Health and Safety Guideline
HSG 1.3 Due Diligence

1. Purpose

This document provides Officers of the University of Newcastle with the information required to ensure they meet obligations of Officers under the NSW Work Health and Safety legislation. It sets out the responsibilities as well as methods that can be used to achieve the requirements.

2. Scope

This Guideline applies to all health, safety and wellbeing activities of staff, students, visitors (including volunteers and contractors), Council members, and other persons interacting with the University of Newcastle (workers); the operations of staff of University aligned Research Centres and controlled entities; and all activities conducted by or on behalf of the University of Newcastle on and outside of the University's campuses.

3. Guidelines

3.1. What is Duty of Care and Due Diligence

The University of Newcastle, as a Person Conducting a Business or Undertaking (PCBU) has a primary duty of care under the Work Health and Safety Act - in particular but not limited to Part 2, Division 4, section 27 of the Act - to ensure, as far as reasonably practicable, the health and safety of:

- workers engaged, or caused to be engaged by the person; and
- workers whose activities in carrying out work are influenced or directed by the person.

Due diligence requires an Officer to take reasonable steps to:

- acquire and maintain health and safety knowledge;
- gain an understanding of the organisation's hazards and risks;
- ensure that appropriate resources are provided to ensure compliance including management of hazards and risks;

- ensure the organisation has appropriate processes for receiving and analysing information relating to incidents, hazards and risks;
- ensure that hazards, incidents and risks are responded to in a timely manner; and
- see that health and safety systems and procedures are audited and reviewed.

3.2. Who is an Officer of the University

Under the Corporation Act 2001 section 9, a Director or member of a governing body is considered to be an "Officer" of a Corporation. Under section 9 of the Corporations Act 2001, an Officer includes a person:

- who makes or participates in making decisions that affect the whole or a substantial part of the organisation;
- who has the capacity to significantly affect the financial standing of the organisation;
- on whose instructions the Directors of the organisation are accustomed to act.

For the University, an Officer may be:
- A member of University Council;
- A member of the Executive Committee (EC);
- A Head of School (HoS) for the School they oversee;
- A Director or equivalent role for the unit they oversee; or
- A Chief Investigator for the research activity that they oversee.

3.3. Officer Responsibilities

Officers of a PCBU have responsibilities to ensure they comply with the Act, which advises that the Officer is required to take reasonable steps to:
- acquire and keep up-to-date knowledge of work health and safety matters;
- gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations;
- ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking;
- ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information;
- ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the

business or undertaking under the Act. Duties or obligations under the Act of a person conducting a business or undertaking may include:

- o reporting notifiable incidents,
- o consulting with workers,
- o ensuring compliance with notices issued under this Act,
- o ensuring the provision of training and instruction to workers about work health and safety,
- o ensuring that health and safety representatives receive their entitlements to training; and
- verify the provision and use of the resources and processes for relevant activities listed above.

3.4. Meeting Due Diligence Requirements

To comply with due diligence requirements, Officers need to:

- ensure the University develops policies and procedures in consultation with the workforce through its agreed health and safety consultation arrangements;
- take reasonable steps to ensure that the University has appropriate processes for collecting and considering information regarding incidents, hazards and risks and responding in a timely way to that information;
- ensure the information collected is detailed, accurate, reliable and sufficiently robust in order to provide a sound basis for properly informed decision making;
- policies and procedures are applied correctly and that they are adhered to within the business and inform the Health, Safety and Wellbeing Management System;
- be actively involved and personally verify the information relied on to make decisions; and
- verify the information they receive through HSMS governance and audit, making their own safety observations through verification activities such as workplace inspections, safety conversations, peer reviews and internal audits.

3.5. Actions and activities to fulfil due diligence requirements

The following table provides the requirements and the resources and tools available to Officers to enable due diligence requirements to be met.

Element of Due Diligence	Tools available to demonstrate due diligence	Value of tools in achieving due diligence	How to use tools to achieve due diligence	Recommended frequency of reviewing tools
Acquire knowledge	Council training and induction	Provides an overview of the University activities and the	Participate in inductions and the various training that	On commencement and refresh as

Element of Due Diligence	Tools available to demonstrate due diligence	Value of tools in achieving due diligence	How to use tools to achieve due diligence	Recommended frequency of reviewing tools
		HSMS framework and various the components	is provided	new information and updates are provided
	Legal updates on knowledge and changes	Maintaining a working knowledge of the improvements and requirements within the legal framework of state and federal instruments as they apply	Review the updates and ensure that the University's HSMS framework is updated where applicable	Whenever advised that changes have been made to legislation through the HSW team, legal team or through other means
	AIMS reporting and Dashboard oversight on incidents and trends	Individual incident and hazard reports and Dashboard access provide current information about incident occurrences, trends, and systematic improvements in the various parts of the University	Review the contents of the reports and Dashboard trends and ensure that the information is understood. Consider the contents and provide instruction to the applicable portfolios	Dashboard access is live and continuous. Reports are provided on a monthly quarterly and annual basis or ad hoc when applicable
Nature of operations	Reporting	Reports provide the current information about incident occurrences, trends, and systematic improvements in the various parts of the University	Review the contents of the reports and ensure that the information is understood. Consider the contents and provide instruction to the applicable portfolios	Reports are provided on a monthly quarterly and annual basis or ad hoc when applicable
	Deep dives on incidents and trends	Deep dives provide detailed analysis of the reason an adverse event occurred with the benefit of identifying the basic cause(s) that may not be obvious in initial reports	Review deep dive reports and the outcomes to identify areas where opportunity for improvements may be made	Review as deep dive reports are provided
	EC oversight on incidents and trends	Incident follow up and the nature of trends provide insight into potential areas of HSW risk that may require intervention	Review the reports where these include data and information about incidents and investigations to identify areas where improvement may be made	Whenever serious incidents are reported

