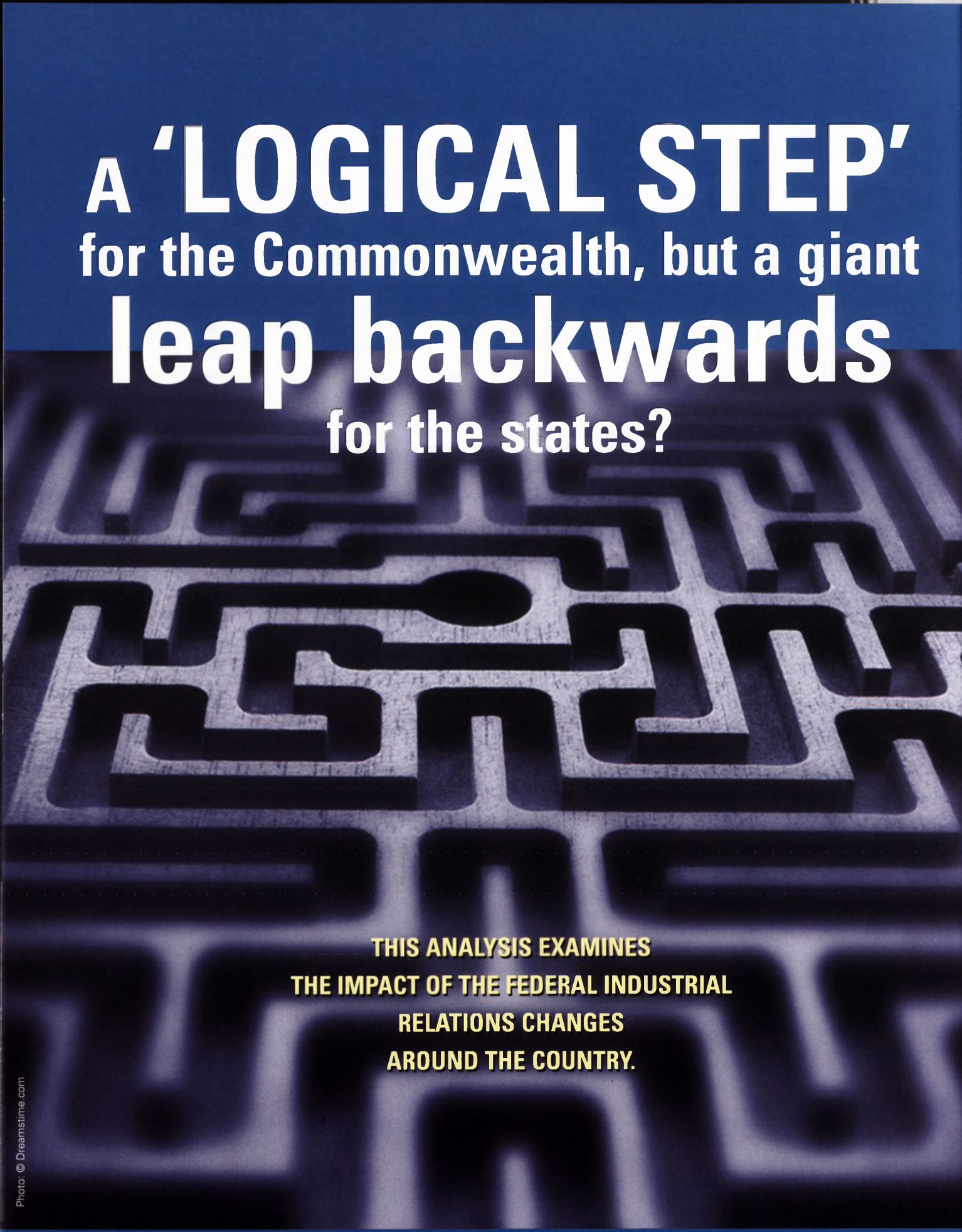
A 'LOGICAL STEP' for the Commonwealth, but a giant leap backwards for the states?



THIS ANALYSIS EXAMINES THE IMPACT OF THE FEDERAL INDUSTRIAL RELATIONS CHANGES AROUND THE COUNTRY.

Photo: © Dreamstime.com

NSW

By Bob Whyburn

The Industrial Court of NSW (NSWIC) celebrated its centenary in 2001 and is the oldest continuous industrial tribunal in the world. It can deal swiftly and effectively with industrial disputes and is prepared to do so without fear or favour and without political interference. Employers and trade unions alike hold the NSWIC in high esteem and seek access to it frequently, confident that a swift and just resolution of issues can be obtained.

