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| RECORD OF TOOL BOX TALK |
| Workplace: | Date: |
| Name of supervisor or presenter: | Time: |
| Topics discussed: PCBU “Officer” WH&S Responsibilities in Queensland |
| Officers of the PCBU are the people who have significant control over the business or who can contribute substantially to the decision-making process.Some ways you can meet your Officer duties are:* Keep your *WHS* knowledge up to date
* Understand your business and its *WHS* *hazards* and *risks*.
* Make sure your business is properly resourced to manage *WHS* *risks* and check that the resources are being used.
* Make sure your business has reporting processes for incidents, *hazards* and other *WHS* issues, and check that these processes are being followed.

you can be prosecuted if you fail to meet your duty as an officer. This can happen even if there hasn’t been an incident at your workplace, or the business has not been held liable. A breach to work health and safety law in Queensland *(Please check other states obligations online)* occurs either when:* a person conducting a business or undertaking (PCBU), or a senior officers' conduct, negligently causes the death of a worker
* an action is taken that places a person at risk of injury, illness, or death
* steps are not taken to avoid a risky situation from occurring
* there is a failure to comply with regulatory requirements.

There are 4 categories of offences for failing to comply with a health and safety duty under the WHS Act or an electrical safety duty under the ES Act, depending on the degree of seriousness or liability involved.**Industrial manslaughter**—the highest penalty under either the WHS Act or the ES Act is for industrial manslaughter where a PCBU, or a senior officer, negligently causes the death of a worker.Where a PCBU, or senior officer, commits industrial manslaughter, a maximum penalty of 20 years imprisonment for an individual or $10 million for a body corporate applies.**Category 1**—the next highest penalty under either the WHS Act or the ES Act is for a category 1 offence. These are serious breaches where a duty holder recklessly endangers a person to risk of death or serious injury. Offences involving reckless conduct will be prosecuted in the District Court.* Corporation: up to $3 million
* Individual as a person conducting a business or undertaking (PCBU) or an officer: up to $600,000/5 years jail
* Individual (e.g., a worker): up to $300,000/5 years jail.

**Category 2**—failure to comply with a health and safety duty or electrical safety duty that exposes a person to risk of death, serious injury or illness. Offences will be prosecuted in the Magistrates Court.* Corporation: up to $1.5 million
* Individual as a PCBU or an officer: up to $300,000
* Individual (e.g., a worker): up to $150,000.

**Category 3**—failure to comply with a health and safety duty or electrical safety duty. Offences will be prosecuted in the Magistrates Court.* Corporation: up to $500,000
* Individual as a PCBU or an officer: up to $100,000
* Individual (e.g., a worker): up to $50,000.

The PCBU, Officers and workers can also be issued with on-the-spot fines for WH&S Offences. |
| Comments/Feedback  |