



INFORMATION SHEET

Workplace Services

Date: 31 January 2012
Reference: NFSOHS0886A

Due Diligence for Officers

Officers must exercise 'due diligence' under the new work health and safety laws.

If you are an officer you will need to be proactive in making sure that the business is meeting its work, health and safety obligations.

You will need to have evidence to show you are meeting your obligations regardless as to whether there is a breach and you will risk prosecution (personally) if you are unable to demonstrate due diligence.

Are you an officer?

You are an officer if (among other things):

- you are a director or secretary of your company; or
- you are making or participating in making decisions that affect the whole or a substantial part of the business; or
- you have the capacity to affect significantly the business's financial standing;
- the directors of the company are accustomed to acting in accordance with your instructions or wishes;
- you are a trustee or a person administering an arrangement between a company and someone else.

What is due diligence?

If you are an officer you need to be aware that due diligence includes taking reasonable steps to:

- acquire and update your knowledge of health and safety matters; and
- understand the operations being carried out by the business and the associated risks and hazards; and
- ensure the business has, and uses, appropriate resources and processes to eliminate or minimise health and safety risks arising from the work being done; and
- ensure the business has appropriate processes in place to receive and respond promptly to information regarding incidents, hazards and risks; and
- ensure the business has, and uses, processes for complying with duties or obligations under the WHS Act 2011.

You also need to make sure you can verify that resources and processes for complying with your due diligence obligations are in place and are being used.

For more information contact your Workplace Adviser on 1300 650 620