



McCallum Reply

I have been asked by Ms Bernadette McBride from *Workplace Express* to write a summary of the extempore speech which I gave in reply to the speech of former Justice Michael Kirby which opened the Australian Institute of Employment Rights McCallum Debate on Wednesday 22 June 2011. I owe a great deal to *Workplace Express* whose electronic bulletins have kept me up to date with Australian labour law happenings on a daily basis, wherever I happen to be in our world. This summary has been especially written for *Workplace Express* readers.

Summary

Thank you Michael Kirby for your kind and very generous comments on my life as a labour law academic. May I also thank you for your words on the human rights work of my wife Mary Crock. It is opportune to thank Michael Harmer and all of the members of the Australian Institute of Employment Rights whose work has already done so much to better focus the employment relations of our country. I am truly honoured that the Australian Institute of Employment Rights has named this event the 'McCallum Debate'. Finally, let me express my sorrow that the volcanic ash has prevented so many dear friends from flying to Sydney for this event. All cannot be named here, however, I am truly sorry that Professor Andrew Stewart of the University of Adelaide and Justice Mordy Bromberg of the Federal Court of Australia were unable to be here this afternoon. Mordy was one of my former students who was also one of the key founders of the Australian Institute of Employment Rights, and he is a dear friend from whom I have learned so much over the years.

Leaving aside Mary Crock, our three children (and I am delighted that our daughter Kate is in the audience) and other family and personal matters, the most important activity which I have engaged in has been that of a university teacher of law. For the last thirty-eight years, it has been my vocation to teach labour law, administrative law and other law subjects to many students. I am truly proud of them one and all. Some are famous as judges, politicians, media personalities, etc. However, I cherish them all, and most are lawyers, administrators and employees in all walks of life who are citizens and parents in our bountiful nation.

Teaching law is much more than reading and repeating curial decisions and statutory provisions. Lawyering is a way of thinking about issues, about sorting relevant rules and information from a mass of material. The task of a law teacher is to discuss the law with students, to test propositions at their centre or periphery and to evaluate competing legal principles. Above all, the teacher must instill into students the central place which justice must have in our legal system. These days, it is fashionable to under-value this type of work in the class-room, but it is central to teaching students who are apprentice lawyers who are required to master our profession.

The legal rules governing the performance of work do lack the intimacy and immediacy of those rules which demark our familial and personal relationships. However, in my view the rules governing the doing of work are a litmus test of the wholesomeness of our society. Where these rules enable the spreading of our productivity gains throughout all stratas of society, then they deliver the makings of a fair and caring polity.

For a number of years, I have been concerned with the Australian Parliament's over reliance upon its powers to make laws about corporations in the field of labour law. My fear is that in the fullness of time, such labour laws may become a mere subset of corporations law, separated from the needs, hopes and aspirations of flesh and blood employees and employers. Whether or not this fear proves to be well founded, it is clear that the corporations power, coupled with the federal government's control of the national purse strings, will diminish federalism. While I will not probably live to witness it, sooner or later we will be obliged to re-negotiate our governance compact. If we continue to choose a federal structure, and I earnestly hope we do, then at the very least curbs will have to be placed upon the corporations power.

Finally, let me say a few words about my current work as Chair of the United Nations Committee on the Rights of Persons with Disabilities. This treaty body oversees the implementation by ratifying countries of the new United Nations Convention on the Rights of Persons with Disabilities. As the recent World Health Organisation/World Bank *World Report on Disabilities* shows, approximately one billion people on our small planet suffer or will at some time in their lives experience a disability. Furthermore, close to one hundred and ninety million people currently suffer a significant disability or major disease. It is my privilege to be the current Chair of this treaty body which with other bodies and persons is carving out a new area of international humanitarian law in order to enhance the human rights and inherent dignity of my sisters and brothers with disabilities. Thank you, one and all.

Professor Ron McCallum AO
At Sydney
Thursday 23 June 2011