Relying on the corporations power in the Australian Constitution (s51(xx)), *Work Choices* seeks to usurp the power given to the NSW government by the NSW Constitution to deal with industrial issues occurring within its boundaries that involve constitutional corporations. It is estimated that if the *Work Choices* legislation is held to be constitutionally valid by the High Court, approximately 85% of employees in NSW will come under its purview. This will effectively be the beginning of the end for the NSWIC, as it is difficult to see how the NSW government could justify supporting an industrial tribunal with such limited coverage.

The NSW government was one of the first to file its challenge in the High Court in relation to the *Work Choices* amendments to the *Workplace Relations Act*. It has been joined by other states and territories, by Unions NSW and five NSW-registered unions, together with the Queensland Council of Trade Unions and individual unions registered in Queensland.

In addition, the NSW government has recently passed legislation to protect approximately 186,000 public sector staff by defining them as employees of the Crown, thereby limiting the impact of the *Work Choices* legislation. A number of these employees, including nurses, ambulance officers, bus drivers, TAFE teachers and home care workers, were formerly employed by entities that could arguably be regarded as constitutional corporations and so would have been affected by the changes; by treating them instead as employees of the Crown they are protected.

The NSW government has also passed legislation that extends the powers of the NSWIC to rule on common law agreements between employers and workers in certain circumstances, and to convert 'consent awards' made by the NSWIC into agreements. The latter measure is designed to protect the wage deals within such awards from being effectively frozen by the *Work Choices* legislation.

Those employees protected by the recent NSW legislation and those who are employed otherwise than by a constitutional corporation will continue to have access to the NSWIC, including in relation to unfair dismissal. However, the *Work Choices* legislation removes the right of employees to seek redress for unfair dismissal if they are employed by a constitutional corporation that employs 100 employees or fewer. Many other rights enshrined in the NSW system are also extinguished by the *Work Choices* amendments.

The NSW state election is due to be held in March 2007. The current government is committed to maintaining a state industrial system and to taking whatever steps it can, either by way of legislation or by action in the High Court, to preserve the jurisdiction of the NSWIC, and to protect as many NSW employees as possible. While not opposing the recent legislation passed in NSW to protect public sector employees, the Liberal opposition has said that, if elected in 2007, it would hand over the NSW government's industrial relations power to the Commonwealth. Obviously, if that were to happen, the NSWIC would cease to exist and all but a small number of employees – those at the very top end of the public service – would come under the jurisdiction of the federal legislation. ■

>>

QUEENSLAND

By Michael Crouch

The Howard government's *Workplace Relations Amendment (Work Choices) Act* 2005 (Cth) has led to broad systemic change in industrial relations law as the 'next logical step'[1] in Australia's industrial relations reform. The Queensland state government unsurprisingly disagrees, arguing that the new federal laws do not recognise the relative strengths of the current state-based industrial relations system for employers and employees alike, and the benefits of a dual industrial relations system.[2] The legislation significantly affects the Queensland industrial relations apparatus. For example, the new laws governing whether an employee is to be covered by a state, federal, or transitional award will lead to a reduction of the coverage of the state industrial relations jurisdiction from the current 70% of employees, to 40% of employees.[3]

The new legislation (what's left?)

Under the new system, federal awards and agreements, together with the Australian Fair Pay and Conditions Standard (AFPCS) will override the statutory minimum conditions set out within the *Industrial Relations Act* 1999 (Qld), including state awards and agreements deemed to be federal awards. Further, the new legislation provides that federal awards and agreements may ditch state minimum conditions.

An employee covered by a Queensland state award, whose employer is a constitutional corporation, will be moved to the federal system and the terms and conditions of their state-based award will be placed in a transitional agreement under the new federal system. While state awards will still exist, they will apply to only a minority of Queensland employees. Also, the transmission-of-business provisions have been altered so that awards and agreements made by the previous employer apply only for a maximum of 12 months and only to existing employees.

The effect of this legislation is that in Queensland, while major sectors of the system remain intact (that is, awards for unincorporated businesses, etc), their potency is somewhat diminished.

