

Legislating for health in the workplace

Phil Teece, ALIA's Personnel and Industrial Services manager, has reviewed a new guide to this complex field

A book that has established itself as probably Australia's best-known text on occupational health and safety law has recently reappeared in an updated fourth edition and with a new title: *Occupational health and safety law in Australia*, (4th Edition, CCH Australia ISBN 1 8626 471 3) by Associate Professor Adrian Brooks of the University of NSW. It follows three previous editions under the title of *Guidebook to Australian occupational health and safety laws*, published between 1983 and 1988.

The new edition retains the splendidly-comprehensive format of its predecessors while extending its range to take account of a host of legislative and other changes in the past five years.

Students and practitioners will welcome the very-detailed analysis of legislation in each Australian jurisdiction and the discussion on common law background.

People new to the field will find extremely-thorough information on the two major aspects of law in this area — the aspect of prevention of

injury on the one hand and of compensation on the other.

If the author has a philosophical barrow to push, it is undoubtedly concerned with her view that both law and practice in the OH&S area have given relatively too much attention to compensation factors and too little to what should be the primary goal of prevention.

In this connection there are fascinating references throughout the book to, and insights into, what has been a continuing policy debate going back more than 20 years to the enormously influential Robens Committee Report, which shaped attitudes to workplace safety far beyond its initial UK focus.

Professor Brooks persuasively argues that, while Robens' finding that old-style preventive legislation did not work well was correct, the report failed to identify a refusal to enforce legislative provisions adequately as the primary reason for the law's failure.

She suggests convincingly that the so-called 'new' or 'Robens-style' legislation introduced across Aus-

tralia and other Western labour markets since then is not likely to achieve better results.

Experience to date certainly supports her argument, with little real headway made in reducing either the incidence or costs of accidents at work despite the vast increase in apparent attention to the issue.

The book makes a strong case to show that the law is inadequate in three major ways: first, there are wholesale differences between benefits in the various jurisdictions; second, there are no adequate definitions of what the general duty of care actually means in real-world situations; and third, the unlikelihood of detection and punishment provides a compelling justification for continuing employer preparedness to ignore their responsibility for the health and safety of their workforce.

And if this is so, how can we argue with Professor Brooks' conclusion that Australia falls far short of an enlightened society where safety at work is concerned? It will remain so for as long as we regard the cost of eliminating the carnage of work-related injury as higher than we are prepared to pay. ■

Musical foundation

Published also as *Music reference services quarterly, Foundations in music bibliography* constitutes the proceedings of a conference held in 1986.

Music bibliography has hitherto been very much an isolated area of activity and its essays widely-scattered, both in approach and content. Even today, what is a fit topic for musical bibliographical activity in the academic engines of the University of Chicago will certainly not be so in the rich musical treasury of the Gregorian University in Rome.

In this well-edited collection the papers that present policies or strategies of an overview or general nature are still timely but some others show their age.

It is a book to which one would refer, rather than wish to possess, and is more valuable by being indexed in library and music indexes, as the publisher demonstrates in great detail.

The editor's comprehensive introduction charts the place of mu-

sic bibliography in gathering systematic bibliographies that endow a larger meaning to individual scholarly activity and the practitioners of music.

Music bibliography has emerged from both librarianship and modern musicology and can now boast its own philosophical canon, methodologies and history, however nascent these may be.

Apart from five excellent papers on user bibliographical instruction, which in their clarity and concision will be of use to anyone planning any kind of user instruction, there are outstanding papers on the scholarly use of particular kinds of documents, establishing a core literature, indexing the unindexable (hymn tune variants), methods of analysing musical style, as well as lacunae in the field of music bibliography.

It is a fascinating book to dip into, and see what others are doing in their field of endeavour. From Haworth Press. RRP \$68.

Ian Stubbin

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