

Specialised WHS Risk Assessment

Contents

Key Words Work Health and Safety Terminology	1
WHS Act, Regulation, Standards, Codes of Practice and Guidance Material	4
WHS LAW FRAMEWORK	5
Codes of Practice	6
Duty Holders In The Workplace	7
Duties of Persons Conducting a Business or Undertaking	9
Duty to consult	10
Workplace Health and Safety Consultation	11
Risk Management Overview	13
Methods for Identifying Hazards	14
Risk Assessment	16
Eliminate or Controlling Risks	18
Determining What is Reasonably Practicable	19
The Basics of a Work Health & Safety Management System	20
Offences and Penalties	21

Worksheets

Risk Management Assess & Control Risks worksheet
Inspection Report (2 Copies)
Action Plan Theory
Action Plan Example
Action Plan Blank

Resources

Work Health and Safety Act 2011 (extract)
Work Health and Safety Regulation 2011 (extract)
How to Manage Work Health and Safety Risks: Code of Practice
Understanding Hazardous Chemicals\ Labels
Understanding SDS for Hazardous Chemicals

Key Words Health and Safety Terminology

Due diligence

“Due diligence” by “Officers” means taking reasonable steps to make sure that the organization has sufficient resources and processes to work safely and that these resources and processes are effectively used.

Due Diligence involves:

- Keeping up to date with work health and safety matters,
- Understanding the issues, risks and hazards associated with the business,
- Ensuring resources are available to eliminate or minimise risks to health and safety in the workplace,
- Ensuring review processes are in place and incidents, hazards and risks are responded to in a timely way, and
- Verifying compliance and performance by way of positive performance indicators (see WHS Act section 27).

Duty Holders

Are persons listed in the WHS Act as having duties under the Act.

Hazard

Means a situation or thing that has the potential to harm a person.

Health

Health is the physical and psychological well-being of a person, how well someone is. Exposure to harm may change a person’s well-being and cause ill health.

It comes from an old English word meaning, whole.

Reasonably Practicable

In the WHS Act, reasonably practicable, in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters. (See WHS Act, Section 18).

In considering what is reasonably practicable a person should look at it from the viewpoint of a reasonable person who is committed to providing the highest level of protection against risks to a person’s health and safety, and who is proactive in taking measures to ensure this protection takes place. Further, it is not what the individual would consider to be ‘reasonable’ but what a court would consider to be reasonable. Reviewing past court cases and decisions can help you to establish this.

Person Conducting a Business or Undertaking

(See WHS Act, Section 5) A business or undertaking conducted by a person includes a business or undertaking conducted by a partnership or an unincorporated association. If a business or undertaking is conducted by a partnership (other than an incorporated partnership), each partner in the partnership is a PCBU. A person does not conduct a business or undertaking to the extent that the person is engaged solely as a worker in, or as an officer of, that business or undertaking. An elected member of a local authority does not in that capacity conduct a business or undertaking. A volunteer association does not conduct a business or undertaking for the purposes of the WHS Act. In this section, *volunteer association* means a group of volunteers working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.

Note—A person may be both a *person conducting a business or undertaking*, within the meaning of Section 5 of the Act, and a *worker* within the meaning of section 7 of the WHS Act.

Risk

Risk is the possibility that harm (death, injury or illness) might occur when exposed to a hazard.

Risk Control

Means taking action to eliminate health and safety risks so far as is reasonably practicable, and if that is not possible, minimising the risk to the lowest level that is reasonably practicable.

Safe

This word means, free from the possibility of harm or injury.

E.g. the workplace we are in is a safe place to work because all the risks have been eliminated.

Safety

Requires the elimination or minimisation of hazards in the workplace that have the potential to cause harm.

Welfare

Ref: Cambridge English Dictionary: *“physical and mental health and happiness, especially of a person.”* The requirements to ensure “welfare” include such things as provision of facilities, protective clothing or equipment, rescue equipment and accommodation.

Worker

(1) A person is a *worker* if the person carries out work in any capacity for a person conducting a business or undertaking, including work as—

- (a) an employee, or
- (b) a contractor or subcontractor, or
- (c) an employee of a contractor or subcontractor, or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- (e) an outworker, or
- (f) an apprentice or trainee, or
- (g) a student gaining work experience, or
- (h) a volunteer, or
- (i) a person of a prescribed class.

(2) For the purposes of this Act, a police officer is—

- (a) a worker, and
- (b) at work throughout the time when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise.

(3) The person conducting the business or undertaking is also a *worker* if the person is an individual who carries out work in that business or undertaking.

Note—A person may be both a *worker*, within the meaning of this section, and a *person conducting a business or undertaking* within the meaning of section 5.