The unfair dismissal laws have also been changed significantly. Employers with up to 100 employees are now exempt from unfair dismissal laws, prompting some companies to restructure their employment groups to take advantage of these laws. Further, all employees with less than six months' service, and those made redundant due to 'operational business requirements', are now excluded from unfair dismissal claims. Access to federal remedies remains (for example, unlawful termination suit), but are often cost-prohibitive. Employees will still have access to the various state and federal protections against discrimination and bullying, and occupational health and safety restrictions.

In another dramatic change, the Queensland Industrial Relations Commission will lose its rights to arbitrate certain decisions (per s400).

Government response

In anticipation of the *Work Choices* legislation, the Queensland government enacted the *Industrial Relations Amendment Act* 2005 (Qld) in August 2005 to 'protect the condition of Queensland workers'.[4] The amendments affect new industrial instruments made after 1 September 2005, including federal awards and agreements.[5] The amendments extend a range of minimum protections, including but not limited to casuals' loading rates, annual leave loading rates, shiftwork loading rates and redundancy pay standards to all employees (with some exceptions). These minimum employment conditions operate only where the award or agreement is silent with respect to the employment entitlement. The effect of the legislation is to extend and improve minimum conditions of Queensland employees who may stand to lose under the new legislation.

State's constitutional challenge

The Queensland government lodged a constitutional challenge to the *Work Choices* legislation on 31 January 2006. The state claims, among other things, that significant portions[6] of *Work Choices* cannot be supported by reliance upon the constitutional power of the parliament to make laws relating to corporations (s51(xx)), trade and commerce >>

with other countries (s51(i)), external affairs (s51(xxix)) and territories (s122). It also argues that specific parts and sections are invalid because they purport to apply to employers and then subsequently their employees via a definitional construct.

In particular, the state government raises a federalism argument, claiming that the new laws impermissibly curtail, or otherwise interfere with, the capacity of the states to function as governments: the legislation (and any regulations made under the Act) is a bare attempt to limit or exclude state legislative power, including future state laws, rather than comprehensively to regulate a particular field of activity to the exclusion of state law that also regulates that field of activity.

Other notable constitutional objections include the following:

- Schedule 1B of the Act provides for the internal structure, organisation, management and registration of certain forms of businesses as corporations, arguably exceeding the power of the Commonwealth pursuant to ss51(i), (v), (xiii), (xiv), (xx), (xxix) and 122 of the Constitution; and
- Section 440 of the Act provides that the Full Bench of the Industrial Relations Commission may make – if it appears that a state industrial authority is dealing, or is about to deal with, a matter that is the subject of a proceeding before the Commission – an order restraining that authority from dealing with the matter. Further, the authority must cease dealing with the matter, and any determination or decision by that authority is void to the extent of the contravention. The Queensland challenge argues that this power is not constitutionally supportable, involves the exercise of a judicial function (in the form of an injunction) and interferes impermissibly with the conduct of state courts and tribunals. ■

Notes: **1** Howard, John, 'Workplace Relations Reform: The Next Logical Step', The Sydney Papers Winter/Spring 2005 at 79. **2** 'New Federal Workplace Laws – what does it mean for Queensland?', Queensland Department of Industrial Relations, <http://www.dir.qld.gov.au/industrial/rights/system/index.htm>. **3** *Ibid.* **4** The Honourable Tom Barton, Queensland Minister for Employment, Training and Industrial Relations, Industrial Relations Amendment Bill 2005 (Qld), Second Reading Speech, 9 August 2005. <www.dir.qld.gov.au/industrial/law/legislation/ammendment> accessed 21 March 2006. **5** However, the provisions will not apply to a federal agreement if the application for certification was made on or before 1 September 2005. **6** Including Parts VA, relating to the AFPCS; VB, relating to workplace agreements; VC, relating to industrial action; VI, relating to awards; VIAAA, relating to state and territory provisions about redundancy payments by small businesses; VIA Division 1 and 1A, relating to minimum entitlements; Schedule 15, relating to preserved state agreements and subsections 170CB(1), (4), and 170CE(1)(a) and Item 4 of Schedule 4.

SOUTH AUSTRALIA

By Kaz Eaton

The principal industrial legislation in South Australia is the *Fair Work Act* 1994 (FWA). This Act operates concurrently with the Commonwealth *Workplace Relations Act* 1996 (WRA). However, recent amendments to the WRA have introduced significantly greater inconsistency between the two Acts, such as to reduce the number of employers and employees and range of matters covered by the FWA.

