



COURTENELL

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Your Safety Matters

This information letter is distributed to those people who are ensuring that their workplace is safe and healthy. This includes members of WHS Committees, WHS Representatives, Safety Officers, Supervisors, Managers and Directors. "Your Safety Matters" (formerly "Committee Member") is a free information letter which has been distributed since 1996.

Who is an Officer

An Officer of a person conducting a business or undertaking (PCBU) has a **duty to use due diligence** to ensure the PCBU complies with its WHS duties and obligations.

The word 'Officer' includes the directors and very senior management persons in the organisation - they are persons who participate in making decisions affecting the whole, or a substantial part of the organisation. Managers and supervisors who do not make key decisions on how the PCBU operates but instead provide information and implement decisions, are not regarded as Officers.



An Officer includes	Not an Officer
The Directors, Secretary & CEO of a corporation	Ministers of the Crown
A person who can significantly affect the corporations financial standing	Elected members of local authorities
A person who makes or participates in making decisions, that can affect the whole or substantial part of: <ul style="list-style-type: none"> the business of a corporation or entity the business or undertaking of a public authority or of the Crown 	
Members of Boards of Management of Public Authorities	Partners in Partnerships
Receivers, liquidators, administrators and certain trustees	Person who is responsible for implementing the decisions of an Officer, e.g. Supervisor

Note: Safe Work Australia has published a comprehensive "Interpretive Guideline" on Officers that we recommend you read. See the Publications/Guidance section of their website www.safeworkaustralia.gov.au. For the full definition see sections 4, 247, and 252 of the Work Health & Safety Act 2011, and section 9 of the Corporations Act 2001.

This publication provides general information about whs. It is not a legal opinion and does not represent a comprehensive statement of the law to be applied to a particular problem.

Brought to you by Courtenell Pty Ltd, Work Health & Safety Training Specialists.

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Did You See..?

This information is distributed as and when something significant happens in the WHS world. We briefly describe what it is and provide you with a link to where you can get more information. Did You See is also sent out as an e-newsletter.

Too much sitting can be bad for your health

Comcare has released a Sedentary Work Practices Toolkit to help reduce the risks involved with prolonged sitting:

www.comcare.gov.au/news__and__media/news_listing/sedentary_work_practices_toolkit_released

Details of Workers Compensation Changes

WorkCover NSW has Fact Sheets for employers and workers that outline the recent changes and dates have been announced for the rollout of changes:

www.workcover.nsw.gov.au/aboutus/newsroom/Pages/WorkersCompensationIssuesPaper.aspx

Expiry of High Risk Licences after 31 December 2012

A number of older licenses will require conversion and renewal before the 31st December otherwise they will expire. For details and what needs to be done go to the WorkCover NSW website:

www.workcover.nsw.gov.au/licensing/Licencesandcertificates/highriskworklicences/Pages/nophotonexpirylicence.aspx

Who is an Officer in Your Organisation

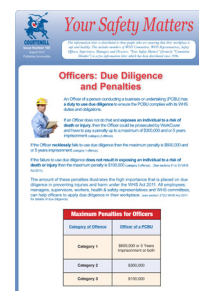
Have you identified the Officers under WHS law in your organisation and are they aware of their duties? SafeWork Australia has a guideline that can help:

www.safeworkaustralia.gov.au/sites/SWA/AboutSafeWorkAustralia/WhatWeDo/Publications/Documents/605/Interpretive%20guideline%20-%20Officer.pdf

“Your Safety Matters”, Issue 100

This information issue shows a table with the categories of maximum penalties for Officers.

www.courtenell.com.au/100.pdf



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