Workplace

(See WHS Act Section 8). Is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. This would include a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

WHS Act, Regulation, Standards, Codes of Practice and Guidance Material

WORK HEALTH AND SAFETY ACT 2011

The Act is the law passed by NSW Parliament regarding workplace health and safety. It sets out who the duty holders are and what are their duties, requirements and arrangements for consultation, the role of the regulator and enforcement procedure.

WHS REGULATION

The WHS Regs provide specific requirements for complying with the WHS Act. They are rules or laws made by government departments using the powers given to them by the WHS Act.

CODES OF PRACTICE

An approved industry code of practice is a practical guide to achieving the standards of health, safety and welfare required by the WHS Act and WHS Regulations.

They can provide evidence of compliance in court proceedings for breaches of WHS law.

AUSTRALIAN STANDARDS

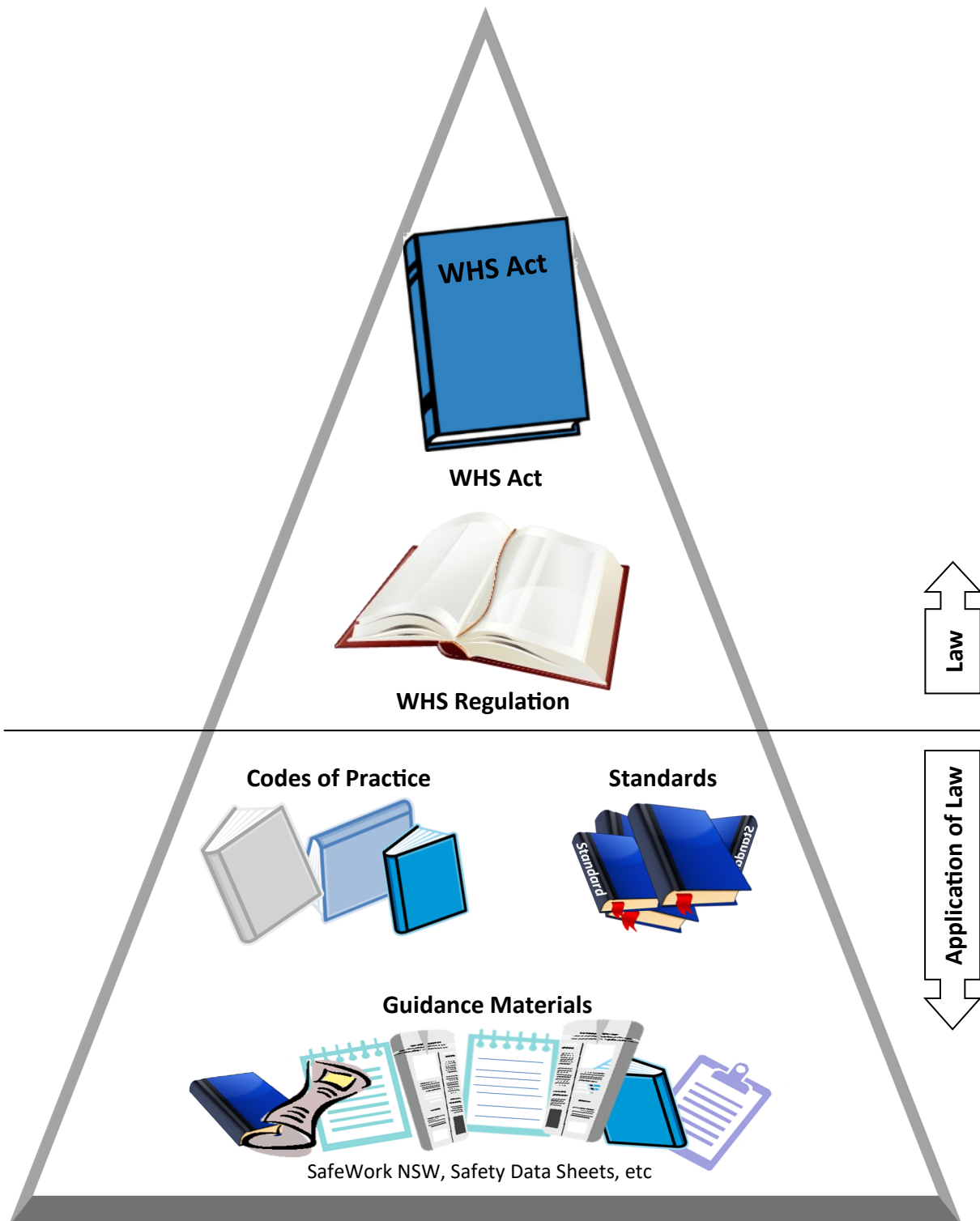
An Australian Standard provides guidelines relating to the design, operation and maintenance of equipment and systems, it sets out technical specifications or other matters necessary to ensure that a material, or method will consistently do the job it is intended to do. The standards are not law but often a State or Federal Government may include an Australian Standard in a law and therefore make it a legal requirement to comply with that standard.

