

MAXIMUM PENALTIES

WORK HEALTH AND SAFETY (WHS Act 2011)

The WHS ACT 2011 includes various individual and body corporate penalties, including;

RECKLESS CONDUCT – CATEGORY 1

- \$300,000 or 5 years imprisonment or both for an individual,
- \$600,000 or 5 years imprisonment or both for a PCBU or an OFFICER,
- \$3,000,000 for a body corporate.

FAILURE TO COMPLY WITH HEALTH AND SAFETY DUTY – CATEGORY 2

- \$150,000 for an individual,
- \$300,000 for a PCBU or an OFFICER,
- \$1,500,000 for a body corporate.

FAILURE TO COMPLY WITH HEALTH AND SAFETY DUTY – CATEGORY 3

- \$50,000 for an individual,
- \$100,000 for a PCBU or an OFFICER,
- \$500,000 for a body corporate.

WORK HEALTH AND SAFETY REGULATION 2011

	<i>MAXIMUM PENALTY</i>
• By Law you must manage risks to Health and Safety	(Corporations) \$30,000 (Individuals) \$6,000
• By Law you must consult with Workers	(Corporations) \$100,000 (Individuals) \$20,000
• Other Penalties	(Corporations) \$30,000 (Individuals) \$6,000

(NOTE – Penalties are severe. This is a short summary only of the many penalties under the WHS Act 2011 and WHS Regulation 2011.)

NSW WORKERS COMPENSATION AND REHABILITATION

Workers Compensation in NSW is administered by the WorkCover Authority under the NSW Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998.

MAXIMUM PENALTY

PREMIUM OBLIGATIONS – by Law you must;

- Have a workers compensation policy covering all workers - 6 months imprisonment or \$55,000
- Keep 7 years wages records - \$55,000
- Not give false or misleading information - \$11,000

CLAIMS OBLIGATIONS – by Law you must;

- Keep a “Register of Injuries” book - \$5,500
- Notify WorkCover immediately of any “serious incident” - \$27,500
- Forward claim information within 7 days - \$5,500

RETURN TO WORK OBLIGATIONS – by Law you must;

- Establish a Return to Work Programme - \$2,200
- Employ a trained return to work co-ordinator and display your Return to Work Programme - (category 1 employers) \$1,100
- Display your Return to Work Programme and provide a copy for any worker who requests one - (category 2 employers) \$2,200

NOTE – A Category 1 employer is one whose annual basic tariff workers compensation insurance premium including GST is \$50,000 or more
– A Category 2 employer pays less than \$50,000.

(NOTE – This summary is not intended to be relied upon as listing all your legal requirements. It is a guide only of some penalties which may apply.)