

## Duties

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### Person conducting a business or undertaking

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The *Electrical Safety Act 2002* requires that a person conducting a business or undertaking (PCBU) must ensure the person's business or undertaking is conducted in a way that is electrically safe.

This includes:

- ensuring that all electrical equipment used in the conduct of the person's business or undertaking is electrically safe
- ensuring the electrical safety of all persons and property likely to be affected by electrical work performed by the business or undertaking
- ensuring that persons performing work for the business or undertaking involving contact with, or being near to, exposed parts, are electrically safe.

The Work Health and Safety (WHS) laws require a person conducting a business or undertaking (PCBU) to ensure, so far as is reasonably practicable, the health and safety of their workers while at work in the business or undertaking.

This includes:

- provision and maintenance of a work environment without risks to health and safety
- provision and maintenance of safe plant and structures
- provision and maintenance of safe systems of work
- the safe use, handling, storage and transport of plant, structures and substances
- provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities
- provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

## Officers

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Officers have a duty to exercise due diligence to ensure their organisation complies with the WHS and electrical safety laws. An officer can be found guilty of an offence regardless of whether the organisation has been found guilty.

In particular, the WHS and electrical safety laws impose a specific duty on officers of corporations and unincorporated bodies such as clubs and associations to exercise due diligence to ensure that the corporation, club or association meets its work health and safety and electrical safety obligations. This requires officers to be proactive in ensuring that the corporation, club or association complies with its duties.

A volunteer officer cannot be prosecuted for failing to comply with their officer duties under the Work Health and Safety Act 2011 (the WHS Act). A volunteer officer can however be prosecuted in their capacity as a worker if they fail to meet their duties as a worker under the WHS Act.

## Workers

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Workers are classified as any person who carries out work, in any capacity, for a PCBU.

Workers must:

- take reasonable care for their own health and safety and electrical safety
- take reasonable care that their conduct, acts or omissions does not adversely affect the health and safety of others or adversely affect the electrical safety of other persons or property
- comply, so far as they are reasonably able with instructions
- cooperate with reasonable health and safety and electrical safety policies or procedures that have been notified to workers.

## Other persons at the workplace

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A person at a workplace or at a place where electrical equipment is located, whether or not the person has another duty under this part must:

- take reasonable care for his or her own health and safety and electrical safety

- take reasonable care that his or her acts or omissions do not adversely affect the health and safety or electrical safety of other persons
- comply, so far as the person is reasonably able, with any reasonable instruction that is given by the PCBU or given by the person in control of the electrical equipment.

## Duty holders

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Duty holders are PCBUs who are:

- persons with management or control of a workplace or in control of electrical equipment
- persons with management or control of fixtures, fittings or plant at a workplace
- designers of plant, substances, structures, electrical equipment or an electrical installation
- manufacturers of plant, substances, structures or electrical equipment
- importers of plant, substances, structures or electrical equipment
- suppliers of plant, substances, structures or electrical equipment
- persons who install, construct or commission plant or structures, or install electrical equipment or an electrical installation
- repairers of electrical equipment or electrical installation
- persons conducting a recognised external certification scheme.

## Further information

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