



# OCHS12015 Occupational Health and Safety Law

## Term 2 - 2023

Profile information current as at 08/05/2024 01:19 pm

All details in this unit profile for OCHS12015 have been officially approved by CQUUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

This unit is designed to equip the learner with a comprehensive working knowledge of current work health and safety and workers' compensation law. Topics will include how common law and legislation are made, applied and interpreted, liability under the common law contract of employment, the common law duty of care and negligence and statutory developments regarding prevention and compensation.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 8

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 2 - 2023

- Online

### Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 20%

#### 2. **Written Assessment**

Weighting: 30%

#### 3. **Written Assessment**

Weighting: 50%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from SUTE data.

##### Feedback

Enhance video, audio and recording quality.

##### Recommendation

This has now been largely resolved.

#### Feedback from SUTE data.

##### Feedback

Casual marking feedback may have been a little blunt.

##### Recommendation

It is recommended that mentoring in assessment feedback be provided for future casual markers to ensure that high quality feedback is given to students.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Describe the current work health and safety and workers' compensation legal frameworks in Australia.
2. Apply relevant principles in order to determine workers' compensation entitlements.
3. Adopt a legal fault tree approach to the chain of incident causation in order to construct an accident analysis from a legal perspective.
4. Apply common law and statutory work health and safety provisions to determine liability.
5. Identify appropriate responses to the enforcement mechanisms contained in work health and safety legislation.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	2	3	4	5	
1 - Written Assessment - 20%	•		•		
2 - Written Assessment - 30%	•	•	•	•	
3 - Written Assessment - 50%	•	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	2	3	4	5	
1 - Communication	•	•	•	•	•
2 - Problem Solving			•	•	•
3 - Critical Thinking	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•
5 - Team Work					
6 - Information Technology Competence	•	•	•	•	•
7 - Cross Cultural Competence			•	•	
8 - Ethical practice			•	•	•
9 - Social Innovation					
10 - Aboriginal and Torres Strait Islander Cultures					

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 20%	•	•	•	•		•				
2 - Written Assessment - 30%	•	•	•	•		•	•	•		
3 - Written Assessment - 50%	•	•	•	•		•	•	•		

## Textbooks and Resources

### Textbooks

**There are no required textbooks.**

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

All submissions for this unit must use the referencing style: [Harvard \(author-date\)](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Aldo Raineri** Unit Coordinator

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**Kevin Perry** Unit Coordinator

[k.perry@cqu.edu.au](mailto:k.perry@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to law	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 1 Prescribed readings in Moodle	Weekly Zoom lecture

### Week 2 - 17 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Common law	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 1	Weekly Zoom lecture

### Week 3 - 24 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Statute law	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 2	Weekly Zoom lecture

### Week 4 - 31 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
OHS as a component of the contract of employment	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 3	Weekly Zoom lecture

### Week 5 - 07 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Compensation and the common law - negligence	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapters 4 & 5	Weekly Zoom lecture <b>Legal case analysis</b> Due: Week 5 Monday (7 Aug 2023) 10:00 am AEST

### Vacation Week - 14 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - 21 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Compensation under statute law	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 11	Weekly Zoom lecture

### Week 7 - 28 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to work health and safety under statute law	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 7 Prescribed readings in Moodle	Weekly Zoom lecture

### Week 8 - 04 Sep 2023

Module/Topic	Chapter	Events and Submissions/Topic
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The primary duty of care under the <i>Work Health and Safety Act 2011</i>	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 7 Prescribed readings in Moodle	Weekly Zoom lecture
<b>Week 9 - 11 Sep 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
The primary duty of care (contd)	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 9 (pp.413-420) & Chapter 10 (pp.447-454)	Weekly Zoom lecture  <b>Legal analysis of potentially compensable injury</b> Due: Week 9 Monday (11 Sept 2023) 10:00 am AEST
<b>Week 10 - 18 Sep 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Other statutory duties of care under the <i>Work Health and Safety Act 2011</i> - corporate officers, workers & others	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 8 Prescribed readings in Moodle	Weekly Zoom lecture
<b>Week 11 - 25 Sep 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Consultation	Prescribed readings in Moodle	Weekly Zoom lecture
<b>Week 12 - 02 Oct 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Enforcement	N. Foster, <i>Workplace Health and Safety Law in Australia</i> , 2nd ed. 2016, Lexis Nexis, Chapter 9 (pp.420-437)	Weekly Zoom lecture
<b>Review/Exam Week - 09 Oct 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
		<b>Legal analysis of workplace incident</b> Due: Review/Exam Week Monday (9 Oct 2023) 10:00 am AEST
<b>Exam Week - 16 Oct 2023</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>

## Assessment Tasks

### 1 Legal case analysis

#### Assessment Type

Written Assessment

#### Task Description

Read the case provided on the unit Moodle site and answer the questions relating to it, with reference to the material in weeks 1 - 3 of the unit.

Format is short answer style; it is not an essay or report. Submissions should be in Word or PDF format only. Referencing of external sources is not required in this assessment.