Although there appears to be no reliable data currently available, the most commonly quoted estimate is that 40% of South Australian employees will be unaffected by the WRA amendments, as they are employed by the state government or employers that are neither constitutional corporations nor covered by federal awards or agreements.

Industrial Relations Court of South Australia *(IRCSA)*

The FWA establishes the IRCSA. Under the recent WRA changes, this court retains its status as an *eligible court*, able to hear certain claims under the WRA, including those relating to breaches of federal industrial instruments (such as underpayment of wages) and claims of unlawful dismissal.

Previously, most claims for underpayment of wages were made under the FWA, which allowed such claims in respect of monies owed under an award, agreement or contract of employment. There was previously no inconsistency in a claim for underpayment of wages being brought under the FWA rather than under the WRA – there was a clear choice of jurisdiction where the claim arose from a breach of a federal industrial instrument. However, claims that now arise in the federal system can be brought only under the

WRA, not the FWA. Consequently, the IRCSA can still hear these claims, but the application must state that it is a claim under the WRA and that it will be determined according to the provisions of that Act and any relevant case law. Such claims can also be made to other courts, including the South Australian Magistrates Courts, the Federal Magistrates Court and the Federal Court.

The IRCSA appears to have lost jurisdiction to hear claims under common law employment contracts between constitutional corporations and employees. Formerly, these claims could be brought in the IRCSA under the FWA. Whether it was intended or not, the effect of the blanket exclusion of the FWA is to remove these claims from the jurisdiction of the IRCSA, while retaining the jurisdiction in relation to federal employment instruments and certain statutory provisions, such as notice of termination and unlawful termination.

The IRCSA has had little, if any, work in hearing unlawful termination claims. Where there has been a choice, claims have generally been brought as unfair dismissal applications under the FWA. However, with access to unfair dismissal applications being so severely reduced, the number of applications in respect of unlawful dismissals is likely to rise. Before these applications can be taken to court, they must first have failed to conciliate in the Australian Industrial Relations Commission (AIRC). At this point, plaintiff solicitors will have to advise their clients about which court to then choose to hear their application. It remains to be seen whether the specialist IRCSA becomes the court of choice, rather than the generalist Federal Magistrates Court and Federal Court.

South Australian Industrial Relations Commission (SAIRComm)

The SAIRComm retains its jurisdiction over the making of state awards and agreements for employers and employees who are not within the federal system. Its jurisdiction to hear unfair dismissal claims for those remaining in the state system is unchanged. It also retains its jurisdiction to resolve industrial disputes for state employers and employees. However, it will have no automatic jurisdiction to assist in the dispute resolution processes of constitutional corporations, even where this jurisdiction is explicit in the state agreements or awards that applied to those employers and employees.

What is less clear is whether it will retain the jurisdiction conferred by the *Occupational Health Safety and Welfare Act* 1986 (OHSWA) in relation to dismissals and disputes that would otherwise fall under the WRA. The WRA explicitly excludes state OH&S laws. However, the OHSWA confers jurisdiction on the SAIRComm to hear claims and provide a range of remedies where a person has been dismissed due to participating in certain OH&S activities. This may be inconsistent with the WRA exclusion of unfair and unlawful dismissals from the state commission jurisdiction. Also questionable is the conferral of conciliation powers on the SAIRComm in relation to complaints of workplace bullying under the OH&S Act, where the complaint relates to a constitutional corporation, as these conciliation powers are in effect a dispute resolution process. ■

TASMANIA

By Rob Phillips

The Tasmanian state elections were held on 18 March 2006. The Howard government's *Workplace Relations Amendment (Work Choices) Act* 2005 was a focal point during the election campaign. The recently re-elected state Labor government has joined in the constitutional challenge on the same grounds as the other state jurisdictions.

The Tasmanian government has responded to the federal government amendments to the workplace relations legislation by creating minimum conditions of employment for all persons not covered by an award or agreement. In addition, minimum redundancy entitlements have been created where awards or agreements are silent, under the *Industrial Relations Amendment (Fair Conditions) Act* 2005, which has been operative since 15 February 2006.

Importantly, a section has also been amended in the *Tasmanian Industrial Relations Act* to allow employees under a federal award to bring proceedings in the Tasmanian Industrial Commission who were or are otherwise excluded from bringing an action for the termination of their employment. This provision has yet to be tested. ■

>>

THE TERRITORIES (ACT and NT)

By Nicole Dunn and Robert Perry

All employees in the Australian Capital Territory and Northern Territory are covered by the federal system set out in the *Workplace Relations Act* 1996 (WRA) by virtue of the definition given to the term 'employer' under subsections 6(e) and (f) of the Act.

