

FOREWORD

This book rests on two unchallengeable assumptions: first, that keeping workplaces safe is of the highest importance to all Victorians; and, secondly, that this can only be achieved if the requirements of occupational health and safety (OHS) law are clearly understood and rigorously enforced.

This is the fourth edition of a work first published in 1986. Like its predecessors, it is lucidly and elegantly written, comprehensive in its coverage and penetrating in its analysis. No one who works in OHS – whether in the workplace, or for the regulator, or in the courts – can afford to be without it.

As decisions of the Court of Appeal have emphasised, the offences created by the legislation are risk-based, not outcome-based. Navigating the complexities of a risk-based regime demands the kind of technical guidance which this book provides.

But this is much more than a technical manual. Drawing on their long and varied experience – as academics, practitioners and advisers to policymakers – the authors critically assess the current state of OHS regulation, both its legislative form and its administrative enforcement.

And the critique is unsparing. The authors openly express their disappointment at the failure of OHS regulation to deliver what the community expects. Their message is simple: the law can, and should, do more. They point out that, despite significant improvements in recent years, the levels of work-related injury, illness and death remain unacceptably high, and the fatality rate of 1.61 deaths per 100,000 workers is a ‘terrible toll’.

The authors mount a powerful case for a fully-integrated, national OHS regime, chiding successive governments for ‘painfully slow’ progress to national uniformity. They call for reassessment of the legislative model of consultation, given the ‘precipitous decline’ in union membership and industrial coverage. And they demand better performance from the regulator, in investigation, inspection and enforcement.

This book challenges everyone concerned with workplace safety to do more, and to do it better. Most importantly, it provides the tools with which to meet that challenge.

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