



## Quiz

### Criminal Sanctions for Workplace Accidents

1. What section of the *Work Health and Safety Act 2011* (NSW) defines "worker" as any person that "carries out work in any capacity for a person conducting a business or undertaking"?
  - a. Section 3
  - b. Section 7
  - c. Section 10
  - d. Section 11
  
2. What is the liability of companies for ensuring the health and safety of workers?
  - a. The liability is solely that of the company
  - b. Officers of companies can be personally liable where they do not exercise due diligence to ensure the health and safety of their workers pursuant to s 27 of the *Work Health and Safety Act 2011* (NSW)
  - c. Only the shareholders of a company are liable
  - d. Only the CEO of a company is liable

3. What provision of the *Work Health and Safety Act 2011* (NSW) creates an offence for recklessness with respect to fulfilling a duty to ensure health and safety?
  - a. Section 31 – Category 1
  - b. Section 32 – Category 2
  - c. Section 33 – Category 3
  - d. Section 34 – Exceptions
4. Can insurance indemnify officers and directors from personal liability against criminal penalties?
  - a. No – it offends public policy
  - b. No – there is an express prohibition in the *Work Health and Safety Act 2011* (NSW) for insurance coverage for criminal penalties
  - c. Yes – insurers offer contracts with coverage for criminal penalties
  - d. Unresolved – the *Work Health and Safety Act 2011* (NSW) does not explicitly prohibit insurance coverage for criminal penalties
5. What power do investigators have to inspect premises under Parts 7-9 of the *Work Health and Safety Act 2011* (NSW)?
  - a. Power to enter and inspect premises (open workplaces) without warrant and ask for the production of documents
  - b. Investigators have no power to enter and inspect premises even with a warrant
  - c. Investigators have the power to enter and inspect premises only with a warrant
  - d. Investigators have the power to enter and inspect premises only with the police present

Answers:

1. b 2. b 3. a 4. d 5. a