The recent amendments to the Act will significantly affect territory employees' rights in respect of unfair dismissal claims.

Section 643 of the WRA sets out the rights of an employee to seek relief in the Australian Industrial Relations Commission (the AIRC) for a dismissal that was harsh, unjust or unreasonable or on other prescribed grounds, as set out in ss659, 660 and 661. It should be noted that in the territories, the exclusion under subsection 643(5) of an employee who is not defined as such under s5 of the Act does not apply. However, the other exclusions contained in subsections 643(6) (qualifying period), (8) (operational reasons), (10) (fewer than 100 employees) and (13) (application of subdivision C), do apply.

Of most concern to territory workers are the added exclusions of termination for 'operational reasons', and where an employer employs 100 or fewer employees.

Sectors such as tourism and other service industries largely fit into the '100 employees or fewer category' and, as such, many employees will not be protected against harsh, unjust or unreasonable termination.

Of similar concern is the added ground that a claim for unfair dismissal must not be made if the termination is for genuine operational reasons (s643(8)).

Section 643(9) defines 'operational reasons' to mean economic, technological, structural or of a similar nature relating to the employer's undertaking, establishment, service or business or to a part of the employer's undertaking, establishment, service or business. This ground is untested and may leave employees open to exploitation through dismissal on the artificial basis that the dismissal was necessary to prevent economic downturn in the overall business of the employer, or through mismanagement of a business by the employer.

In addition, the AIRC must take into account any misconduct of the employee that it is satisfied has contributed to the employer's decision to terminate – a form of mitigation. Where this is the case, the AIRC must reduce the amount it would otherwise award, taking into account the misconduct.

One new limitation imposed on the AIRC is the bar to awarding a damages component for shock, distress, humiliation or other analogous hurt caused to the employee by the manner in which their employment was terminated. This alters the previous damages provision allowed by the AIRC under certain strict circumstances, as found in the matter of *Burazin v Blacktown City Guardian Pty Ltd.*[1]

The quantum of compensation allowable by the AIRC is unchanged, being limited to no more than six months' pay or $32,000 (indexed), whichever is the lesser. The employer may pay compensation awarded in instalments.

The costs jurisdiction of the AIRC has also been changed. If a representative of

a party causes costs to be incurred, and that was because of their unreasonable act or omission in connection with the conduct of the proceeding, the AIRC may make an order for costs against the representative.

The AIRC must refrain from considering an application if it is satisfied that there is an alternative remedy available:

(a) that exists under a law of the Commonwealth or a state or territory; and
(b) by which effect will be given to the requirements of Article 13 of the Termination of Employment Convention in relation to the employee's and trade union's concerns.

An application on grounds that termination was harsh, unjust or unreasonable, and for a reason other than a failure to provide a benefit to which the employee was entitled, must not be made if other termination proceedings have already been commenced:

(a) under a provision of the Act other than s643;
(b) under another law of the Commonwealth (including a HREOC complaint); or
(c) under a provision of the law of a state or territory that is not excluded by s16 of the Act.

The restriction on applications to the AIRC also applies where proceedings are already on foot seeking compensation or the imposition of a penalty because an employer has failed to comply with s661 of the Act (notice requirement).

Unlawful dismissal

Unlawful dismissal covers termination for a number of specifically defined reasons, or for reasons that include any one of the defined reasons. The defined reasons are set out in s659 of the Act and are unchanged by the recent amendments.

When dealing with unlawful termination matters, courts are constrained by the same damages limits that apply before the AIRC, including the bar on damages for shock, distress or humiliation or analogous hurt.

Compensation must not exceed six months' pay. Unless proceedings are found to be vexatious or without reasonable cause, a court has no power to award costs in a proceeding under s170CEP. ■

Note: 1 142 ALR 144; see also *Coms 21 Ltd v Liu & Ors* (unreported) C No. 90413 of 1999, 25 February 2000.

VICTORIA

By Trevor Clarke

When the Kennett Liberal government 'reformed' the Victorian industrial relations system in 1993, many unions rushed to the federal system, then in the custody of the Keating Labor government, and the protection offered by the federal system of awards. But when the Howard Liberal administration was elected in 1996, the Victorian state government referred its IR powers to the Commonwealth.

