



Australian Government

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- > See the Model Code of Practice—[How to manage Work Health and Safety Risk](#) on the SafeWork Australia website.
- > Comcare’s publication: [Guidance for Officers in Exercising Due Diligence](#)
- > [Safe Work Australia’s Interpretative Guideline—Model Work Health and Safety Act—The Health and Safety Duty of an Officer under Section 27](#)
- > Visit the Comcare website for access to extensive resources on [identifying and responding to WHS Risk](#), including [Comcare’s virtual office tool](#).

DUE DILIGENCE FOR OFFICERS—A SNAPSHOT

Officers have a duty under section 27 of the *Work Health and Safety Act 2011* (Cth) (**WHS Act**) to ensure that the person conducting a business or undertaking (PCBU) complies with its duties under the WHS Act. They are required to do this by exercising ‘due diligence’.

In its broadest sense, due diligence describes the corporate governance responsibilities of ‘officers’¹.

Officers are personally subject to penalties of escalating severity where a failure to comply with their health and safety duty leads to an offence as set out at in sections 31 to 33 of the WHS Act.

HOW CAN AN OFFICER EXERCISE DUE DILIGENCE?

In accordance with section 27(5) of the WHS Act, a non-exhaustive list of officer due diligence obligations may be schematically represented as:



HOW MIGHT THESE WHS DUE DILIGENCE MATTERS TRANSLATE INTO PRACTICE?

Due diligence requires officers of a PCBU to be proactive in ensuring that the PCBU complies with its duties under the WHS Act.

Some general measures that demonstrate due diligence include ensuring:

- > a well-documented system for identifying, reporting, and responding to all actual and potential hazards in the workplace;
- > safe practices, procedures and controls are in place are specific to the hazards in the workplace, and, comply with the requirements set out in WHS legislation and approved Codes of Practice;
- > the provision of ongoing instruction and training to supervisors, managers and workers;
- > regular communication with workers about foreseeable health and safety hazards;
- > adequate time and resources have been allocated for health and safety (e.g. resources for health and safety committees, health and safety representatives); and
- > there is regular monitoring and auditing of health and safety at workplaces.

Establishing and maintaining appropriate processes to ensure that the PCBU complies with its duties under the WHS Act is critical to an officer discharging their own due diligence obligations under the WHS Act.