

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

1) The name of the national coordinating body for workplace health and safety is:

- A) The Workplace Health and Safety Council of Australia (WHSCA).
- B) The Work Safe Council
- C) Work Cover Australia.
- D) Safe Work Australia.

Answer: D

2) Which of the following statements is not true in relation the new national *Workplace Health and Safety Act* (WHSA)?

- A) The WHSA regulations may be changed after the WHSA is implemented.
- B) States and territories have the right to make limited changes to future WHSA regulations.
- C) All the states and territories have agreed to pass identical or nearly identical legislation to the federal legislation.
- D) The minister in each state and territory must approve codes of practice for specific industries and work sectors.

Answer: C

3) Which of the following statements is not true in relation to workplace health and safety schemes?

- A) Manufacturers and suppliers are liable for the safety of their own employees. They are usually not liable for faults on the labels of their products.
- B) An employer could be responsible for risks to employees who are carrying out duties away from their workplace.
- C) Committees, comprised of employer and employee representatives, must carry out inspections and make recommendations.
- D) Employers, managers and supervisors who in charge of workplaces could face substantial fines and even imprisonment for breaches of workplace health and safety legislation.

Answer: A

4) Which of the following statements is/are true in relation to the workplace health and safety (WHS) obligations of persons who conduct businesses or undertakings (PCBUs)?

- A) PCBUS may satisfy their WHS duties by replacing a significant risk with a lesser one.
- B) PCBUs may be liable for WHS risks that were unforeseen (not anticipated) by safety experts.
- C) PCBUs have a duty to eliminate and reduce health and safety risks.
- D) All of the above.

Answer: D

5) The work place health and safety (WHS) duties that are imposed on persons who conduct any type of business or undertaking include:

- A) a duty to consider ways to eliminate risks to non-workers'.
- B) a duty to protect non-workers, such as visitors to the workplace.
- C) a duty to consider the likelihood and seriousness of risks to non-workers.
- D) all of the above.
- E) A and B above only.

Answer: D

- 6) Which of the following statement is not true in relation to the work place health and safety duties of persons who conduct businesses or undertakings (PCBUs)?
- A) A manufacturer that produces equipment with a potential safety fault will satisfy its WHS duties if it provides warnings about the fault and trains staff in the safe use of the equipment.
 - B) PCBUs include contractors, subcontractors and labour hire businesses.
 - C) A manufacturer that produces equipment with a potential safety fault should escape liability if its product includes a fault that was not foreseen by safety experts.
 - D) PCBUs include owners and occupiers of property.

Answer: A

- 7) The most serious breach of the national *Workplace Health and Safety Act* is a Category 1 breach. Businesses, individuals or corporations will be guilty of a Category 1 breach if they breach Categories 2 and 3 and:
- A) they expose an individual to the risk of death, serious injury.
 - B) they did not have a reasonable excuse for their breach.
 - C) they were reckless as to the risk of death, serious illness or injury.
 - D) they fail to comply with a workplace health or safety duty.

Answer: C

- 8) Which of the following statements is true in relation to the standard of proof that applies when a Work Place Health and Safety (WHS) regulator takes legal action against persons who conduct businesses or undertakings (PCBUs)?
- A) The PCBU has the onus of proof. It must prove that its conduct satisfied a reasonable standard of care.
 - B) The PCBU is deemed (considered) to be in breach if there has been an accident or other serious WHS breach.
 - C) The regulator has the onus of proof. It must prove all matters relating to the alleged WHS breach.
 - D) The onus of proof follows the standard set by the previous Occupational Health and Safety Acts in New South Wales and Queensland that preceded the new national legislation.

Answer: C

- 9) The second most serious breach of the national *Workplace Health and Safety Act* is a Category 2 breach. Individuals, persons who conduct businesses or undertakings (PCBUs) and corporations that commit a Category 2 breach could face which maximum penalties?
- A) \$ 50 000 fine (individuals); \$100 fine (PCBUs); \$ 500 000 fine (corporations).
 - B) \$ 150 000 fine (individuals); \$300 000 fine (PCBUs); \$1.5 million fine (corporations).
 - C) \$300 000 fine or five years prison or both (individuals); \$600 000 fine or 5 years prison or both (PCBUs); \$3 million fine (corporations).
 - D) \$ 200 000 fine or 3 years prison or both (individuals); \$400 000 fine or 3 years prison or both (PCBUs); \$1.1 million fine (corporations).

