

4 AUSTRALIAN OHS LAWS & PENALTIES

Occupational Health and Safety laws and regulations often differ from state to state, as do the penalties. The tables below offer a top level summary of key OHS Act requirements.

NOTE: This brief summary should only be used as a guide and does not replace reading the legislation or obtaining legal advice.

Employer's Requirements	SA	Vic	NSW	Qld	Tas	ACT	WA	NT
Provide & maintain a safe working environment	19.1 (a)	21.1, 21.2 (c)	8.1 (a)	28.1, 29 (a)	9.1 (a)	37.1, 37.2(a), 37.2(b)	19.1	29.1, 29.2 (c)
Provide &/or maintain safe systems of work	19.1 (a)	21.2 (a)	8.1 (c)	29 (d)	9.1 (a)	37.2 (a)	19.1 (a), (d)	29.2 (a)
Provide &/or maintain safe plant & substances	19.1 (a)	21.2 (a), (b)	8.1 (b)	29 (b), (c)	9.1 (a)	37.2(a), 37.2 (c)	19.1 (a), (e)	29.2 (b)
Provide adequate facilities	19.1 (b)	21.2 (d)	8.1 (e)		9.1 (b)	37.2 (a)		
Provide information training, instruction & supervision	19.1 (c)	21.2 (e)	8.1 (d)	29 (e)	9.1 (c)	37.2 (d)	19.1(b), 19.2	29.2 (d)
Monitor health & welfare of employees	19.3 (a)	22.1 (a)			9.2 (a)	37.2 (g)		29.3(a), 29.4 (a)

Depending on the state/territory that you work in, additional mandated requirements for employers may also be required. These are all stated in each state's OHS Legislation.

Additional Employer responsibilities include:

- Keep information relating to workplace injuries
- Provide information in appropriate language(s)
- Provide training to workers who perform hazardous tasks
- Keep information relating to OHS training
- Supervision provided to inexperienced employees
- Provide policies relating to OHS
- Prepare workplace safety information
- Employ or engage persons to provide specialist OHS advice
- Consult with employees in relation to OHS matters
- Establish workplace OHS representatives and/or OHS Committee

This table, below, provides a snapshot of the key legal requirements for employees, as defined in the various state/territory OHS Acts.

Worker's Responsibilities	SA	Vic	NSW	Qld	Tas	ACT	WA	NT
Take reasonable care to protect own safety	21.1	25.1 (a)	20.1	36 (e)	16 (a)	40.1 (a)	20.1 (a)	31.1
Avoid adversely affecting safety of others (by act or omission)	21.1a	25.1 (b)	20.1, 25	36 (d)	16 (a), 20 (b), (c)	40.1 (a)	20.1 (b)	31.1, 31.3 (b)
Correctly use equipment provided in the interest of your safety	21.1b(a)	25.2	21	36 (b), (c)	20 (a), (d), (e)	40.1 (c)	20.2 (b), (c)	31.2, 31.3 (a)
Obey reasonable safety instructions	21.1b(b)	25.1 (c)	20.2	36 (a)	16 (b)	40.1 (b)	20.2 (a)	31.2

Depending on the state/territory that you work in, additional mandated requirements for employees may also be required. These are all stated in each state's OHS Legislation.

Additional Employee responsibilities include:

- Complying with workplace policies
- Not endangering others by consumption of alcohol or drugs
- Reporting workplace hazards and injuries

There are obviously many other legislated requirements that can be found in the OHS Acts and Regulations, but this snapshot is designed to show you that while there are differences between the various states/territories, the basic principles of OHS legislation are the same — no matter where you are.

OHS Penalties

Just as OHS laws differ from state to state, so too does the cost of prosecution. Depending on many factors, the costs can range up to \$250,000 for an individual (manager/employer) and up to \$900,000 for a company for a serious offence.

The only constant across the country is that the value of these fines is increasing, and they will continue to increase as long as workplace injuries and fatalities continue.