Element of Due Diligence	Tools available to demonstrate due diligence	Value of tools in achieving due diligence	How to use tools to achieve due diligence	Recommended frequency of reviewing tools
	Safety Walk and Talks (SWATs)	SWATs provide contact with the staff and students who are working on University activities	SWATs provide a close understanding of the nature of the works and the situations that the workers are experiencing	In line with the schedule for the various roles of officers depending on their position
Resources and processes	Reporting	Reports provide the current information about incident occurrences, trends, and systematic improvements that may benefit from additional resources or changes to where resources are placed	Review the contents of the reports and ensure that the information is understood. Consider the contents and provide instruction to the applicable portfolios	Reports are provided on a monthly quarterly and annual basis or ad hoc when applicable
	Time to complete strategy	Review of the time to complete tasks and improvements to infrastructure and procedures allows for an understanding of potential outages and risks during the time from conception to completion	Review the time frames for improvements to assess the potential risks and identify where either resources may best placed or where a modification to risk controls may be required	Review at the various committee meetings that have a relationship with strategic plans such as infrastructure, IT, budgets and other resources
	Budget cycles and staffing	Resources and their allocation have a corresponding relationship with HSW risk management	Review the allocation of resources against the incident trends and HSW risks ensuring these are aligned	Review at the various committee meetings that have a relationship with strategic plans such as infrastructure, IT, budgets
	Strategy review	HSW strategies and ensuring their alignment with UON values provides an overall understanding of the activities and goals to achieve constant improvement in HSW risk management of workers	Review the HSW strategy and ensure that it aligns with that of other strategic plans to ensure that there is no conflict that may increase the risk to the HSW of workers	Review as each of the various strategies are developed or updated

Element of Due Diligence	Tools available to demonstrate due diligence	Value of tools in achieving due diligence	How to use tools to achieve due diligence	Recommended frequency of reviewing tools
	Incidents related to ageing infrastructure	Monitoring the situations as infrastructure ages over time and potentially it gradually increases the risk of failure or risk to workers, provides an understanding of the risks and actions that may need to be taken and the resources this may require	Review reports from IFS and through the HSW incident and hazard reports to identify any trends or areas where improvement is required	Review reports from IFS and HSW as they are provided
Process compliance	Audits	Audits provide an opportunity to verify that the information provided in various reports are accurate	Review the outcomes of audits to identify gaps and opportunities to improve HSW	As audit reports are provided
	Inspections	Inspections are a view in time of compliance with the various HSW procedures	The outcome of inspections can identify gaps in knowledge or procedures that exist and can identify areas for improved procedures or resources	Review the HSW reports where information about inspections is provided
	Attestation	Attestation in the various forms are a method of review that particular requirements are being met	Revie of attestations will show where there may be acceptance of procedures to be implemented or may provide insight into gaps in HSW knowledge or systems	Review as these are provided through various committees of other forums
	Reporting	Reports provide updates on levels of compliance over time	By reviewing the reports on completion of activities such as Inductions and training an understanding of the compliance aspects with the goal of modifying the requirements or provision of resources to better achieve the goals	As the various reports are provided

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	Incidents and injury	Review of incidents and injury reports help to identify the areas that require improvement such as infrastructure, information or individual practices	Review the reported incidents and injuries and the underlying factors that attributed to the event with a goal to possible resource reallocation	When the various reports are provided
	Consultation	Consultation permits the input of various people's experiences with the goal to achieve the most effective HSW controls	Review reports of outcomes of the various health and safety committees and the Wellbeing committees to identify areas that may be of concern	As provided with the HSW reports
	Risk review	Review of the HSW risk register(s) and the areas identified as potentially being an area with elevated potential to injure a worker points to areas requiring higher frequency monitoring	Using the outcome of the risk registers can highlight areas where resources may be required to be allocated	As provided by the various portfolios that include HSW risks in their reporting
Verification	Questioning Council papers	Questing the content of reports that are provided to Council and EC provides officers with a strong understanding of the content and the business activities and risks	Review the content of the various papers that include a HSW component and ensure that there is a strong understanding of the information provided	As the various reports are provided
	Benchmarking investigations	Provides a deep dive into reported incidents to gain an overview of HSW management practices	Review the content of investigations to gain a better understanding of HSW risk management	As investigations are undertaken
	Reporting	Reports provide updates on levels of compliance over time	By reviewing the reports on completion of activities such as Inductions and training an understanding of the compliance aspects with the goal of	As the various reports are provided

