

Jurisdictional Comparison Table: Maximum Monetary Penalties – Cross-selection of model WHS offences

(as at 1 December 2022)

Offender	Maximum Monetary Penalties (Penalty Unit included where applicable) ¹							
	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
<i>Category 1 Offence – s 31</i>								
Individual (other than PCBU or Officer)	\$300,000	3,465 Penalty Units (\$372,383)	3,000 Penalty Units (\$300,000)	\$340,000	\$300,000	\$300,000	\$300,000	\$300,000
PCBU (Individual/ Officer)	\$600,000	6,925 Penalty Units (\$744,229)	6,000 Penalty Units (\$600,000)	\$680,000	\$600,000	\$600,000	\$600,000	\$600,000
Corporation	\$3,000,000	34,630 Penalty Units (\$3,721,686)	30,000 Penalty Units (\$3,000,000)	\$3,500,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
<i>Category 2 Offence – s 32</i>								
Individual (other than PCBU or Officer)	\$150,000	1,730 Penalty Units (\$185,923)	1,500 Penalty Units (\$150,000)	\$170,000	\$150,000	\$150,000	\$150,000	\$150,000
PCBU (Individual/ Officer)	\$300,000	3,465 Penalty Units (\$372,383)	3,000 Penalty Units (\$300,000)	\$350,000	\$300,000	\$300,000	\$300,000	\$300,000
Corporation	\$1,500,000	17,315 Penalty Units (\$1,860,843)	15,000 Penalty Units (\$1,500,000)	\$1,800,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
<i>Category 3 Offence – s 33</i>								
Individual (other than PCBU or Officer)	\$50,000	575 Penalty Units (\$61,795)	500 Penalty Units (\$50,000)	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000

¹ The nature of some of the offences listed here may vary between jurisdictional WHS Acts and the model WHS Act. For example, the Category 1 offence in the WHS Act 2020 (WA) requires conduct that caused death or serious injury, whereas the model WHS Act requires grossly negligent or reckless conduct which exposes an individual to the risk of death or serious injury.

² NSW: 1 Penalty Unit = \$107.47

³ QLD: 1 Penalty Unit = \$100.00

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	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
PCBU (Individual/ Officer)	\$100,000	1,155 Penalty Units (\$124,127)	1,000 Penalty Units (\$100,000)	\$120,000	\$100,000	\$100,000	\$100,000	\$100,000
Corporation	\$500,000	5,770 Penalty Units (\$620,101)	5,000 Penalty Units (\$500,000)	\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
Notifiable Incident – Notify Regulator s 38 (1)								
PCBU (Individual/ Officer)	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	\$12,500	\$10,000	\$10,000	\$10,000	\$10,000
Corporation	\$50,000	575 Penalty Units (\$61,795)		\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Notifiable Incident – Record Keeping s 38(7)								
PCBU (Individual/ Officer)	\$5,000	60 Penalty Units (\$6,448)	50 Penalty Units (\$5,000)	\$5,500	\$5,000	\$5,000	\$5,000	\$5,000
Corporation	\$25 000	290 Penalty Units (\$31,166)		\$30,000	\$25,000	\$25,000	\$25,000	\$25,000
Preserve Incident Site – s 39(1)								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	\$12,500	\$10,000	\$10,000	\$10,000	\$10,000
Corporation	\$50,000	575 Penalty Units (\$61,795)		\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Requirements for authorisation of workplace – s 41								
Individual (other than PCBU or Officer)	\$50,000	575 Penalty Units (\$61,795)	500 Penalty Units (\$50,000)	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000

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	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
PCBU (Individual/Officer)	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	\$12,500	\$10,000	\$10,000	\$10,000	\$10,000
Corporation	\$50,000	575 Penalty Units (\$61,795)		\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
List of Health and Safety Representatives – s 74								
PCBU (Individual/Officer)	\$2,000	25 Penalty Units (\$2,686)	20 Penalty Units (\$2,000)	\$2,500	\$2,000	\$2,000	\$2,000	\$2,000
Corporation	\$10,000	115 Penalty Units (\$12,359)		\$12,500	\$10,000	\$10,000	\$10,000	\$10,000
Display Of Provisional Improvement Notice – s 97(1)(2)								
Individual/Officer	\$5,000	60 Penalty Units (\$6,448)	50 Penalty Units (\$5,000)	\$5,500	\$5,000	\$5,000	\$5,000	\$5,000
Corporation	\$25,000	290 Penalty Units (\$31,166)		\$30,000	\$25,000	\$25,000	\$25,000	\$25,000
Contravention Of Provisional Improvement Notice – s 99(2)								
Individual/Officer	\$50,000	575 Penalty Units (\$61,795)	500 Penalty Units (\$50,000)	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Corporation	\$250,000	2,885 Penalty Units (\$310,050)		\$285,000	\$250,000	\$250,000	\$250,000	\$250,000
Prohibition Of Discriminatory Conduct – s 104(1)								
Individual/Officer	\$100,000	1,155 Penalty Units (\$124,127)		\$115,000	\$100,000	\$100,000	\$100,000	\$100,000