Ten years later, many aspects of the federal system that were once so attractive to unions and workers have been stripped away by the *Work Choices* legislation. Not surprisingly, unions are again looking for protection elsewhere, but this time it's not as simple as switching from one established system to another.

In an effort to regain greater influence over how industrial relations are conducted in the state, the Victorian Labor Government has employed three main strategies.

Office of Workplace Rights Advocate

The first is to create the Office of the Workplace Rights Advocate. Under the *Workplace Rights Advocate Act* 2005, the advocate can provide information and education to Victorian workers (including independent contractors) and employers investigating 'illegal, unfair or otherwise inappropriate industrial relations practices',[1] and to the minister on industrial relations. In addition, the advocate can intervene 'in any court at any time, despite any provision to the contrary made by or under any Act'.[2] Penalties apply if a worker, or an associate of a worker, is threatened with any detriment because they have given the advocate information, or exercised any of their rights under the enabling legislation.[3] The minister's second reading speech gives a better indication of the advocate's practical role:

> 'The workplace rights advocate will ensure that Victorian workers do not sign away existing rights and entitlements without knowing what they are, and without understanding the consequences of doing so. The WRA will also perform a watchdog role and track the impact of the Commonwealth's changes on Victorian workers and their families.'[4]

The advocate shall not represent individuals in disputes or industrial negotiations.[5]

>>

Public sector awards

The second limb of the Victorian government's response to *Work Choices* is the Public Sector Employment (Award Entitlements) Bill 2006, which has two essential functions:

- To preserve the 'pre-*Work Choices*' awards that regulated public sector employment; and
- To subject proposed agreements for public sector employees to a 'fairness test', similar to the 'no disadvantage test', based on those preserved awards and the family provisions test case[6] (where the preserved award was not already amended to reflect same prior to *Work Choices*). The advocate is given the role of applying the fairness test to the proposed agreement.

These functions are supported by an additional role for the advocate, being to determine an appropriate 'preserved award' to apply to public sector employees whose employment was not subject to such an award for the purposes of applying the fairness test.

High Court

Third, the Victorian government, together with its counterparts around the country, has commenced proceedings in the High Court challenging the validity of the *Work Choices* legislation. In addition to arguments raised in common with other states, Victoria has argued that the laws purport to regulate matters that were excluded from its referral of power.

While not effecting a complete return to state regulation of the public sector, which many unions supported, the state government's responses do go some way towards preserving the status quo for public sector employees.

In this uncertain, transitional period, some unions are opting to enter into common law instruments with employers to operate in tandem with 'pre-reform' or *Work Choices* agreements. These instruments may protect existing terms and conditions, which could otherwise offend *Work Choices*.

Some labour lawyers suggest that state governments could consider some 'industrial tort reform', such as caps on the limits of damages that could be awarded against unions, or modifications to the rules concerning privity of contract, to assist unions to cope with the challenges of the current state of the law. ■

Notes: **1** *Workplace Rights Advocate Act* 2005 s5(1)(d). **2** *Ibid*, s5(4). **3** Which, as a corollary to the powers and functions of the advocate, seem limited to giving information to the advocate or receiving information from him/her. **4** *Hansard*, 27 October 2005 (Victorian Legislative Assembly), per Hulls. **5** http://www.business.vic.gov.au/BUSVIC.131248/STANDARD//PC_61268.html#intNav3 **6** *Shop, Distributive and Allied Employees Association & Ors v Australian Industry Group & Ors*, 8 August 2005, PR082005.

WESTERN AUSTRALIA

By Guy Stubbs

When I was first asked to write about the impact of *Work Choices* on industrial relations in WA, my response was, "We're stuffed." While that may be a reasonable summary, I felt I should look into the matter a bit further.

So began my *Work Choices* WA odyssey.

The best place to look for information might be the Western Australian Industrial Relations Commission (WAIRC). So I clicked my way to the WAIRC website feeling sure I would find some erudite insight from the Commission.

I clicked my way into discussion papers, but the last published paper was from September 2003. Nothing at all on *Work Choices*.

Go to the WAIRC news link, I thought, that's where I will find something; click, nothing.

Becoming desperate, I clicked on but could not find a mention of *Work Choices* on the WAIRC website.

It was as though the WAIRC was in a time warp or denial, with no help to be found. Maybe WA had cut itself adrift from the rest of Australia and I hadn't been told?

