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Articles

[The \(Omni\)bus that Broke Down: Changes to Casual Employment and the Remnants of the Coalition's Industrial Relations Agenda](#)

— *Andrew Stewart, Shae McCrystal, Joellen Riley Munton, Tess Hardy and Adriana Orifici*

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The Morrison Government saw the COVID-19 crisis as an opportunity to reset the debate over Australia's industrial relations system. Its 'Omnibus Bill' was the product of an unusually constructive process of dialogue with the labour movement. Yet the reforms it proposed to the Fair Work regime largely reflected both its own and employer groups' previous concerns. Having abandoned tripartism, it encountered familiar resistance in the Senate. After a chaotic debate, the version which passed as the Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021 (Cth) dealt only with the topic of casual employment. We examine the changes made on this important issue, which have replaced one set of problems with another. We also outline the proposals (including on award flexibilities, enterprise agreements, and compliance and enforcement) jettisoned by the government from the original Bill, some of which could easily have been enacted. We assess where all this leaves the Liberal/National Coalition's reform agenda and lament what we see as a missed opportunity to address pressing problems in the labour market.

[Big Brother at Work — Workplace Surveillance and Employee Privacy in Australia](#)

— *Murray Brown and Normann Witzleb*

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Increased surveillance of employees accompanying the move to work-from-home during the pandemic and other socio-technological developments have amplified long-standing concerns that employee tracking, electronic performance measurement and other forms of workplace surveillance are becoming both more common and more intrusive. This article analyses developments in this area since the Victorian Law Reform Commission's ground-breaking 2005 report on workplace privacy. It examines the current state of Australian law, before considering the case for reform. This article calls for comprehensive national workplace surveillance legislation, based on empirical research into post-pandemic surveillance practices and expectations of privacy on the part of employees, to create stronger and more coherent legal protections for employee privacy in Australia.

Harmonisation First — Sentencing Inconsistency Afterwards: Down the Federal Rabbit Hole of the Model Work Health and Safety Act 2011

— *Trajce Cvetkovski*

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The object of harmonised work, health and safety legislation is to provide balanced and consistent outcomes. Despite this purpose, sentencing outcomes for significant prosecutions have become inconsistent. This article critically analyses the extent to which inconsistency exists. It presents data for the past 5 years concerning monetary penalties ordered against corporate offenders for the most significant type of prosecutorial activity. The discussion that follows identifies and assesses key differences in the seven penalties and sentences laws that apply respectively to the harmonised scheme. A key theme to emerge is that sentencing processes are not harmonised. However, remedying current inconsistencies could be achieved by the adoption of sentencing guidelines for the promotion of consistency for monetary penalties.

Book Reviews

*Living Wage: Regulatory Solutions to Informal and Precarious
Work in Global Supply Chains* by Shelley Marshall

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*Concussion in Professional Team Sports: Time for a
Harmonised Approach?* by Alexandra Veuthey

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