GUIDANCE MATERIAL

Guidance notes contain detailed information to assist persons to implement the requirements of legislation, codes and standards. They are issued by organisations such as SafeWork NSW, SafeWork Australia, and Standards Australia.

WHS LAW FRAMEWORK

The below diagram shows the framework and relationship of WHS law



A PCBU's WHS Policies, Programs and Procedures should be in accordance with the relevant material in this triangle

Codes of Practice

WHS Codes of Practice

The model codes of practices adopted by SafeWork NSW are listed below:

Abrasive Blasting	Managing the Risk of Falls at Workplaces
Confined Spaces	Managing Risks of Hazardous Chemicals in the Workplace
Construction Work	Managing the Risks of Plant in the Workplace
Demolition Work	Management of WHS Risks – Psychosocial Hazards
Excavation Work	Managing Risks in Stevedoring
First Aid in the Workplace	Managing Risks When New and Inexperienced Persons interact with Horses
Hazardous Manual Tasks	Managing the Work Environment Facilities
How to Manage and Control Asbestos in the Workplace	Preparation of Safety Data Sheets for Hazardous Chemicals
How to Manage Work Health and Safety Risks	Preventing Falls in Housing Construction
How to Safely Remove Asbestos	Safe Design of Structures
Labelling of Workplace Hazardous Chemicals	Spray Painting and Powder Coating
Managing Electrical Risks	Welding Processes
Managing Noise and Preventing Hearing Loss at Work	Work Health and Safety Consultation, Cooperation and Coordination

All the codes of practice are available at <https://www.safework.nsw.gov.au/resource-library/list-of-all-codes-of-practice> or from www.safeworkaustralia.gov.au

Duty Holders In The Workplace

Main Duty Holders in the Workplace

PCBU

*They are Persons Conducting a Business
or Undertaking:*

Contractors, Employers,
Sole traders, Partners
Labour Hire and Self Employed.

Officers

They include:

Directors, secretaries, CEOs
and other persons who make
decisions, or participate in
making decisions that can
affect the whole or substantial
part of a corporation.

Workers

They are:

Employees (includes Managers who are not
Officers and Supervisors), Trainees
Volunteers, Contractors, Subcontractors
Apprentices, Work Experience Students
Outworkers and Labour hire staff.

Others

They are:

Visitors, Clients
and Customers.

Duties of Main Duty Holders in the Workplace

PCBU

A PCBU has the primary duty of care for workplace health and safety. The PCBU must ensure, so far as is reasonably practicable, the health and safety of workers and others.

Officers

An officer of the PCBU must exercise *due diligence* to ensure that the PCBU complies with their duties or obligations.

Workers

While at work, a worker must

- take reasonable care for their own health & safety
- take reasonable care not to adversely affect the health & safety of other persons
- comply, so far as reasonably able, with any reasonable instruction that is given by the PCBU to allow the person to comply with this Act
- co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

Others

Clients, customers and visitors at a workplace have duties similar to a worker's WHS responsibilities

Duties of Persons Conducting a Business or Undertaking

Person Conducting a Business or Undertaking or PCBU includes Employers, corporations, associations, partnerships, sole traders and certain volunteer organisations are considered to be PCBUs.

Duty of Care

The *primary duty of care* to ensure health and safety in the workplace belongs to the person conducting a business or undertaking (PCBU)

Specifically, under section 19 of the WHS Act 2011:

“A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:

- (a) workers engaged, or caused to be engaged by the person, and
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.”

This duty of care also extends to others who may be affected by the PCBU’s activities.

The duty of care includes ensuring , so far as is reasonably practicable:

- ◆ the provision and maintenance of a work environment without risks to health and safety
- ◆ the provision and maintenance of safe plant and structures
- ◆ the provision and maintenance of safe systems of work
- ◆ the safe use, handling, and storage of plant, structures and substances
- ◆ the provision of adequate facilities for workers including ensuring access to those facilities (e.g. washrooms, lunchrooms, personal storage space etc.)
- ◆ the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- ◆ that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury
- ◆ maintaining any accommodation owned or under the PCBU’s management to ensure the health and safety of workers occupying the premises
- ◆ A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work

Duty to consult

The PCBU has a duty to consult with workers and other duty holders on matters relating to health and safety

Duty to consult with workers: The PCBU must, so far as is reasonably practicable, consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety. If the PCBU and the workers have agreed to procedures for consultation, the consultation must be in accordance with those procedures.

Duty to consult with other Duty Holders including other PCBU: If more than one person has a duty in relation to the same matter under this Act, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter.

