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## Employment Law issues in 2009

Wednesday 24 June 2009

8.30am – 1.00pm

Grace Hotel, 77 York Street, Sydney

Course cost includes tuition, materials and refreshments  \$352

I cannot attend but please provide the papers  \$165

Total Price includes GST **Total \$**

### Payment Options

I enclose a cheque payable to "CLE, UNSW",

or Payment by credit card  Mastercard  Visa

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**Please return this registration form with your payment to:**

**CLE,  
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NSW 2052.**

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**Programme Variation:** The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or re-scheduling a programme and changing speakers or content if occasion obliges us to do so.

**Cancellation Policy:** Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.

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THE UNIVERSITY OF  
NEW SOUTH WALES

FACULTY OF LAW  
CONTINUING LEGAL EDUCATION

# Employment Law issues in 2009

Wednesday 24 June 2009

8.30am – 1.00pm

Grace Hotel,  
77 York Street, Sydney

[www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)

## Audience

- Employment and Industrial Law specialists
- Corporate Law specialists
- Solicitors in General Practice
- In-house legal advisors
- Human Resource Managers
- Company Directors and Secretaries
- Employer and Union groups

## Object

This seminar will provide an update on the legislative changes to Employment law. We are about to see the introduction of a new regime in the *Fair Work Act*. The transitional arrangements will be in place until 1 Jan 2010. We also explore areas that traditionally concern employers, such as their ability to protect corporate assets and IP ; managing the performance of staff contractually; documenting the rights and procedures for the parties in cases of redundancy or termination.

**CLE/CPD Points:** Four (4)

## About CLE/CPD

The CLE/CPD programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

# Employment Law issues in 2009

Wednesday 24 June 2009

## 8.30am Introduction and Welcome

**Chair:** Ian LATHAM, Barrister, Denman Chambers

## 8.55am

### Topic 1: Dealing with Senior Executives

**Speaker:** Chris McARDLE, Partner, McArdle Lawyers

- The treatment of all persons now taken out of the award system (and those who weren't there already).
- The role of implied entitlements where there is nothing in writing.
- The place of company policies and other "promises" whether or not the executive has a written contract.
- The residual entitlements of senior executives under the Fair Work Act.
- Current developments

## 9.50am

### Topic 2: Role of Fair Work Australia

**Speaker:** David BRAND, Special Counsel, Thomson Playford Cutlers

- Expanded role of Fair Work Australia (FWA) compared to the AIRC
- The integral parts of FWA as a 'one-stop shop'
- Examining the key functions of FWA in relation to:
  - Setting minimum wages
  - Reviewing and varying modern awards
  - Facilitating enterprise bargaining
  - Approving and varying enterprise agreements
  - Transfer of business
  - Unfair dismissals
  - Industrial action

## 10.45am Morning Tea

## 11.00am

### Topic 3: Termination of Employment

**Speaker:** Michael BYRNES, Special Counsel, Clayton Utz

- Unfair dismissal (including exclusions and remedies)
- Unlawful termination (prohibited grounds for dismissal; adequate notice)
- Termination liabilities
- Impact of Fair Work Act on State remedies
- Termination of employment under the Fair Work Act
- Alternative claims (including breach of contract; implied terms; discrimination and trade practices)
- Strategic considerations for employers
- Recent case law

## 11.50am

### Topic 4: Restraint of Trade issues in Employment Contracts

**Speaker:** Arthur MOSES SC, Barrister, Fredrick Jordan Chambers

- How does the Supreme Court of New South Wales determine whether a restraint clause in a contract of employment is valid?
- The protection of Trade Secrets and Confidential Information;
- The use of interlocutory injunctions to enforce restraint of trade clauses in employment contracts; and
- Recent Restraint of Trade cases in the Supreme Court of NSW and the NSW Court of Appeal.

## 12.45-1pm Q&A and Close

For more information visit our website: [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)