Answer: B

- 10) There has been an accident in Bambi's Hair, a hairdressing salon. A heavy air conditioning unit in the staff tea room fell from the ceiling and missed two hairdressers by a few centimetres. No one was hurt. The owner is on holidays. Jenny, the salon manager does not know whether she has a legal obligation to notify a Workplace health and Safety (WHS) regulator. Which of the following statements provides the most accurate advice?
- A) You are not required to notify the regulator. This obligation only applies if there is a death, serious illness or injury in the workplace.
 - B) You should notify the regulator. The obligation includes situations where a person has been exposed to a serious risk.
 - C) You should notify the regulator. The obligation includes situations where a person has been exposed to a serious risk. The work site must not be disturbed as far as reasonably practicable.
 - D) You should notify the regulator. The obligation includes situations where a person has been exposed to a serious risk. You must not move the air conditioner or clean up until after there has been a WHS inspection.

Answer: C

- 11) Which of the following statements is not true in relation to Work Place health and Safety (WHS) representative work groups?
- A) Health and safety representatives are elected for three-year terms.
 - B) Health and safety representatives have the right to be paid at their normal pay rate when they attend approved WHS training course.
 - C) Persons who conduct any type of business or undertaking (PCBUs) should establish a health and safety committee if they believe there is a reasonable need for one.
 - D) Health and safety representatives should be selected by a majority vote.

Answer: C

- 12) Which of the following statements is not true in relation to Work Place health and Safety (WHS) representative work groups?
- A) Representatives with appropriate training may direct a work member to stop an unsafe work practice.
 - B) Representatives cannot be personally liable for their conduct provided they act in good faith.
 - C) Disputes between representatives and their employer must be resolved through a conciliation process overseen by a state or federal WHS regulator.
 - D) Representatives cannot be personally liable for their conduct provided they reasonably believed that their actions were authorised under the *Workplace Health and Safety Act*.

Answer: C

- 13) Workplace inspectors do not have the power to:
- A) demand the production of documents (if they have search warrant).
 - B) enter workplaces to investigate accidents or risk factors.
 - C) issue improvement notices that require safety risks to be eliminated or reduced.
 - D) impose fines for minor safety breaches.

Answer: D

14) In New South Wales a union may conduct a prosecution for a serious breach of Workplace Health and Safety laws if:

- A) the breach involves a Category 1 or Category 2 offence.
- B) NSW WorkCover decides not to prosecute the breach.
- C) the NSW Director of Public Prosecutions recommends that the prosecution takes place.
- D) all of the above are satisfied.
- E) A and B only are satisfied

Answer: E

15) Which of the following is not one of the three main classifications of hazardous substances that must be labelled under Workplace Health and Safety laws?

- A) Toxic substances.
- B) Corrosive substances.
- C) Carcinogenic substances.
- D) Hydromagnetic substances.

Answer: D

16) Which of the following are characteristics of workers' compensation schemes?

- A) Injured employees are not required to prove that their injury was caused by the negligence of their employer or some other person.
- B) There are no limits on the rights of employees to sue for negligence.
- C) The Federal Government pays compensation direct to injured employees whose employers cannot meet their legal obligations.
- D) All of the above.

Answer: A

17) Reeta is a full time employee of a large accounting firm in New South Wales. Last Friday she was injured in a car accident while she was driving to work. Her doctor expects she will be unable to work for four weeks. Reeta has already used up her sick leave. If she applies for worker's compensation the most likely result is that:

- A) she is eligible for payments that cover all of her lost wages.
- B) she is not eligible for worker's compensation.
- C) she is eligible for compensation for her medical costs but not for lost pay.
- D) she is eligible for payments that are equal to 50 per cent of her lost wages.

Answer: A

18) Which of the following is the key principle behind the Workers Compensation Acts?

- A) Government employers are covered against workers compensation claims from Comcare. Private employers must arrange their own work injuries through private insurers.
- B) Private employees who suffer injuries at work have the right to sue their employer personally if the employer did not have full workers compensation insurance.
- C) Employees who are injured at work through unsafe work practices have the right to sue their employer for negligence.
- D) Workers who are injured in the course of their employment have the right to be paid compensation without needing to prove their employer was at fault.

Answer: D

19) Which of the following types of workers are not eligible for workers compensation?

- A) Independent contractors.
- B) Self-employed workers.
- C) Officers of non-profit clubs.
- D) All of the above.

Answer: D

20) Which of the following entitlements is/are available to injured workers?

- A) reimbursement of costs, such as clothing that was damaged at the time of the accident.
- B) a weekly sum while they cannot work.
- C) all medical expenses related to the injury.
- D) All of the above.

Answer: D

21) Which of the following is not an obligation that employers owe under workers compensation laws?

- A) To pay a lump sum (single) payment if one is requested by the injured worker.
- B) To notify their insurer about an injury as soon as possible, usually within about 48 hours after learning about a significant injury to an employee.
- C) To offer occupational rehabilitation programs to enable injured workers to return to work as soon as possible.
- D) To pay compensation for an injury that occurs over a period of time, such as deafness caused by years of working in a noisy factory.

Answer: A