Consultation is required in relation to the following health and safety matters:

- ◆ when identifying hazards and assessing risks to health and safety
- ◆ when making decisions about ways to eliminate or minimise risks
- ◆ when making decisions about the adequacy of facilities for the welfare of workers
- ◆ when proposing changes that may affect the health or safety of workers
- ◆ when making decisions about the procedures for consulting with workers, resolving work health or safety issues, monitoring the health of workers or monitoring the conditions at any workplace under the management or control of the PCBU
- ◆ providing information and training for workers
- ◆ when carrying out any other activity related to health and safety as mentioned in the WHS Act and Regulation.

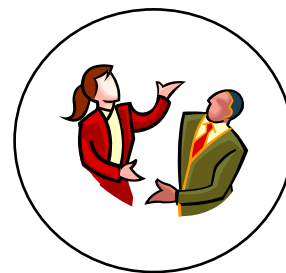
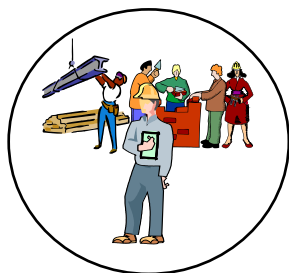
Under the WHS Act 2011 health & safety consultation can be done by one or more of the following methods;

one or more health and safety committees (WHS Act 2011 s.75)

one or more health and safety representatives (WHS Act s.50/51)

other agreed arrangements (WHS Act s. 47(2))

One or more health and safety representatives and/or One or more health and safety committees and/or Other agreed arrangements



Workplace Health and Safety Consultation

Consultation is an essential part of risk management and well worth the time, efforts and good intentions that management and workers, Health & Safety Committees and Health & Safety Representatives put into it.

Persons Conducting a Business or Undertaking have a duty to Consult*

Persons Conducting a Business or Undertaking (PCBUs) must consult with workers to enable those workers to contribute to making decisions that affect their health, safety and welfare at work.

The Nature of Consultation

PCBUs must:

- share relevant work health and safety information with workers
- give workers a reasonable opportunity to express their views and to raise health or safety issues
- give workers a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter
- take into account the views of workers
- advise workers of the outcome of any consultation in a timely manner.

When Consultation must be done

A PCBU must consult with workers when:

- identifying hazards and assessing risks arising from work
- making decisions about ways to eliminate or minimise those risks
- making decisions about the adequacy of facilities for the welfare of workers
- proposing changes that may affect the health or safety of workers
- making decisions about procedures for consulting with workers
- resolving health or safety issues
- monitoring the health of workers
- monitoring the conditions at the workplace
- providing information and training to workers.

Consultation Arrangements

Under the Work Health & Safety Act, consultation can be done by any one or more of the following methods:

- Health & Safety Representatives (HSRs) and Deputy HSRs that represent particular workgroups. Their focus is to resolve issues specific to their workgroup.
- Health & Safety Committees as the forum for the management of Health and Safety and Consultation across the whole workplace and other matters as agreed by the PCBU, the Committee and workers.
- Other agreed arrangements. These can be arrived at by the PCBU and workers and could include toolbox talks or direct consultation.

* WHS Act 2011 Section 47

Risk Management Overview



Part 3.1 of the WHS Regulation 2011 deals with managing risks to health and safety. The following 4 steps contained in the Code of Practice ‘How to Manage Work Health and Safety Risks’ provide guidance on how the requirements of the Regulation can be met. The WHS Act 2011 requires that you consult with workers at all stages of this process - see Section 47.

- **identify hazards** – find out what could cause harm
- **assess risks** if necessary – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening
- **control risks** – implement the most effective control measure that is reasonably practicable in the circumstances
- **review control measures** – to ensure they are working as planned.

Methods for Identifying Hazards

Systemic

- Safety Audits
- Workplace Inspections - regular walkthroughs of actual work places
- Incident/Accident Investigations
- Injury and Illness Records
- Consultation - ask workers about health and safety concerns
- Health and Environmental Monitoring - noise survey airborne contaminants etc.
- Information regarding health and safety from manufactures, suppliers, industry associations, safety regulators, unions, technical specialists and safety consultants.

Incidental

- Complaints
- Observations



Hazard Categories

Following are some examples of the most common types of hazards, as set forth in the SafeWork Australia Code of Practice “How to Manage Work Health and Safety Risks”.

