

# Duty of Care- WHS Act 'What does it mean?'

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Small Mines Roadshow 2024

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February to April 2024



# Presentation covers...

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- What does the duty of care mean?
- The elements of duty of care
- How we can improve?
- Where to find information
- Take home messages

# What is duty of care?

## Section 19 – Work Health and Safety Act 2011



- Duty of care is the legal responsibility to protect the safety and wellbeing of others, which includes taking all reasonable steps not to cause foreseeable harm to another person.
- A duty of care is breached when someone is injured because of the action (or in some cases, the lack of action) of another person when it was reasonably practicable to achieve.
- PCBU's have a duty of care to do what is reasonably practicable to ensure health and safety in the workplace
- Negligence, where a person suffers harm because of another party's failure to take proper care



# Quarry supervisors and managers' duty of care

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Must ensure so far as is reasonably practicable ensure a safe workplace.

- Implement your safety management system.
- Monitor its effectiveness and review regularly.
- Conduct regular workplace inspections. (formal and informal)
- Lead by example.
- Empower your team to act on safety matters (hazard reporting, stop assess act)
- Hold people to account including yourself.

# Main elements of the duty of care

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Safe work environment

Safe machinery and equipment

Safety systems of work, (RA or procedures covering people, equipment, material, work environment)

Chemicals are used, handled and stored safely (eg. explosives, diesel etc)

Information, training, instruction and supervision are provided

Adequate workplace facilities are available

Workers' health and workplace conditions are monitored

Exercise:  
Nertney Wheel





Any questions ?