

# LAWS 5004 WORK HEALTH AND SAFETY LAW

## Credit Points 10

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

**Description** This subject aims to provide students with advanced and integrated understanding of how the law protects workplace safety in Australia by introducing the work health and safety regulatory framework and its underlying policy and history impacts on First Nations peoples. 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 fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Postgraduate Coursework Level 5 subject

**Pre-requisite(s)** LAWS 7072 Torts Law or LAWS 7078 Principles of Private Law

**Incompatible Subjects** LAWS 3072 Work Health and Safety Law

## Restrictions

Must be enrolled in a postgraduate laws program.

## Learning Outcomes

After successful completion of this subject, students will be able to:

1. Critically evaluate the regulatory framework of work health and safety (WHS) and the effectiveness of WHS regulation in Australia from different employers' and employees' perspectives, including First Nations peoples.
2. Distinguish between the various means in which the law ensures workplace safety, the relationship between workplace safety and terms of employment.
3. Analyse the duties of employers, employees, directors and managers, the availability of defences in the event of a breach, consequences of contravening WHS duties and distinguish various penalty options.
4. Provide legal advice to clients on WHS issues in a commercial context.

## Subject Content

1. Contextual background and historical development of WHS law, including the specific experience of First Nations workers
2. Workplace safety and the common law
3. Workplace safety and employment law
4. Duties of employers to employees and other persons in the workplace
5. Other statutory duties under the Work Health and Safety Act 2011 (NSW)
6. The Commonwealth WHS scheme

7. Defences
8. Obligations under the Work Health and Safety Regulation 2011 (NSW)
9. Workplace consultation and codes of practice
10. Enforcement
11. Penalties and remedies
12. 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.

Type	Length	Percent	Threshold	Individual/Group Task
Essay	2000 words	20	N	Individual
Professional Task	1000 words	40	N	Individual
Final Exam	2500 words	40	N	Individual

## Prescribed Texts

- Adamopoulos, J, *The Law of Workplace Safety* (Seminar Guide) 2024 (available online on vUWS)
- Michael Tooma, Tooma's Annotated Work Health and Safety Act 2011 (Thomson Reuters, 2nd ed, 2017).

## Recommended ONLY

- Richard Johnstone, Elizabeth Bluff and Alan Clayton, *Work, Health and Safety Law and Policy* (Thomson Reuters, 3rd ed, 2012).

## Teaching Periods

## Autumn (2024)

### Parramatta - Victoria Rd

#### On-site

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

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS5004\\_24-AUT\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS5004_24-AUT_PS_1#subjects))