- **Manual tasks:**

Potential harm: Overexertion or repetitive movement can cause muscular strain

- **Gravity**

Potential harm: Falling objects, falls, slips and trips of people can cause fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death

- **Electricity**

Potential harm: Potential ignition source. Exposure to live electrical wires can cause shock, burns or death from electrocution

- **Machinery and equipment**

Potential harm: Being hit by moving vehicles, or being caught by moving parts of machinery can cause fractures, bruises, lacerations, dislocations, permanent injuries or death

- **Hazardous chemicals**

Potential harm: Chemicals (such as acids, hydrocarbons, heavy metals) and dusts (such as asbestos and silica) can cause respiratory illnesses, cancers or dermatitis

- **Extreme temperatures**

Potential harm: Heat can cause burns, heat stroke or fatigue. Cold can cause hypothermia or frost bite

- **Noise**

Potential harm: Exposure to loud noise can cause permanent hearing damage

- **Radiation**

Potential harm: Ultra violet, welding arc flashes, micro waves and lasers can cause burns, cancer or blindness

- **Biological**

Potential harm: Micro-organisms can cause hepatitis, legionnaires’ disease, Q fever, HIV/ AIDS or allergies

- **Psychosocial hazards**

Potential harm: Effects of work-related stress, bullying, violence and work-related fatigue

Different methods are used for assessing each type of hazard because each produces a range of specific effects on the health, safety or welfare of people who are exposed to them.

Risk Assessment

By definition, if something is a hazard then it presents a risk to the health and safety of those in the area of the hazard. The nature and the size of the risk has to be worked out and this is known as risk assessment. The SafeWork Australia Code of Practice *How to Manage Work Health and Safety Risks* explains how to do this and that advice is summarised below.

Work out how severe the harm could be.

Some questions you should consider are:

- **What injuries** could result? Muscle strain, exhaustion, burns, cuts?
- **How severe** could the injuries be? Death, hospitalisation, minor injuries requiring first aid?
- **How many people** are exposed to the hazard? For example, a mobile crane collapse on a busy construction site has the potential to kill or injure a large number of people on and off the worksite.

Work out how hazards may cause harm

In most cases, incidents occur as a result of a chain of events and a failure of one or more links in that chain. Could one failure lead to other failures? For example, could the failure of your electrical supply cause control measures that rely on electricity to fail?

You should consider the circumstances under which the harm could occur, factors that could affect this include:

- weather,
- maintenance ,
- cleaning rosters ,
- budget,
- power failures,
- failure of systems due to lack of training.

Work out the likelihood of harm occurring

The likelihood that someone will be harmed can be influenced by the following factors: How often a task is done. How often are people near the hazard? How close do people get to it? Has it ever happened before, either in your workplace or somewhere else? How often?

You can rate the likelihood as one of the following:

- Certain to occur - expected to occur in most circumstances
- Very likely - will probably occur in most circumstances
- Possible – might occur occasionally
- Unlikely – could happen at some time
- Rare – may happen only in exceptional circumstances

The level of risk will increase as the likelihood of harm and its severity increases.

