

# Principles that apply to WHS duties



## Overview

This factsheet gives an overview of the four key principles that apply to all WHS duties in the model WHS Act. Understanding these principles will assist you to interpret and apply your duties as a PCBU. See the other factsheets in this series for greater detail on each principle and the duty to consult, cooperate and coordinate with other duty holders.

As a person conducting a business or undertaking (PCBU) you have a duty under work health and safety (WHS) laws to ensure, so far as is reasonably practicable, the health and safety of workers engaged, and caused to be engaged by you, and others who may be at risk from work carried out by the business.

The term 'workers' includes employees, contractors, subcontractors, trainees and volunteers. You are also likely to have other duties such as ensuring the workplace you manage or control does not expose any person to health and safety risks.

### 4 key principles that apply to all WHS duties in the model WHS Act



1. WHS duties are not transferable.



2. A person can have more than one duty.



3. More than one person can have the same duty.



4. Management of risks.



#### 1. WHS duties are not transferable

**Your PCBU duties are not transferable. You cannot modify or contract out of your duties.** If you attempt to modify or transfer your WHS duties to another person (such as a subcontractor) by way of a contract, that provision in the contract will be invalid.

However, you can enter into reasonable arrangements or agreements with other PCBUs you are working with to make sure everyone's duties (including yours) are met, while at the same time avoiding unnecessary duplication of effort. See the factsheet '[Principle 1: WHS duties cannot be contracted out or transferred](#)'.



#### 2. A person can have more than one duty

It is possible to be a multiple duty holder. For example, if you are self-employed or work as an individual contractor, you may be **both a worker** (who is owed work health and safety duties) **and a PCBU** (owing work health and safety duties to yourself and to others).

**Self-employed people and individual contractors are usually both a PCBU and a worker.** See the factsheet '[Principle 2: A person may have more than one duty](#)'.



#### 3. More than one person can have the same duty

You and another PCBU can have the same work health and safety duties relating to a particular work activity, or the environment in which the work is taking place. This means you are both responsible for addressing WHS risks.

**Where you share duties with other PCBUs, you must:**

- **meet your duty to the extent to which you have capacity to influence and control the matter**
- **consult, cooperate and coordinate with other duty holders.**

The PCBU with the most influence and control over a matter will be in the best position to manage the associated risks. See the factsheets '[Principle 3: more than one person can have the same duty](#)' and '[Duty to consult, cooperate and coordinate with other duty holders](#)'.



#### 4. Management of risks

As a PCBU you are required to **eliminate risks to health and safety so far as is reasonably practicable**. If elimination is not reasonably practicable, you must **minimise those risks so far as is reasonably practicable**.

Reasonably practicable means doing all that you reasonably can to keep people safe at work. See the factsheet '[Principle 4: Management of risks](#)'.