Common Law (Federation Press, 2005), The Law of Work (OUP, 2007 and 2011) (with Rosemary Owens and Jill Murray), and a number of books on federal workplace legislation. Dr Riley is a Fellow of the Commercial Law Association, an active member of the Australian Labour Law Association, and served as a co-editor of the Australian Journal of Labour Law from 2008–12.

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

Presented by

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