Example of a Risk Assessment Matrix

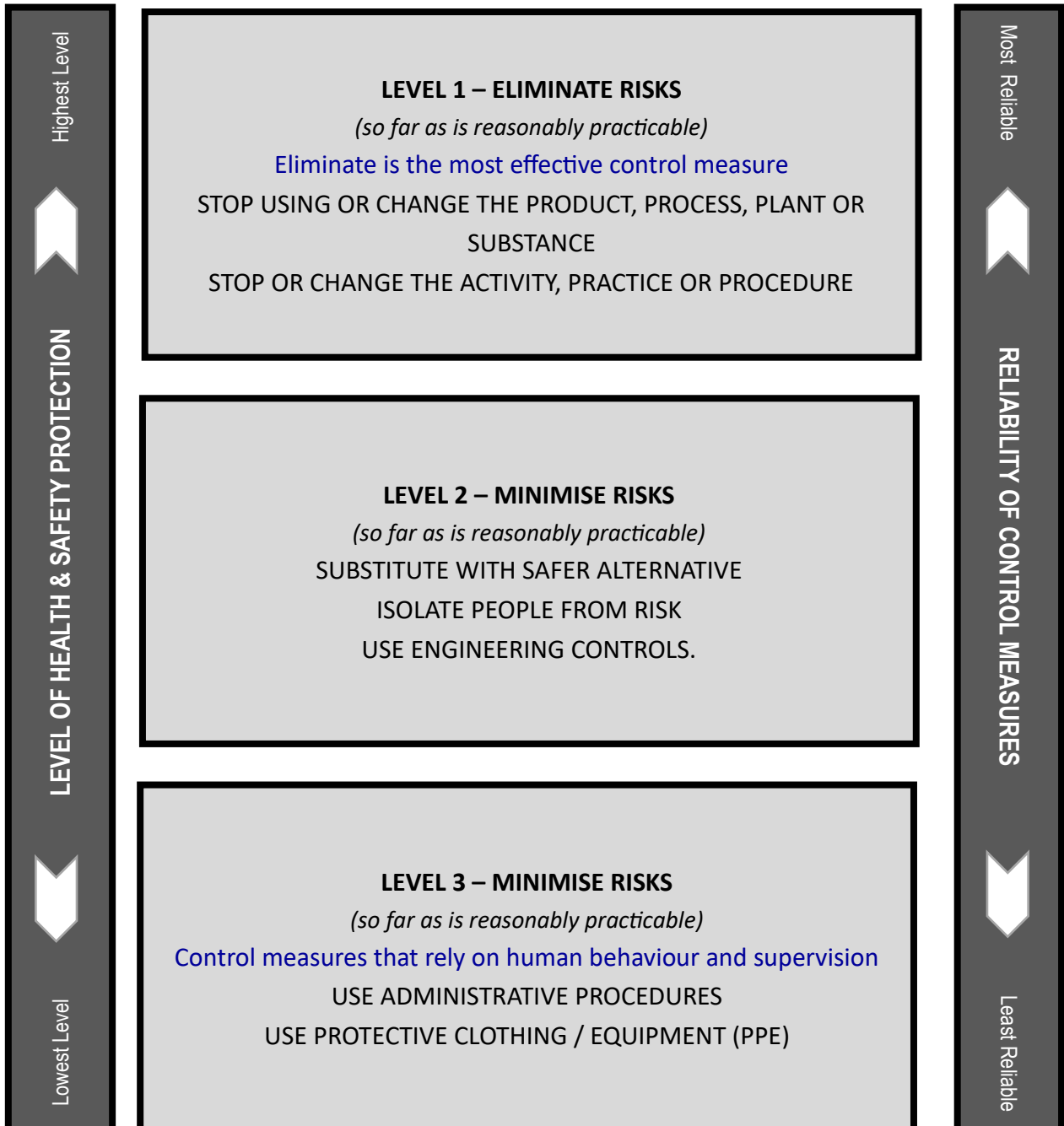
What is the worst realistic result if there was an incident/accident?	How likely is it that an incident/accident will occur?			
	very likely could happen any time	Likely could happen sometime	Unlikely Could happen, but very rarely	Very unlikely Could happen, but probably never will
Death	1	1	2	3
Permanent disability, permanent ill health	1	1	2	3
Serious injury, serious illness, off work for 7 days or more	1	2	3	4
Injury or illness, less than 7 days off work	2	3	4	5
First aid needed	3	4	5	6
<p>The numbers show you how important it is to do something:</p> <p>1 top priority: do something immediately</p> <p>6 low priority: do something when possible</p>				

Eliminate or Controlling Risks

When the risks of a hazard have been assessed you are then in a position to work out how to eliminate or control those risks. Clause 35 of the WHS Regulation 2011 states

“A duty holder, in managing risks to health and safety, must:
eliminate risks to health and safety so far as is reasonably practicable, and
if it is not reasonably practicable to eliminate risks to health and safety minimise those risks so far as is reasonably practicable”

Clause 36 sets out the hierarchy of control measures that should be applied when complying with Clause 35. Below is a diagram showing this hierarchy.



Those actions, which will minimise the risk to the lowest level that is reasonably practicable, must be carried out. Note: a combination of these controls may be used if a single control is not sufficient.

Reviewing Controls

Control measures should be reviewed regularly to make sure they work as planned. Don't wait until something goes wrong.

Determining What is Reasonably Practicable

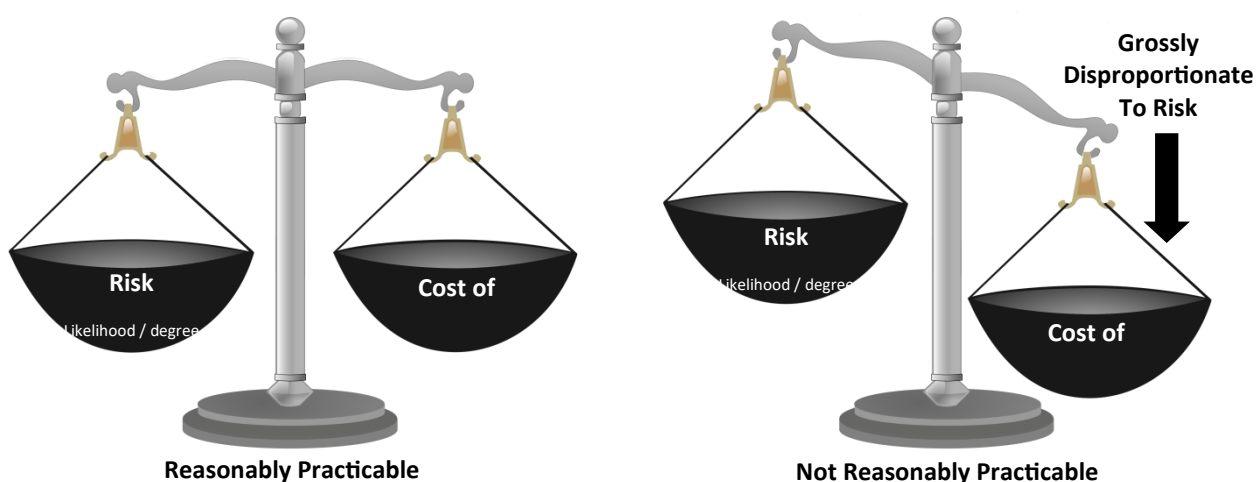
Section 19 of the Work Health and Safety Act 2011 says the PCBU has a duty to ensure, so far as reasonably practicable, the health & safety of workers.

