

DEFINITIONS

Accident Investigation

A process adopted to make inquiries into the causes of the work place accident. This may be seen as a major health and safety tool to be used to prevent future occurrences of accidents that have resulted in harm being caused.

Approved Codes of Practice

A plain language document that sets out standards for a particular process or standards contained in regulations or Acts. It explains and defines work methods and safe practices for the PCBU to follow.

Hazard

A hazard is any situation or thing with the potential to cause death, injury or illness. This also includes a person's behaviour if that behaviour is an actual or potential cause or source of harm.

Health and Safety Representative

Means a worker elected as a health and safety representative in accordance with subpart 2 of Part 3 of the Health and Safety at Work Act 2015

Notifiable Event

A **notifiable event** means any of the following events that arise from work:

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

Notifiable Incident

A **notifiable incident** means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person's health or safety arising from an immediate or imminent exposure to—

- (a) an escape, a spillage, or a leakage of a substance; or
- (b) an implosion, explosion, or fire; or
- (c) an escape of gas or steam; or
- (d) an escape of a pressurised substance; or
- (e) an 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 regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or 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) a collision between 2 vessels, a vessel capsizes, or the inrush of water into a vessel; or
- (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.

Notifiable Injury or Illness

A **notifiable injury or illness**, in relation to a person, means—

(a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):

- (i) the amputation of any part of his or her body;
- (ii) a serious head injury;
- (iii) a serious eye injury;
- (iv) a serious burn;
- (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping);
- (vi) a spinal injury;
- (vii) the loss of a bodily function;
- (viii) serious lacerations;

(b) an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:

(c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance;

(d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work:

- (i) with micro-organisms; or
- (ii) that involves providing treatment or care to a person; or
- (iii) that involves contact with human blood or bodily substances; or
- (iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or
- (v) that involves handling or contact with fish or marine mammals:

(e) any other injury or illness declared by regulations to be a notifiable injury or illness for the purposes of this section.

Officer

In this Act, unless the context otherwise requires, **officer**, in relation to a PCBU –

(a) Means, if the PCBU is:

- (i) a company, any person occupying the position of director of the company by whatever name called;
- (ii) a partnership (other than a limited partnership), any partner;
- (iii) a limited partnership, any general partner;
- (iv) a corporate body or an unincorporated body, other than a company, partnership or limited partnership, any person occupying a position in the body that is comparable with that of director of a company; and

(b) includes any other person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking (for example the chief executive); but

(c) does not include a minister of the Crown acting in that capacity; and

(d) to avoid doubt, does not include a person who merely advises or makes recommendations to a person referred to in paragraph (a) or (b).

PCBU

In this Act, unless the context otherwise requires, a **person conducting a business or undertaking** or **PCBU**—

(a) means a person conducting a business or undertaking—

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

(b) does not include—

- (i) a person to the extent that the person is employed or engaged solely as a worker in, or as an officer of, the business or undertaking;
- (ii) a volunteer association;
- (iii) an occupier of a home to the extent that the occupier employs or engages another person solely to do residential work;
- (iv) a statutory officer to the extent that the officer is a worker in, or an officer of, the business or undertaking;
- (v) a person, or class of persons, that is declared by regulations not to be a PCBU for the purposes of the Health and Safety at Work Act 2015 or any provision of this Act.

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 –

- (a) the likelihood of the hazard or risk concerned occurring; and
- (b) the degree of harm that might result from the hazard or risk; and
- (c) what the person knows, or ought reasonably to know, about:
 - a. The hazard or risk; and
 - b. Ways of eliminating or minimising the risk; and
- (d) the availability and suitability of ways to eliminate or minimise the risk; and
- (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with the available ways of eliminating or minimising the risk, including whether or not the cost is grossly disproportionate to the risk.

Risk

The severity of consequences if a person is exposed to a hazard, combined with the likelihood of it happening. The level of risk will increase as the likelihood and/or the severity of the consequence increases.

Stress

Stress is defined in terms of the interaction between a person and their (work) environment and is:

- (a) the awareness of not being able to cope with the demands of ones environment; and,
- (b) where this realization is of concern to the person, in that both are associated with a negative emotional response.
- (c) the adverse reaction people have to excessive pressure or other types of demand placed on them.

Worker

In this Act, unless the context otherwise requires, a **worker** means an individual who carries out work in any capacity for a PCBU, 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 business or undertaking; or
- (e) an outworker (including a homemaker); or
- (f) an apprentice or a trainee; or
- (g) a person gaining work experience or undertaking a work trial; or
- (h) a volunteer worker; or
- (i) a person of a prescribed class.

A PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.

Workplace

In this Act, unless the context otherwise requires, a **workplace**—

(a) means a place where work is being carried out, or is customarily carried out, for a business or undertaking; and

(b) includes any place where a worker goes, or is likely to be, while at work.

In this section, **place** includes—

(a) a vehicle, vessel, aircraft, ship, or other mobile structure; and

(b) any waters and any installation on land, on the bed of any waters, or floating on any waters.