(800 - 1 000 words)

#### Assessment Due Date

Week 5 Monday (7 Aug 2023) 10:00 am AEST

#### Return Date to Students

Vacation Week Friday (18 Aug 2023)

#### Weighting

20%

## Assessment Criteria

Your submission will be graded according to the following criteria:

### Relevance (30%)

- Depth of understanding in formulating responses to the assigned task
- Alignment of responses to the assigned task
- Connections between discussion and evidence

### Validity (40%)

- Depth and extent of discussion i.e., understanding of concepts and evidence
- Accuracy and originality of the discussion
- Judgment and reasoning i.e., assertions made based on level of critical thought, analysis and synthesis
- Depth and extent of evidence used

### Organisation (20%)

- Consideration of required components of the assigned task
- Structure and flow of information
- Coherence and clarity of expression (spelling, grammar, syntax)

### Presentation (10%)

- Style and formatting in accordance with required academic standards
- Typographical matters
- Length

## Referencing Style

- [Harvard \(author-date\)](#)

## Submission

Online

## Learning Outcomes Assessed

- Describe the current work health and safety and workers' compensation legal frameworks in Australia.
- Adopt a legal fault tree approach to the chain of incident causation in order to construct an accident analysis from a legal perspective.

## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

## 2 Legal analysis of potentially compensable injury

### Assessment Type

Written Assessment

### Task Description

A scenario is provided on the unit Moodle site.

In the context of the material covered in weeks 4 - 6 of the unit, analyse the case and determine whether the injured person(s) has/have a claim for compensation and, if so, on what basis.

Submit your answer as an essay, **in Word format only**. Inclusion of external sources should be referenced appropriately.

(1 500 - 2 000 words)

**Assessment Due Date**

Week 9 Monday (11 Sept 2023) 10:00 am AEST

**Return Date to Students**

Week 10 Friday (22 Sept 2023)

**Weighting**

30%

**Assessment Criteria**

Your submission will be graded according to the following criteria:

**Relevance (30%)**

- Depth of understanding in formulating responses to the assigned task
- Alignment of responses to the assigned task
- Connections between discussion and evidence

**Validity (40%)**

- Depth and extent of discussion i.e., understanding of concepts and evidence
- Accuracy and originality of the discussion
- Judgment and reasoning i.e., assertions made based on level of critical thought, analysis and synthesis
- Depth and extent of evidence used

**Organisation (20%)**

- Consideration of required components of the assigned task
- Structure and flow of information
- Coherence and clarity of expression (spelling, grammar, syntax)

**Presentation (10%)**

- Style and formatting in accordance with required academic standards
- Typographical matters
- Referencing protocols
- Length

**Referencing Style**

- [Harvard \(author-date\)](#)

**Submission**

Online

**Learning Outcomes Assessed**

- Describe the current work health and safety and workers' compensation legal frameworks in Australia.
- Apply relevant principles in order to determine workers' compensation entitlements.
- Adopt a legal fault tree approach to the chain of incident causation in order to construct an accident analysis from a legal perspective.
- Apply common law and statutory work health and safety provisions to determine liability.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

- Cross Cultural Competence
- Ethical practice

### 3 Legal analysis of workplace incident

#### Assessment Type

Written Assessment

#### Task Description

Read the scenario provided on the unit Moodle site.

With reference to the material presented in weeks 7 - 12, you are required to determine whether any of the provisions of the *Work Health and Safety Act 2011* (or comparable legislation in Victoria or Western Australia) have been breached?

Explain your answer with reference to the various duty holders involved and specific provisions of the Act, Regulation, relevant Codes of Practice and any other relevant guidance material.

(2 500 - 3 000 words)

Submit your answer as an essay, **in Word format only**. Inclusion of external sources should be referenced appropriately.

#### Assessment Due Date

Review/Exam Week Monday (9 Oct 2023) 10:00 am AEST

#### Return Date to Students

Exam Week Friday (20 Oct 2023)

Following certification of grades.

#### Weighting

50%

#### Minimum mark or grade

You must achieve a minimum grade of 50% for this item and an overall grade of at least 50% to be eligible to pass the unit.

#### Assessment Criteria

Your submission will be graded according to the following criteria:

##### Relevance (30%)

- Depth of understanding in formulating responses to the assigned task
- Alignment of responses to the assigned task
- Connections between discussion and evidence

##### Validity (40%)

- Depth and extent of discussion i.e., understanding of concepts and evidence
- Accuracy and originality of the discussion
- Judgment and reasoning i.e., assertions made based on level of critical thought, analysis and synthesis
- Depth and extent of evidence used

##### Organisation (20%)

- Consideration of required components of the assigned task
- Structure and flow of information
- Coherence and clarity of expression (spelling, grammar, syntax)

##### Presentation (10%)

- Style and formatting in accordance with required academic standards
- Typographical matters
- Referencing protocols
- Length

**Referencing Style**

- [Harvard \(author-date\)](#)

**Submission**

Online

**Learning Outcomes Assessed**

- Describe the current work health and safety and workers' compensation legal frameworks in Australia.
- Apply relevant principles in order to determine workers' compensation entitlements.
- Adopt a legal fault tree approach to the chain of incident causation in order to construct an accident analysis from a legal perspective.
- Apply common law and statutory work health and safety provisions to determine liability.
- Identify appropriate responses to the enforcement mechanisms contained in work health and safety legislation.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Cross Cultural Competence
- Ethical practice

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem