

Work Health and Safety Law and Policy

Richard Johnstone, Elizabeth Bluff and Alan Clayton, *Work Health and Safety Law and Policy* (3rd edn), 2012, Thomson Reuters (Professional), \$135.

On 1 January 2012 the new harmonised work health and safety (WHS) regime was ushered in for the Commonwealth and for half of the states and territories. Tasmania will implement the model legislation in 2013 and at the time of writing there are good prospects of implementation in South Australia and Western Australia in the near future.

Victoria, noticeably, stands alone in its clear position that the model legislation will not be implemented, leaving national businesses with Victorian operations with the difficult and costly task of complying with two sets of legislation, regulations and codes of practice. Taking a long perspective, it is difficult to see how Victoria can hold out against the tide of national WHS reform.

The 2012 edition of *Work Health and Safety Law and Policy* therefore comes at a propitious moment, just as WHS practitioners need to update their knowledge on health and safety law. This book, while expressed to be principally for university students, would nevertheless be an important reference book for the practitioner on the key changes.

Interspersed among extracts from legislation, cases and reviews, together with comparisons between the old and new regimes, the authors provide their own commentary and summarise some of the key literature on health and safety issues and policy matters.

While the key focus is on WHS standards, processes and enforcement under the model law, there are also valuable chapters on historical developments, compensation for work-related injuries and rehabilitation.

As a textbook the theoretical and technical aspects of the area are well-covered. However, WHS law, as a law imposing general standards, is often best understood in the practical context in which it operates so the book would have benefited from a close examination of the practical application of WHS law in the workplace.

An area of increasing concern, for example, is bullying and such an area could have been subject to an in-depth case study analysis to illustrate the preventative and enforcement aspects of WHS law. Such an approach would have assisted students and practitioners to obtain a feel for the area.

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Family Law

Eithne Mills and Marlene Ebejer, *Family Law* (5th edn), 2012, LexisNexis Butterworths, \$99.

This volume engagingly outlines and also questions the law relating to the formation and breakdown of all types of family relationships with its associated social, philosophical and ethical underpinnings.

Chapter 1, dealing with the changing face of the family, highlights the relevant jurisprudence for the topical issues of same-sex marriage, covenant marriages and de facto rights, which are treated in detail in chapters 3 and 9. The cases cited in the chapter on nullity focus on the courts wrestling with old concepts to make them applicable to the contemporary and culturally sensitive issue of forced marriages.

The carefully chosen chapter heading of "Violence within the Family", rather than the usual "Family Violence", reflects the authors' insightful analysis of the types of abuse and reasons for family violence, as well as the current legislative response. The remaining chapters cover the traditional categories of children, child support, spousal maintenance and property division. The chapter on financial disputes between de facto partners contains the latest decisions on this developing topic, including the relationship between statutory and general law rights.

The authors, who are academics at Deakin University, utilise a problem-solving approach to their teaching, with each chapter containing a realistic situation which could have been drawn from family court files. A model answer is provided which gives a précis of the legislation and case law which has been set forth in the preceding pages.

The "further discussion" points at the end of each chapter enable students to engage with the issues through reflecting on the broader social consequences of the topic and possible future direction for the legislation.

Extracts from international conventions, World Health Organization reports and sociological data place our legislation in a broader context. The use of numerous sub-headings and boxed formatting make this crisply written text inviting and easy to navigate. The only improvement might be a list of internet sites for the Gen Y student.

This is a valuable aid for students of all disciplines whose work brings them into contact with this ever-evolving branch of the law. ●

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