I know, the Chamber of Commerce and Industry (CCI) will have a view on the impact of *Work Choices* in WA; click, click, damn, their views are for their paying members only.

The Department of Consumer and Employment Protection should have something! Click, click, damn, nothing online, just a seminar for small business.

Ok, let's leave it for now … got to get off to the WAIRC for a hearing.

You know, Perth is a small place, where you can bump into an IRC Commissioner on the way to a hearing. Maybe the Commissioner has some views on what the impact will be? No, not much help there, just, "wait and see".

Bit of a break in the hearing; now, associates know everything, let's see what the associate knows about what the WAIRC thinks.

Again, not much help there, just, "wait and see".

On the way for a bite to eat for lunch I bump into one of Perth's respected IR practitioners, who has just finished a paper on *Work Choices* for a seminar. What does he think? In summary, the WA IR system will be gutted.

I happen to bump into a lawyer mate who works for a union. He's just come back from a week in the eastern states doing a course on *Work Choices*. What does he think? It's not good, but until we get the regulations we don't know just how bad it will be; just wait and see.

Having got the views, I felt it was time for me to muse.

I've seen a revolution before; for example, when the WA government changed the workers' compensation system. The government incorporated what I saw as injustices into the system, as it intended. As a lawyer/citizen you see the injustices and do what you can to have the legislature that created the injustices remove them. As a lawyer advising clients, you do your best, and what frustrates you is that a stable and reasonably well-understood system has been replaced with uncertainty, which will take years to work its way through courts before a degree of certainty and the ability to advise your clients with any confidence is re-established.

An obvious impact will be that a lot of those who have succeeded in the past in claims for unfair dismissal will simply fall by the wayside. As a lawyer, I will dig around for other remedies for the injustices they suffer, but those remedies will be harder, costlier and in most cases probably just not worth the effort. For a lot of people, the advice may well be 'forget it, get another job and get on with it'. The labour market may erase the losses but not the injustice of arbitrary decisions that impact unfairly on the lives of those affected and their families, and when the labour market swings back to favour the employers, even the losses will not be erased and the injustices will continue.

As fines, prosecutions and prohibited content becomes the norm in industrial relations, the phrase 'master and servant' will regain its old meaning.

Can employers be trusted when those that should have an inbuilt sense of what is just and what is not can't seem to get it right?[1]

Two different IR systems in one state does seem pretty stupid.

Awards the size of *War and Peace* that no one understands do seem a bit over the top.

Having considered these and other related issues, and what others had told me, can I say what the impact will be in WA? Not really. In my view, some impacts will be beneficial and some impacts will not be beneficial or fair, so all I can really say is just, "wait and see". ■

Note: 1 *Grigson and The St Cecilia's College School Board* 2006 WAIRC 03856.

Trevor Clarke *is an associate with Slater & Gordon in Melbourne.*
PHONE *(03) 9602 6805* **EMAIL** *Tclarke@slatergordon.com.au*

Michael Crouch *is a solicitor with Nicol Robinson Halletts in Brisbane.* **PHONE** *(07) 3853 8888* **EMAIL** *mcrouch@nrh.com.au*

Nicole Dunn *is an associate at Ward Keller Lawyers, and Director and President of the Australian Lawyers Alliance, Northern Territory Branch.* **PHONE** *(08) 8981 2971* **EMAIL** *nicoledunn@wardkeller.com.au*

Kaz Eaton *is a solicitor with Bourne Lawyers in Adelaide.*
PHONE *(08) 8410 9699* **EMAIL** *Keaton@bournelawyers.com.au*

Robert Perry *is a solicitor at Ward Keller Lawyers.*
PHONE *(08) 8981 2971* **EMAIL** *robertperry@wardkeller.com.au*

Rob Phillips *is a partner of Phillips Taglieri in Tasmania.*
PHONE *(03) 6222 6333* **EMAIL** *admin@ptlaw.com.au*

Guy Stubbs *is a partner at Dwyer Durack in Perth.*
PHONE *(08) 9289 9888* **EMAIL** *gstubbs@dwyerdurack.com.au*

Bob Whyburn *is a principal of Maurice Blackburn Cashman and head of the Industrial Law section at the Sydney office, and Director of the NSW branch of the Australian Lawyers Alliance.*
PHONE *(02) 9261 1488* **EMAIL** *Bwhyburn@mbc.aus.net*