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			modifying the requirements or provision of resources to better achieve the goals	
	Safety Walk and Talks (SWATs)	SWATs provide contact with the staff and students who are working on University activities	SWATs provide a close understanding of the nature of the works and the situations that the workers are experiencing	In line with the schedule for the various roles of officers depending on their position
	Safety Alerts	Provide information about identified areas of escalated risk across the University	Review the Alerts to inform where areas of resources may be directed	As Safety Alerts are communicated
	Survey responses	Surveys provide an overview of HSW practice and the University community's engagement with practices.	Review the responses to help determine the University's culture for HSW	As provided

Appendix 1 contains further detail on the type and frequency of activities to be implemented by Officers to meet above requirements.

4.   Definitions

In the context of the Health and Safety Management System Framework:

Executive Committee	Consisting of the Vice-Chancellor, the Deputy Vice-Chancellors, the Pro Vice-Chancellors, the Chief Operating Officer and the Chief Financial Officer.
Hazard	A situation, condition, or event, including a person's behaviour, that exposes a worker to a risk to their health or safety during the course of work in a workplace, that has the potential to cause injury, illness or even death or to damage buildings, plant or equipment.
Leader / Supervisor	Any member of the University who is responsible for supervising staff and/or undergraduate or postgraduate students and/or for leading research projects.
Officer	As per the Work Health and Safety Act 2011, an officer is a person who makes decisions that affect the whole or a part of the organisation and/or

	has the capacity to significantly affect the financial standing of the organisation and/or on whose instruction the directors of the corporation are to act. Officers have a duty under the WHS Act 2011 to demonstrate due diligence in taking reasonable steps to ensure the organisation complies with its work health and safety obligations. At the University, members of Council and Executive Committee are Officers. Other senior staff and managers may also be considered Officers under the act where their role meets the definition.
Regulatory requirements	The legal obligations imposed upon the University, its officers and employees, and other Workers under the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2017* (NSW).
Responsible	The person who is allocated the responsibility to ensure the activity will be completed, by doing the work themselves or assigning it to others within their team.
Risk	The likelihood that a hazard will cause harm and the consequence of that harm.
University Council	The University's governing authority established under section 8A of the University of Newcastle Act 1989 (NSW).
Worker	Includes an employee, conjoint, student on work experience, contractor, sub-contractor, and volunteer. A person is a worker if the person carries out work in any capacity for the University or another person conducting a business or undertaking, including work as: (a) an employee, or (b) a contractor or subcontractor, or (c) an employee of a contractor or subcontractor, or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or (e) an outworker, or (f) an apprentice or trainee, or (g) a student gaining work experience, or (h) a volunteer, or (i) a person of a prescribed class.

5.   Responsibilities

A comprehensive list of health, safety and wellbeing responsibilities is provided in Guideline HSG 1.2: Roles and Responsibilities.

6.   References & Related Documents

The following documentation is referenced in, or applicable to this Guideline:

Health and Safety Compliance Activity Action Plan (PLN-EL01.04)

7.   Amendment History

Version	Date of Issue	Approval	Section(s) Modified	Details of Amendment
1	July 2023	CPCO	All	Original version with latest amendment

8.   Appendices

Appendix 1   Officer Compliance Activity Calendar

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Officer Activity / Action	Quarter 1	Quarter 2	Quarter 3	Quarter 4	How does this help meet Due Diligence obligations?
Annual review of Health Safety and Wellbeing related policies				✓	Understand the policies that support health, safety and wellbeing at the University
Health Safety and Wellbeing Annual Report			✓		Annual Review of the health, safety and wellbeing management system and understanding of the resourcing to support the system
University Health and Safety Committee Minutes	✓	✓	✓	✓	Understand the use of the Committee as a consultation forum for health, safety and wellbeing issues
Quarterly Hazard & Injury Report	✓	✓	✓	✓	Understand the health, safety and wellbeing incident trends across the University
Annual Due Diligence Training for Officers	✓				Gain knowledge of the legislative context and requirements for Officers in relation to due diligence
Annual Deposit Premium presentation				✓	Understand the University's workers compensation contribution and how this relates to health, safety and wellbeing issues
Review Emergency Evacuation procedures	✓				Understand and have confidence in the emergency planning and safety of our people
Update on health, safety and wellbeing industry Trend/Topic		✓		✓	Keep up to date with industry trends impacting health, safety and wellbeing issues

Review Health Safety and Wellbeing Risk Register			✓		Understand the University's health, safety and wellbeing risk register and the strategies to address identified organisational health, safety and wellbeing risks
Health Safety and Wellbeing Internal Audit				✓	Understand the University's conformance with health, safety and wellbeing standards
Officer Site Visits (annual Board/bi-annual GLT)			✓		Observe health, safety and wellbeing in action (e.g. ergonomics, signage, emergency procedures)
Other relevant health, safety and wellbeing activities	✓	✓	✓	✓	Gain knowledge of other relevant health, safety and wellbeing activities