Reasonably practicable means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters, including:

- 1) the **likelihood** of the hazard or the risk occurring
- 2) the **degree of harm** that might result from the hazard or the risk
- 3) **state of knowledge**: what the person concerned knows, or reasonably should know about the hazard or risk, and ways of eliminating or minimising that risk
- 4) the **availability** and **suitability** of ways to eliminate or minimise the risk
- 5) after assessing and taking into account the above factors whether the **cost** is **grossly disproportionate** to the risk.

Note:

- For **common hazards** such as noise, falls and manual handling there are **regulations** and supporting **codes of practice** to provide direction on how to control risks in a reasonably practicable manner.
- For more **complex** or **workplace specific risks** a **risk management** approach using the factors listed above must be used to establish what is reasonably practicable.



Weigh up “the cost associated with the available ways of eliminating or minimizing the risk”

Section 18 (e) WHS Act 2011

(Risk is the possibility that harm (death, injury or illness) might occur when exposed to a hazard.)

The Basics of a Work Health & Safety Management System

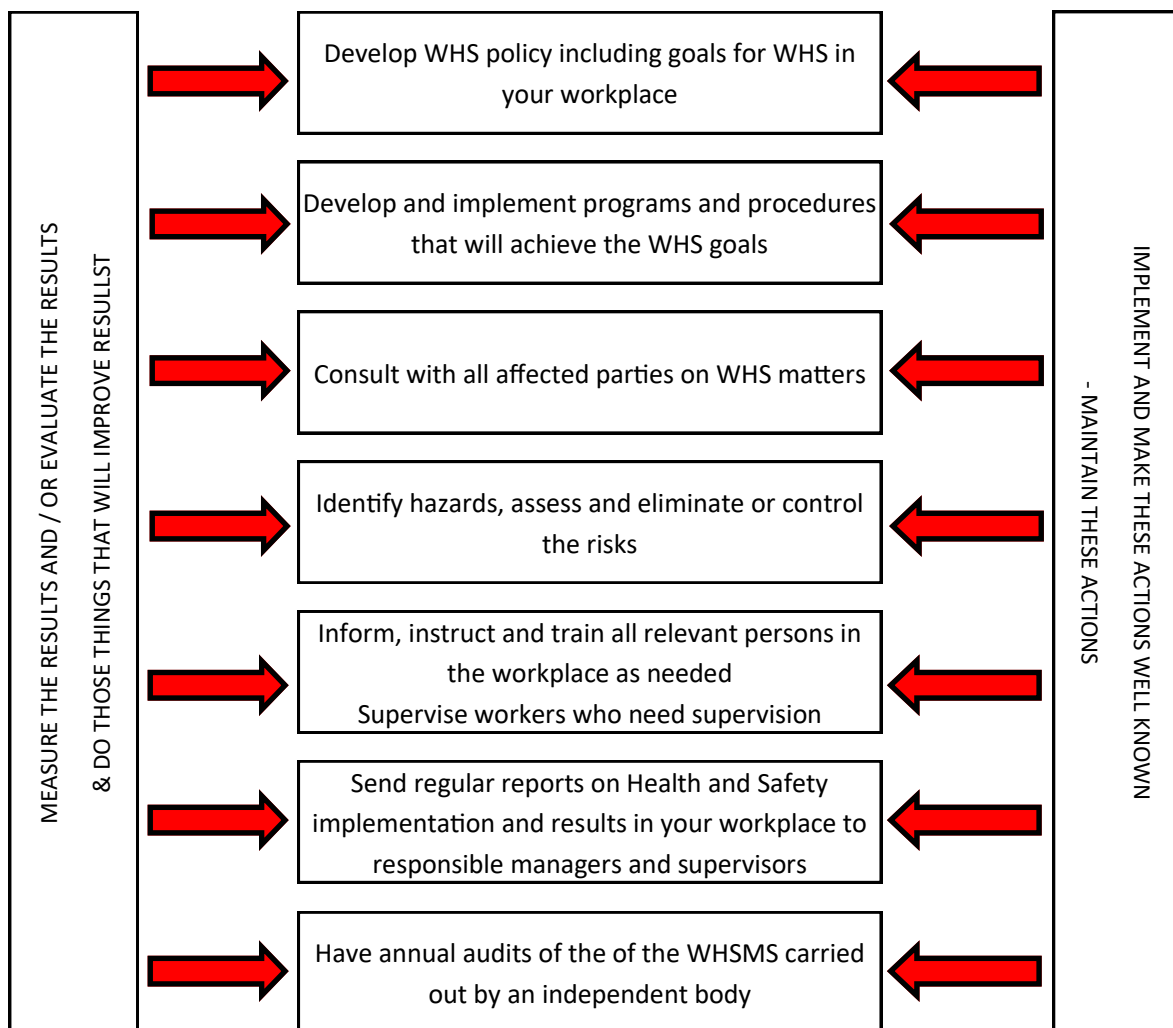
Nearly all of the literature on health and safety management systems refers to them as Occupational Health & Safety Management Systems, OHSMS. Now that the WHS Act is in place those systems will presumably come to be known as WHSMSs. WHSMS is short for Work Health & Safety Management System. Every organisation needs to have an effective WHSMS in place. To effectively manage their health and safety risks and ensure compliance with WHS law. Risk management is an integral part of effective WHSMS.

