The Reading List
Book reviews for Society members, by Society members

The Shaping of Labour Law Legislation
Underlying Elements of Australia’s Workplace Relations System

Dr Richard Naughton
LEXISNEXIS
RRP $180

Richard Naughton’s book provides a comprehensive historical overview and analysis of the history of the Australian federal industrial relations system. It is a thorough guide to understanding the advent of modern Australian labour law.

In the book, Naughton examines the history of labour law, chronicling each of Australia’s historical legislative industrial regimes. The book documents the dynamic changes in the structure, institutions, legislation and operation of labour law that has taken place over time. Naughton gives the reader an inclusive overview of the system of compulsory arbitration that was in place in Australia for nearly 90 years from 1904–93. Naughton then moves on to reforms initiated by the Keating Government and the subsequent creation of an industrial relations system characterised by enterprise bargaining and agreement-making, and the radical changes made to this system during the era of Work Choices. Lastly, Naughton delves into modern labour law, exploring the operation and current position of labour law under the current Australian legislation, looking towards the mechanisms and values underpinning the Fair Work Act.

Throughout, Naughton’s main contention is that despite the legislative and operative differences in Australian labour law throughout history, there has always been significant continuity among the values that underpin the system. To the reader, Naughton provides a compelling and successful argument, that since the inception of Australian labour law, the system has had several core features incorporated into it, including among other things, that unions are given a privileged role in the system and the existence of a statutory tribunal given arbitral authority. This running narrative allows readers to thread the pieces of labour law history together into a coherent narrative and demonstrates the role of societal values in labour law. Because of this, the book is an excellent companion piece for anyone looking to develop a comprehensive historical understanding of labour law in Australia.

Rebecca Richardson
BRADLEY ALLEN LOVE LAWYERS