

Australian employment law

Phil Teece, ALIA's Industrial Information Officer, reviews a new edition of an important reference work

The fourth edition of Professor Brian Brooks's *Contract of Employment: Principles of Australian Employment Law*, (CCH Australia, 369 pp, ISBN 1 86264 470 5, rrp \$59) comes as a timely aid to both employees and organisations as they grapple with far-reaching changes to the industrial relations system in all seven Australian jurisdictions.

Brooks, Professor of Management and Director of Executive Programs in the Australian Graduate School of Management at UNSW, is well known as an astute and perceptive commentator. A former Associate Professor in the Sydney University Law School, he has also worked as a full-time trade union official and as a private sector industrial relations manager, and has written a other books on employment law.

This latest publication follows earlier editions in 1979, 1982 and 1986. It contains well defined chapters on the nature and sources of industrial law, the conciliation and arbitration system, trade unions, job security, industrial welfare, strikes and industrial stoppages. Useful appendices setting out diagram-

matically the functions and inter-relationship of the Federal and State industrial jurisdictions are included, together with excellent tables of cases and legislation findings.

In today's circumstances, however, the book's major strengths lie in the sections dealing with individual employment law and the emerging issues of flexibility, enterprise bargaining and future approaches to employment contracts. Here Brooks argues convincingly that workplace reorganisation and a consequent emphasis upon employee participation will become increasingly dominant through the 1990's.

Perhaps the most interesting discussion in the entire book is that concerning the changing nature of work and its effect on the employment contract. As Brooks demonstrates, new arrangements are challenging the assumptions on which traditional labour law was built. Those were that jobs were filled by workers employed full time to perform personal service under a contract of indefinite duration in a subordinate role to an employer who owned the workplace- that is, in a traditional mas-

ter/servant relationship.

Brooks shows how the new, more flexible work patterns springing up across Australia are increasingly blurring the line between those who work subject to tight control (traditionally employees) and those who do not (contractors). Brooks questions whether it is any longer viable to emphasise this distinction or whether it might not be better simply to see contracts as merely for the production of a defined work output, free from any element of the master and servant concept.

There is only one disappointment: the book was published just too early to include an assessment of the Kennett Government's radical changes to the Victorian industrial relations system—an omission that Brooks himself laments. As he says, authors are frequently caught out in this way, and the general principles of enterprise bargaining which underpin the Victorian legislation are extensively covered. It remains a pity, however, that readers do not have the benefit of the views of such an outstanding analyst on the specifics of so important and controversial a reform. ■

Working with information

Robert Burnheim describes a new teaching resource for TAFE students

The Bayside Community College, in consultation with Library Network Branch, Training and Delivery Services, TAFE♦TEQ, has developed a set of ten informal skill development modules, *Working with Information*. The modules are based on Marland's information usage competencies, namely, the student must be able to:

- formulate and analyse an information need;
- identify and appraise the worth of likely information sources;
- trace and locate individual resources;
- examine, select and reject individual resources in the light of the information need;
- interrogate resources to isolate required information;
- record and store information;
- interpret, analyse, synthesis and evaluate information gathered;
- present and communicate findings;

- evaluate the conduct of the process.

Each module includes a pretest, learning activity, post-test and expansion activities. Obviously, skills should be taught in context.

However, these modules have been structured as stand alone resources so that they can be used in a variety of subject areas. Each module requires only a short time to complete.

The aim is that, where students are engaged in a learning activity and show a skill deficiency, they will disengage from that activity and work through the appropriate module(s). On completing the module, they re-engage in the activity and put the newly taught skill into practice. This provides the context and an immediate reinforcement for the skills.

All Queensland TAFE college libraries have received the pilot version of the modules for beta testing, evaluation and review. Information gathered

through this beta testing will be fed to a working party established to shape the modules into a final product suitable for wide release.

For those outside the Queensland TAFE system who wish to use the pilot version of the modules, a site-licensed master set comprising photocopy masters and a date file on WordPerfect 5.1 is available. The price (authorising unlimited duplication) is:

- Single site with only one campus \$250
- Single site with more than one campus \$500

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