Definition

A system can be described as a group of things or parts that work together or are connected in some way so as to make a whole. A system should produce some beneficial result, e.g. hazard and risk minimisation. A WHSMS could be described as the system created by coordinating principles, planning activities, resources, responsibilities, processes, practices and procedures throughout an organisation in order to systematically manage its health and safety risks and ensure compliance with WHS law.

Establish a Work Health and Safety System

The diagram below illustrates how a work health and safety system can be established in a workplace and continuously improved.



Offences and Penalties

There are three 'categories' of Offences for violation of a health & safety duty under the WHS Act NSW (Divisions 2, 3 and 4, of Part 2).

Category 1 – Gross Negligence or Reckless Conduct (Section 31 WHS Act NSW)

A person commits a Category 1 offence if:

- a) the person has a health and safety duty, and
- b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and
- c) the person –
 - (i) engages in the conduct with gross negligence, or
 - (ii) is reckless as to the risk to an individual of death or serious injury or illness.

Category 2 - Failure to comply with health and safety duty (Section 32 WHS Act NSW)

A person commits a Category 2 offence if:

- (a) the person has a health and safety duty, and
- (b) the person fails to comply with that duty, and
- (c) the failure exposes an individual to a risk of death or serious injury or illness.

Category 3 - Failure to comply with health and safety duty (Section 33 WHS Act)

A person commits a Category 3 offence if:

- (a) the person has a health and safety duty, and
- (b) the person fails to comply with that duty.

The Penalty Unit System

You can always find the current \$ value of the penalty unit on SafeWork NSW's website.

The NSW WHS Act and WHS Regulation were amended on the 10th of June 2020 so that **WHS penalties are expressed in penalty units. They used to be expressed in \$ dollars. As at the 10th June 2020 one penalty unit = \$100.** For example, the penalty shown in the table below of 34,630 penalty units meant that maximum fine for a PCBU could be \$3,463,000 (34,630 penalty units x \$100 = \$3,463,000).

The dollar value of a penalty unit is now adjusted each financial year depending on whether the Consumer Price Index (CPI) has increased or decreased. **For the financial year of 1/7/22 - 30/6/23 one penalty unit = \$107.47 because the penalty unit value rose since 10/6/20 from \$100 to \$107.47.** If the CPI increases again then the \$ value of a penalty unit will also increase for the financial year of 1/7/23-30/6/24. As the CPI usually increases every year we could probably expect that the dollar value of the penalty unit will continue to rise. **You can always find the current \$ value of the penalty unit on SafeWork NSW's website.**

WHS Maximum Penalties in NSW

One Penalty Unit = \$100

When the Penalty Unit System Started on the 10th June 2020

Category of Offence	Individual Penalty Units	PCBU (as an Individual), or an officer of a PCBU Penalty Units	PCBU Body Corporate Penalty Units
<u>Category 1</u> <i>Gross negligence or reckless conduct</i>	<i>3,465 penalty units, or 5 Years imprisonment, or both</i>	<i>6,925 penalty units or 5 Years imprisonment or both</i>	<i>34,630 penalty units</i>
<u>Category 2</u> <i>Failure to comply with health & safety duty exposes individual to risk of death or serious injury or illness</i>	<i>1,730 penalty units</i>	<i>3,465 penalty units</i>	<i>17,315 penalty units</i>
<u>Category 3</u> <i>Failure to comply with health & safety duty</i>	<i>575 penalty units</i>	<i>1,155 penalty units</i>	<i>5,770 penalty units</i>