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Offender	Maximum Monetary Penalties (Penalty Unit included where applicable) ¹							
	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
Corporation	\$500,000	5770 Penalty Units (\$620,101)	1,000 Penalty Units (\$100,000)	\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
Prohibition Of Requesting, Instructing, Inducing, Encouraging, Authorising or Assisting Discriminatory Conduct – s 107								
Individual/Officer	\$100,000	1,155 Penalty Units (\$124,127)	1,000 Penalty Units (\$100,000)	\$115,000	\$100,000	\$100,000	\$100,000	\$100,000
Corporation	\$500,000	5770 Penalty Units (\$620,101)		\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
Prohibition Of Coercion or Inducement – s 108(1)								
Individual/Officer	\$100,000	1,155 Penalty Units (\$124,127)	1,000 Penalty Units (\$100,000)	\$115,000	\$100,000	\$100,000	\$100,000	\$100,000
Corporation	\$500,000	5,770 Penalty Units (\$620,101)		\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
Misrepresentation – s 109(1)								
Individual/Officer	\$100,000	1,155 Penalty Units (\$124,127)	1,000 Penalty Units (\$100,000)	\$115,000	\$100,000	\$100,000	\$100,000	\$100,000
Corporation	\$500,000	5770 Penalty Units (\$620,101)		\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
Contravening WHS entry permit conditions – s 123								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	Not Used	\$10,000	\$10,000	\$10,000	\$10,000
WHS entry permit holder must also hold permit under other law – s 124								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	Not Used	\$10,000	\$10,000	\$10,000	\$10,000

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(as at 1 December 2022)

Offender	Maximum Monetary Penalties (Penalty Unit included where applicable) ¹							
	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
Person must not refuse or delay entry of, hinder or obstruct, WHS entry permit holder – ss 144-145								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	500 Penalty Units (\$50,000)	Not Used	\$10,000	\$10,000	\$10,000	\$10,000
Corporation	\$50,000	575 Penalty Units (\$61,795)			\$50,000	\$50,000	\$50,000	\$50,000
WHS entry permit holder must not delay, hinder or obstruct any person or disrupt work at workplace – s 146								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	500 Penalty Units (\$50,000)	Not Used	\$10,000	\$10,000	\$10,000	\$10,000
Corporation		575 Penalty Units (\$61,795)						
Power to require production of documents and answers to questions – s 171(6) (WA s 171(7))								
Individual/Officer	\$10,000	115 Penalty Units (\$12,359)	100 Penalty Units (\$10,000)	\$12,500	\$10,000	\$10,000	\$10,000	\$10,000
Corporation	\$50,000	575 Penalty Units (\$61,795)		\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Compliance with improvement notice – s 193 (WA s193(1))								
Individual (other than PCBU or Officer)	\$50,000	575 Penalty Units (\$61,795)	500 Penalty Units (\$50,000)	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Corporation	\$250,000	2,885 Penalty Units (\$310,050)		\$285,000	\$250,000	\$250,000	\$250,000	\$250,000
Compliance with prohibition notice – s 197								
Individual (other than PCBU or Officer)	\$100,000	1,155 Penalty Units (\$124,127)	1000 Penalty Units	\$115,000	\$100,000	\$100,000	\$100,000	\$100,000

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	Commonwealth	NSW ²	QLD ³	WA ⁴	SA	Tas	ACT	NT
Corporation	\$500,000	5,770 Penalty Units (\$620,101)	(\$100,000)	\$570,000	\$500,000	\$500,000	\$500,000	\$500,000
No insurance or other indemnity against penalties – s 272A								
Individual/Officer	Not Used	250 Penalty Units (\$26,867)	Not Used	\$51,000	Not Used	Not Used	Not Used	Not Used
Corporation		1,250 Penalty Units (\$134,337)		\$255,000				
Liability of officers for offences by body corporate under s 272A - s 272B(1)								
Individual/Officer	Not Used	1,250 Penalty Units (\$134,337)	Not Used	Not Used (the penalty prescribed for individuals under s272A will apply to an officer)	Not Used	Not Used	Not Used	Not Used

