Resources Regulator Department of Regional NSW



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

Small Mines Roadshow 2024

February to April 2024





Presentation covers...

- 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





WHS Act 2011 Sec 19 - Duty of care



Primary duty which lays the foundation on which a business or undertaking should be built upon.

Sets the minimum requirements that must be adhered to.

All persons have a duty.

Duty not transferable nor avoidable.

Encompasses all aspects of work.



Quarry supervisors and managers' duty of care

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

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)

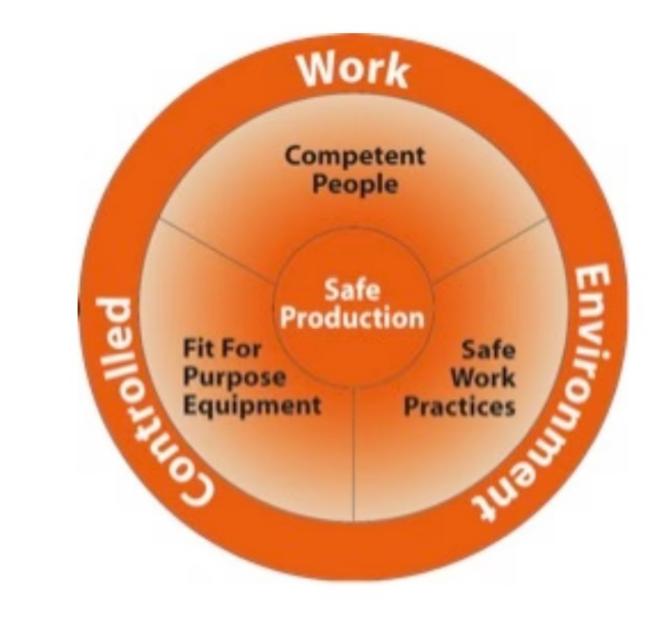
Information, training, instruction and supervision are provided

Adequate workplace facilities are available

Workers' health and workplace conditions are monitored



Exercise: Nertney Wheel



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Any questions?