

Person conducting a business or undertaking (PCBU)

WHS Act: s5

A person conducts a business or undertaking:

- (a) whether the person conducts the business or undertaking alone or with others; and
- (b) whether or not the business or undertaking is conducted for profit or gain.

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), a reference to a PCBU refers to each partner in the partnership.

Duties of PCBUs extends to those involved in:

- Management or control of workplaces
- Management or control of fixtures, fittings or plant and PCBUs in relation to plant, substances and structures that:
 - Design
 - Manufacture
 - Import
 - Supply
 - Install, commission or construct

A PCBU does not include:

- where 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
- a volunteer association

Officer of a PCBU

WHS Act: s27

An officer is a person within the PCBU that makes or participates in making decisions that affect the whole or a significant part of the organisation. Examples include a director or secretary of a company.

The full definition of an 'officer' can be found in section 9 of the Corporations Act 2001.

People within the Crown or a public authority who make decisions that affect the whole or a significant part of the Crown or public authority are also considered officers.

Worker

WHS Act: s7

A worker under the WHS Act is anyone carrying out work, in any capacity, for a PCBU. This includes:

- Direct employees;
- Contractors and subcontractors, and their employees;
- Labour hire employees engaged to work in the business or undertaking;

- Outworkers;
- Apprentices, trainees and students on work experience; and
- Volunteers.

Health and Safety Representative (HSR)

WHS Act: s60-69

A Health and Safety Representative (HSR) is the person elected by members of a work group within the PCBU, or across a number of businesses (e.g. multiple workplaces) to represent that work group during consultation on work health and safety issues.

HSRs also monitor measures taken by the PCBU to comply with the WHS Act, investigate complaints about WHS from the work group and, if appropriately trained, can direct that unsafe work stop and issue provisional improvement notice (PIN).

Health and Safety Committee (HSC)

WHS Act: 75-79

A PCBU must establish a HSC where requested to do so by the HSR, or a minimum of 5 or more workers at the workplace or at the PCBU's own initiative. The HSR can be a member of the HSC if they consent.

The key functions of the HSC are to:

- facilitate co-operation between the PCBU and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work; and
- to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace; and
- other functions under the regulation or agreed to between the PCBU and the HSC.

Work Group

WHS Act: s51-59

A work group is the group of people represented by the HSR. This may be a specific department, shift (e.g. day/night shift), location or type of worker.

Work groups are determined by negotiation between the PCBU and workers (and their representative if required).

Reasonably practicable

WHS Act: s18

'Reasonably practicable' means taking all steps as a duty holder is reasonably able to, taking into account:

- Likelihood of the hazard or risk happening;
- Consequences (or degree of harm) if it does occur;
- What the person knows, or should know about the hazard/risk and ways of eliminating or minimising it;
- Availability and suitability of ways to eliminate or minimise the risk; and
- The cost of eliminating or minimising the risk, and whether this cost far exceeds the level of reduction of risk.

Provisional Improvement Notice (PIN)

WHS Act: s90-102

A Provisional Improvement Notice (PIN) is a written notice from a trained Health and Safety Representative to a person or the PCBU, advising there has either been a breach of the Act that is likely to be repeated, or there is a current breach of the Act.

Only a HSR who has completed the required training is permitted to issue a PIN.

Before issuing the PIN, the HSR must consult with the person or PCBU to whom the PIN is being issued.

The HSR can also include directions on how to remedy the breach, and the person or PCBU must meet the requirements of the improvement within the specified timeframe. The HSR can also request an inspector review the PIN.

Workplace

WHS Act: s8

A workplace 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.

A WHS Entry Permit Holder

WHS Act: s116

A WHS entry permit holder is a representative of a relevant union of the workers at a workplace who may enter for the purpose of consultation on work health and safety matters with and provide advice on those matters to, one or more relevant workers who wish to participate in the discussions. A WHS entry permit holder may enter a workplace upon reasonably suspecting that a contravention of the Act has occurred or is occurring.

Structure

WHS Act: s4

Structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels); and
- any component or part of a structure.

Plant

WHS Act: s4

Plant includes:

- any machinery, equipment, appliance, container, implement and tool; and
- any component of any of those things; and
- anything fitted or connected to any of those things.

Substance

WHS Act: s4

Substance means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour.

Notifiable Incident

WHS Act: s35

Notifiable incident means:

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident

Serious Injury or Illness

WHS Act: s36

Serious injury or illness of a person means an injury or illness requiring the person to have:

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for:
 - (i) the amputation of any part of his or her body; or
 - (ii) a serious head injury; or (iii) a serious eye injury; or (iv) a serious burn; or
 - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping); or
 - (vi) a spinal injury; or
 - (vii) the loss of a bodily function; or
 - (viii) serious lacerations; or
- (c) medical treatment within 48 hours of exposure to a substance, and any includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind.

Dangerous Incident

WHS Act: s37

A dangerous incident means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- (a) an uncontrolled escape, spillage or leakage of a substance; or
- (b) an uncontrolled implosion, explosion or fire; or
- (c) an uncontrolled escape of gas or steam; or
- (d) an uncontrolled escape of a pressurised substance; or
- (e) electric shock; or
- (f) the fall or release from a height of any plant, substance or thing; or
- (g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or of any shoring supporting an excavation; or
- (j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) any other event prescribed by the regulations, but does not include an incident of a prescribed kind.

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