OBJECT OF THE COURSE

The course is designed to examine policies and processes of various state actors who make decisions germane to Australian industrial relations. It will mainly do this by examining recent, and ‘major’ decisions of courts, tribunals and other state based institutions. Students should emerge from the course with a facility and understanding of various policies and processes used in industrial relations and a knowledge across a range of contemporary issues.

TEACHING METHODOLOGY

Most undergraduate courses are structured around a lecturer who stands and delivers. Except for tutorials students are generally passive, receiving information and ‘knowledge’ from ‘on high’. Also students learn about ‘issues’ from readings and commentary provided by others, which again is determined by a lecturer. This course will turn both of these ‘methods’ on their head. Classes will be conducted on a seminar basis with all students encouraged and expected to participate in discussions of source material. Seminars will be concerned with examining and discussing major contemporary cases and decisions handed down by different state based industrial relations actors. While cases chosen for examination will, initially at least, result from intervention by the teacher, students will, in effect, conduct their own research into major contemporary cases. They will learn and acquire knowledge about industrial relations themselves from primary sources, rather than through the eyes of others. Students will need to download various cases/decisions from different industrial relations websites.

ASSESSMENT

The course is to be conducted on a seminar basis. Most, or a large part of learning, will result from discussing readings of cases/decisions/materials in class. Hence students are required to both attend seminars, to have read designated cases and to participate in discussions concerning such readings. Students will have 20% of their marks determined by class participation.

Essay One

You are a member of a leading international think tank, with a branch in Sydney, Australia which specialises in the area of industrial relations. The international head of this body is about to visit Australia – apparently a big job is in the offing. You have been given the task of providing the international head with a report on various major ‘state based’ websites concerned with industrial relations. You have also been told this person is ‘old-fashioned and traditional’ who only reads reports if they are constructed like a well published essay. Whatever you do don’t use point form presentation and lots of headings. You are to concentrate on themes and concepts – and do not reproduce
pages from the website. You are to provide information concerning the organisation and operation of the following websites:

1. Department of Employment and Workplace Relations (Federal)
2. New South Wales Department of Industrial Relations
3. Office of the Employment Advocate
4. Royal Commission into the Building Industry (Commissioner Cole)
5. The Australian Industrial Relations Commission
6. Federal Court of Australia
7. High Court of Australia
8. New South Wales Industrial Relations Commission

Length: Approximately 2000 words
Value: 20% of final grade

Essay Two

Critically discuss and evaluate the following statement:

‘During the course various theories were examined concerning the role of the state and the decision making processes of state actors. The total irrelevance of these theories is no better illustrated than by the wise and just decision of the Australian Industrial Relations Commission in the May 2003 Living Wage Case.’

Length: Approximately 5000 words
Value: 60% of final grade

Reading Guide

The course is designed so as to examine, or extract, issues from primary sources – various cases and decisions of state based industrial relations actors. Students are encouraged to use various secondary sources they have encountered in other courses to aid them in the interpretation of such material. The following sources may also be useful:


B.Head & S.Bell ‘Understanding the Modern State: Explanatory Approaches’ in S.Bell & B.Head (eds), State, Economy and Public Policy in Australia’, Oxford University Press, Melbourne, 1994


Various cases will be allocated for discussion on a week by week basis. When students have become more acquainted with the course they can help determine, or decide upon, future cases for discussion. I envisage that the cases examined will be
eclectic, being chosen from various jurisdictions and covering different contemporary issues.

Week two will be devoted to a discussion of theoretical issues concerning theories of the state and the role of law.

In week three the first cases will be examined. They are:

- Community and Public Sector Union v Stellar Call Centres Pty Ltd [2000] FCA 1739 (20 November 2000)