

## Understanding Australian Labour Law Discourse as International

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### I Introduction

Is there any such thing as an Australian labour law discourse, and if so, what are its defining characteristics? Central to this question is a consideration of the outer boundaries of Australian-ness: the idea of an Australian discourse implicitly suggests an other-than-Australian realm from which our discourse can be distinguished. A claim that a particular Australian labour law discourse exists suggests, first, a boundary based on national identity: on this view, one of the boundaries of an Australian discourse is created by presence of other countries, each with their own distinct labour law system and scholarship. A second, apparently obvious, boundary may be drawn between discourse about Australian labour law and that concerning law derived from an international realm.

Starting with these two tropes – the idea of self-contained domestic jurisdictions and that of an overarching international legal order existing beyond all these domestic settings – this chapter considers the ways and extent to which Australian labour law discourse deals with ‘other than national’ conceptions and developments in labour law scholarship.

This chapter takes as its text the *Australian Journal of Labour Law* (the Journal), which is the pre-eminent specialist academic outlet for work by Australian labour law academics. Of course, an academic journal does not create an homogenous discourse in any straightforward way: rather, the content of the Journal over time is the result of many complex factors, including the Journal’s own editorial decisions on what it wants to publish and the supply of articles on particular topics of suitable quality and interest. In relation to the former, the ‘Note to Contributors’ states that the Journal is designed to ‘be of service to both the academic community and to practitioners’. The Journal’s primary focus is to be Australian labour law, and ‘articles and other contributions on overseas developments will be considered for publication where they are of wide general interest, or of relevance to the Australian situation’.

Certainly the flow of real world events in Australia has therefore played a large role in shaping the content of the Journal, given this over-arching editorial policy. Major shifts in law, proposals for law reform or important developments in case law all automatically called for attention in a journal focused on being

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