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Articles

[The Regulation of Cryptocurrency to Remunerate Employees in Australia](#)

— *Craig Cameron*

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Cryptocurrency is a method of remunerating employees ('crypto-remuneration'). However, crypto-remuneration has not been examined within the existing regulatory framework governing labour. This article explores the regulation of crypto-remuneration in Australia, specifically how labour, taxation and superannuation laws (state regulation), as well as the parties themselves (self-regulation) may regulate cryptocurrency as a method of reward for labour. It is argued that the Fair Work Act 2009 (Cth) and associated state legislation prohibits the payment of wages in cryptocurrency, and treats crypto-remuneration as a non-monetary benefit. The impact of regulation on how the parties may structure the remuneration package in the contract of employment is examined. Regulatory, price volatility and operational risks of crypto-remuneration are identified, as well as recommendations to stakeholders that can manage these risks.

[Labour Law Liberalisation and Regulatory Arbitrage](#)

— *Chris Arup*

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This article studies food work regulation to connect legal practices with industrial relations and the organisation of work. It identifies how food providers take advantage of labour law liberalisation as they reorganise food distribution and delivery and compete for the household meal. In particular, the article assesses their capacity to practise regulatory arbitrage and avoid the legal checks of employment contracts and awards which workers and their unions seek to have apply to them. The study finds that while some checks are being applied, only a comprehensive labour law regime would fully protect vulnerable workers.

[Picket Lines and the Principle of Legality](#)

— *Patrick McCabe*

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In 1999, the Full Federal Court decided in *Davids Distribution Pty Ltd v National Union of Workers* that the well-known industrial practice of picketing was not protected from liability under federal industrial law. This decision remains good law. It means unions and workers who establish picket lines risk being sued. It likely has a significant chilling effect on picketing and therefore strikes more generally. The Court relied on the principle of legality, a rule of statutory interpretation, to justify its conclusion. The principle of legality means a statute cannot abrogate common law rights unless the intention to do so is expressed with irresistible clearness. *Davids Distribution Pty Ltd v National Union of Workers* determined this principle applies to employers' common law rights to sue picketers. This article argues that recent High Court jurisprudence demonstrates this reasoning was misconceived, and *Davids Distribution Pty Ltd v National Union of Workers* was wrongly decided. This presents an opportunity for unions to correct this unhelpful decision, and to temper federal industrial law's hostility to industrial action.