

# LAWS 3072 WORK HEALTH AND SAFETY LAW

**Credit Points** 10

**Legacy Code** 200799

**Coordinator** Jonathan Adamopoulos (<https://directory.westernsydney.edu.au/search/name/JonathanAdamopoulos/>)

**Description** This unit examines the different means in which the law protects workplace safety in Australia. The primary focus will be on the work health and safety regulatory framework and its underlying policy. The arbitrary nature of standard setting in the early systems of safety regulation is compared with later legislative models. The workings of these legislative strategies are illustrated by a series of selected issues relating to contemporary health risks in workplaces. Students will also examine issues surrounding enforcement and compliance and corporate governance in the safety context. Other topics include workers compensation and employment law.

**School** Law

**Discipline** Business and Commercial Law

**Student Contribution Band** HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Pre-requisite(s)** LAWS 2013

**Equivalent Subjects** LGYB 0395 - Occupational Health and Safety Law  
LAWS 3054 Occupational Health and Safety Law

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. explain the regulatory framework of work health and safety (WHS) in Australia;
2. distinguish between the various means in which the law ensures workplace safety;
3. explain the duties of employers, employees, directors and managers and identify the availability of defences in the event of a breach;
4. consider WHS issues in a commercial context and provide clear and accurate legal advice to clients;
5. explain the relationship between workplace safety and terms of employment;
6. explain the consequences of contravening WHS duties and distinguish various penalty options;
7. critically evaluate the effectiveness of WHS regulation in Australia from different employers' and employees' perspectives.

## Subject Content

- Contextual Background and historical development of WHS Law
- workplace safety and The common Law
- workplace safety and employment Law
- duties of employers to employees and other persons in The workplace
- Other statutory duties under the Work Health and Safety Act 2011 (NSW)
- The Commonwealth WHS Scheme

- Defences
- Obligations under the Work Health and Safety Regulation 2011 (NSW)
- workplace consultation and codes of practice
- enforcement
- Penalties and Remedies
- Workers' compensation and rehabilitation

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/Group Task
Case Study	1,500 words	20	N	Individual
Professional Task	1,000 words	20	N	Individual
Final Exam	2,500 words	60	N	Individual

Prescribed Texts

- Richard Johnstone, Elizabeth Bluff and Alan Clayton, Work, Health and Safety Law and Policy (Thomson Reuters, 3rd ed, 2012).
- Michael Tooma, Tooma's Annotated Work Health and Safety Act 2011 (Thomson Reuters, 2nd ed, 2017).

Teaching Periods

## Autumn

### Parramatta - Victoria Rd

#### Weekend

**Subject Contact** Jonathan Adamopoulos (<https://directory.westernsydney.edu.au/search/name/JonathanAdamopoulos/>)

View timetable ([https://classregistration.westernsydney.edu.au/event/timetable/?subject\\_code=LAWS3072\\_22-AUT\\_PS\\_W#subjects](https://classregistration.westernsydney.edu.au/event/timetable/?subject_code=LAWS3072_22-AUT_PS_W#subjects))