

Legislation

Workplace Health and Safety Act 2007

Fines under the *Workplace Health and Safety Act* >

At the end of a number of provisions of the [Workplace Health and Safety Act](#) a maximum fine for a breach of that provision is provided. The fine is provided in terms of a number of 'penalty units'.

Penalty units

For example:

“Section 55 - Employer's general statutory duty of care

- (1) *An employer has a duty (the **employer's general statutory duty of care**) to ensure, as far as reasonably practicable, that workers and others are not exposed to risks to health or safety arising from the conduct of the employer's business.*
- (4) *An employer who fails to comply with the employer's general statutory duty of care is guilty of an offence.*

Maximum penalty: 1 000 penalty units or imprisonment for 2 years.”

The use of 'penalty units' as a means of prescribing the level of fines for various offences occurs in many Acts and Regulations. The use of a 'penalty unit' rather than a specific amount means that when the value of a penalty unit is changed from time to time in order to reflect the changing cost of living, it only needs to be changed in the Penalty Units Act and this then changes the level of fines across all legislation using the penalty unit as a basis for the potential level of fines.

A copy of the [Penalty Units Act](http://www.nt.gov.au/dcm/legislation/current.html) may be viewed at <http://www.nt.gov.au/dcm/legislation/current.html>

As at July 1 2008, the *Penalty Units Act* sets the value of a penalty unit as \$110. This means that in the example used above, the employer's general statutory duty of care, the maximum fine is \$110,000 (\$110 x 1,000).

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In addition it should be noted that the 'definitions' section of the *Workplace Health and Safety Act* 2007 states the following:

"Note

The maximum penalties fixed in this Act are the penalties applicable to an individual. The maximum penalty for a body corporate is a monetary penalty equal to 5 times the maximum monetary penalty for an individual. (See section 38DB of the Interpretation Act.)"

The [Interpretation Act](http://www.nt.gov.au/dcm/legislation/current.html) may also be viewed at <http://www.nt.gov.au/dcm/legislation/current.html>

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