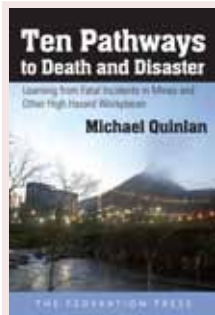


The Reading List

Book reviews for Society members,
by Society members

Ten Pathways to Death and Disaster:

Learning from Fatal Incidents in Mines and Other High Hazard Workplaces



Michael Quinlan
Federation Press
RRP \$165

Occupational health and safety expert Michael Quinlan's latest book is a well researched and readable resource in a small package. A book like this is important because: "Work remains a prominent source of death even in the wealthiest and most advanced industrial societies".

The book has two central aims: the first is to explain how and why fatal and catastrophic incidents continue to occur in mines and other workplaces. The second is to indicate how this problem can be addressed both in an immediate and practical sense and in terms of a broader

policy reshaping of work organisation, regulation and socioeconomic policy.

If you are new to this field or could do with a reminder, Quinlan's critical review of the research literature on workplace hazards and safety management theories helpfully summarises years of research in one chapter.

After that introduction, Quinlan's investigations into mining incidents form the basis of his further analysis of the "pattern failures" common to these incidents. The premise of the book is that pattern failures leading to catastrophic incidents are not unique to mining but can be identified in other workplaces.

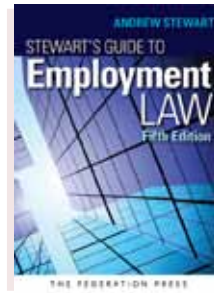
Examples of these pattern failures include design flaws, ignoring warning signs, economic pressures compromising safety and failures in regulatory oversight.

The book identifies types of failure that should form a critical checklist for organisations trying to address low-frequency high impact events. Quinlan also highlights the complex interaction of these pattern failures and several underlying risk factors.

Ten Pathways to Death and Disaster is a relatively small book, densely packed with valuable insights. The book is not written for lawyers — in fact, lawyers are mentioned only as potential impediments to an effective and thorough incident investigation. However, clients in hazardous industries and anyone interested in work safety management or regulation will find it a compelling read.

Elissa Steel, WorkSafe ACT, Access Canberra

Stewart's Guide to Employment Law



Andrew Stewart
5th edition
Federation Press
RRP \$84.95

Published two years after the last edition this text covers the legislative changes and common law developments since then, including the Fair Work Commission's power to deal with claims of workplace bullying.

Whilst the text focuses on the fundamental concepts and principles of employment law it does go beyond that to some extent, looking at the reform agenda of the Abbott Government on issues such as parental leave, superannuation and changes to the building and construction industry to name but a few.

The book is not bulked out with long quotations from legislation or by the reproduction of extended passages from judgments for every principle covered. That is not to say the relevant authorities for each principle are not cited but rather that the author communicates the concept as opposed to leaving it to the reader to decipher it from the source material.

A broad array of topics ranging from Awards through to Workplace Safety are covered in the book and increases its appeal. Whilst wide ranging the text is not all encompassing. However, that is not the purpose of the book and the trade-offs made in this volume are well balanced ensuring it remains reader friendly but still of sufficient breadth to be a good general guide. Any reader wanting to consider an issue further will benefit from the selected readings at the end of each chapter.

The book is most likely to be of benefit to those who need to be familiar with employment law, such as small businesses or someone employed in human resources. That said, practitioners who are not familiar with this body of law will find it useful as a preliminary reference.

The only criticism, albeit somewhat pedantic, this reviewer would make is that only the case name and year are cited in the chapters with the full reference not even footnoted. The inability to tell immediately from what jurisdiction a decision stems, without having to refer back to the case list at the front of the text, does on occasion necessitate some pause when reading.

Brendan Jones, Moray & Agnew

Higher Education and the Law



Sally Varnham,
Patty Kamvounias
and Joan Squelch

Federation Press

RRP \$99

In an Australian first, *Higher Education and the Law* offers readers a comprehensive yet digestible illustration of the highly regulated multi-stakeholder environment shaping contemporary higher education in Australia.

The book is arranged into two relatively indistinct sections: the law of higher education and the law *and* higher education. However, this does not detract from the twenty thoughtfully integrated chapters, which primarily focus on three broad themes of policy and law relating to governance, regulation, and participation.

Owing to decades of reform, globalisation and the rapid commodification of education and research, the law of higher education remains relatively scant. Against this backdrop, authors conveniently summarise the existing body of law applicable to higher education, while also exploring opportunities for reform. Of particular interests to legal practitioners are the chapters on student/university contract; employment law; copyright and intellectual property laws; consumer law; negligence and workplace health and safety laws. Disciplinary and dispute resolution regimes are also given good consideration.

The authors should also be commended for advancing discussions of the continued piecemeal approach to the inclusion of Indigenous knowledge in higher

education, despite advancements in access and inclusion. Overcoming a legacy of pedagogical marginalisation and exclusion will require more robust internal critique, and the recommendations found in this book offer invaluable strategic guidance.

With public debate over the deregulation of higher education ongoing, this book is a must read for all interested parties. The authors refrain from extensive socio-political considerations, exploring some of the more salient legal issues facing the industry instead. For instance, regulation and transparency are touted as chief among the most pressing of concerns for higher education providers in the coming decades.

Legal practitioners, policy makers, academic staff and management will all benefit considerably from including this text within their library's repertoire, which will remain current for several years.

Christie Gardiner, ANU Legal Workshop

Intellectual Property: Text and Essential Cases



Rocque Reynolds,
Natalie Stoianoff
and Alpana Roy

5th edition

Federation Press

RRP \$95

This is the latest edition of this very useful and engagingly-written intellectual property (IP) text book which is widely used in legal offices. The text deals with each form of IP and related rights in turn, and in sufficient detail to be useful to both students and practitioners. The text also strikes a good balance between concepts, policy and the law, noting that until students and practitioners understand why we have IP laws at all, and why and how IP laws evolve, it can be very difficult to learn the law. IP legislation is often lengthy and complex, and if a practitioner is not advising on IP regularly, this text would provide an ideal starting point or refresher.

We have an earlier edition of this text in our office and find that it is very useful as a general introductory text book for new graduates, particularly those who didn't study IP law at university. We also refer to the helpful tables, such as the duration of copyright table, if needed to respond to questions during seminars, when finding legislative provisions would be impractical.

This edition of the text has been updated with important recent cases including the *Kookaburra* case, which is a popular example to use in IP seminars and presentations.

Our only criticism of the text is the inclusion of lengthy case extracts. At a time when law students and practitioners have ready access to the internet, and Australian courts publish their own judgments online, this is unnecessary and adds to the bulk and cost (both financial and environmental) of the text without adding significant value.

In summary, the 2015 edition of this book is a welcome update and will be very useful to students and practitioners alike.

Sharon Rowe and Alice Bolt, DLA Piper