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Victoria Penalties Comparison

Victoria - Maximum Monetary Penalty ⁵		
Offence	Offender	
	Individual	Corporation
Obtain information (s9)	60 Penalty Units (\$11,095)	300 Penalty Units (\$55,476)
Restrictions on disclosure of information (s10)	100 Penalty Units (\$18,492)	-
Duties of employers to employees (s 21)	1,800 Penalty Units (\$332,856)	9,000 Penalty Units (\$1,664,280)
Duties to monitor health and conditions (s 22)	240 Penalty Units (\$44,381)	1,200 Penalty Unit (\$221,904)
Duties to other persons (s 23)	1,800 Penalty Units (\$332,856)	9,000 Penalty Units (\$1,664,280)
Duties of persons who manage or control workplaces (s 26)	1,800 Penalty Units (\$332,856)	9,000 Penalty Units (\$1,664,280)
Duty not to recklessly endanger persons at workplaces (s 32)	1800 Penalty Units (\$332,856)	20,000 Penalty Units (\$3,698,400)
Duty of employers to consult with employees (s 35)	180 Penalty Units (\$33,286)	900 Penalty Units (\$166,428)
Duty to consult with other employers in relation to duties relating to labour hire (s 35A)	180 Penalty Units (\$33,286)	900 Penalty Units (\$166,428)
Duty to notify of incidents (s 38)	240 Penalty Units (\$44,381)	1,200 Penalty Units (\$221,904)
Duty to preserve incident sites (s39)	240 Penalty Units (\$44,381)	1,200 Penalty Units (\$221,904)
Workplace manslaughter (s39G)	(Imprisonment for 25 years)	100,000 Penalty Units (\$18,492,000)
Requirements for licence or registration (s 40(1) (requirements for licence or registration of a workplace)	500 Penalty Units (\$92,460)	2500 Penalty Units (\$462,300)
Requirements for licence or registration (s 40 (2)-(4) requirements for licence or registration of plant or its design, substance or class of work or activity)	100 Penalty Units (\$18,492)	500 Penalty Units (\$92,460)
Display a copy of PIN (s60(4))	5 Penalty Units (\$925)	25 Penalty Units (\$4623)
Offence to contravene a provisional improvement notice (s 62)	500 Penalty Units (\$92,460)	2,500 Penalty Units (\$462,300)
Refuses to allow HSR to attend course without reasonable excuse (s67(7))	60 Penalty Units (\$11,095)	300 Penalty Units (\$55,467)

⁵ Vic: 1 Penalty Unit = \$184.92

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Victoria - Maximum Monetary Penalty ⁵		
Offence	Offender	
	Individual	Corporation
Obligation to keep list of health and safety representatives (s 71)	5 Penalty Units (\$925)	25 Penalty Units (\$4623)
Prohibition on discrimination (s76)	500 Penalty Units (\$92,460)	2,500 Penalty Units (\$462,300)
Offences by authorised representative (incl hindering and obstruction, unauthorised use of information, unauthorised exercise of power, threatening behaviour) (s91(1))	60 Penalty Units (\$11,095)	-
Offence to obstruct etc. authorised representative (s93)	60 Penalty Units (\$11,095)	300 Penalty Units (\$55,467)
Power to require production of documents and answers to questions (s 100) (failing to comply)	60 Penalty Units (\$11,095)	300 Penalty Units (\$55,467)
Powers to issue notices (s 110 - s 112)	500 Penalty Units (\$92,460)	2500 Penalty Units (\$462,300)
Power to issue improvement notice (s 111(4))	500 Penalty Units (\$92,460)	2500 Penalty Units (\$462,300)
Power to issue prohibition notice (s 112(5))	500 Penalty Units (\$92,460)	2500 Penalty Units (\$462,300)
Power to give directions (s 120)	500 Penalty Units (\$92,460)	2500 Penalty Units (\$462,300)
Offences in relation to inspections (s 125)	60 Penalty Units (\$11,095)	300 Penalty Units (\$55,476)
Certain insurance and indemnity arrangements void (s148A)	Contracts and arrangements are void	