1. Statement

This Standard establishes the minimum requirements for health, safety and wellbeing accountabilities that evidences the implementation of the Health, safety and wellbeing policy.

2. Scope

This Standard applies to the Department of Health divisions and agencies, and Hospital and Health Services (HHS) that are not prescribed services. 

This Standard also applies to employees of the department, including those working in HHSs as per the provisions of the Hospital and Health Boards Act 2011.

This Standard does not apply to our people engaged by Queensland Ambulance Services (QAS).

3. Duty holders for health, safety and wellbeing

We are all duty holders for health, safety and wellbeing.

As workers, we all have personal responsibility for our own health and safety. The Work Health and Safety Act 2011 (WHS Act) sets out workers duties. Workers duties include that while at work, a worker must take reasonable care for their own health and safety and that of others and must take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others. [Full details are contained in WHS Act s. 28 Duties of workers].

The Department of Health and HHSs have a duty of care to manage risks by eliminating health and safety risks so far as is reasonably practicable, and if it is not reasonably practicable to do so, to minimise those risks so far as is reasonably practicable. [Refer to all Health and safety duties listed in the WHS Act including s. 17 Management of risks, s. 18 What is reasonably practicable in ensuring health and safety and s. 19 Primary duty of care].

Our executive officers must exercise due diligence to ensure the Department of Health and HHSs comply with their legal duty to manage risks. Our executive officers include the Director-General, the Deputy Director-General, Chief Executive Officers, HHS Board Members and Health Service Chief Executives.

This Standard provides a framework for achieving compliance with our duties for health, safety and wellbeing.

4. Requirements

The executive officers of each accountability area and workers alike play a role in the implementation of Queensland Health’s health, safety and wellbeing management system and application of this Standard. An accountability area is a division or agency of the Department of Health or an HHS.

4.1 Roles and responsibilities

4.1.1 The executive officer of the accountability area will take reasonable steps to:

- Establish and maintain an understanding of the requirements under work health and safety legislation including the:
• Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Codes of practice;

• Electrical Safety Act 2002, Electrical Safety Regulation 2013, Australian Electrical Standards, the Wiring Rules and Electrical safety codes of practice;

• Workers’ Compensation and Rehabilitation Act 2003 and Workers’ Compensation and Rehabilitation Regulation 2014;

• Building Fire Safety Regulation 2008;

• Identify and notify others within the accountability area who owe a legal duty for health, safety and wellbeing. Ensure those who owe a legal duty are aware that:
  o a duty cannot be transferred [WHS Act s. 14];
  o delegation is available as a means by which a legal duty holder can gain assistance to execute their duties.

• Assign actions with responsibilities and timeframes to others to ensure the executive officer and their accountability area complies with the requirements of the above listed legislation and the executive officer’s responsibilities listed in Appendix 2;

• Ensure those assigned actions are made formally aware of what is required of them, and are equipped and authorised to perform the assigned actions;

• Incorporate the executive officer’s responsibilities and those assigned actions into existing Delegation of Authority or equivalent document to ensure Human Resources and Financial authority are assigned;

• Ensure that legal duty holders including themselves and those assigned actions are accountable for fulfilling their responsibilities;

• Ensure those within the accountability area who engage an external party take steps to ensure, so far as is reasonably practicable, that the external party fulfils the legal duties they owe. Examples of external parties are designers, manufacturers, importers and suppliers of plant, substances or structures [WHS Act s. 22-26]; and apply this Standard within their accountability area.

Refer to Appendices 1 and 2.

4.2 Delegation

4.2.1 Irrespective of other factors, our executive officers cannot transfer their legal responsibilities to another person however, they may gain assistance from others by delegating activities in accordance with this Standard. Delegation shall be documented by role, not person. [WHS Act s. 14].

Activities may be delegated to support functions such as Assets and Facilities, Strategic Procurement, Internal Audit, Safety and Wellbeing and Communicable Diseases within the Department of Health. Within a Hospital and Health Service Building, Engineering and Maintenance Services, Patient Safety, Safety and Wellbeing, Infection Control and Procurement may be delegated functions.

4.3 Shared duties

4.3.1 More than one person may have a legal duty for health, safety and wellbeing for the same matter. For example, the supplier of plant and equipment that is used in an accountability area must ensure that, so far as reasonably practicable, the plant and equipment is without risk to the health and safety of the workers who use it. The executive officer of the accountability area must ensure that, so far as reasonably practicable, workers receive information, training and supervision to protect them from risk when using that plant and equipment.
4.3.2 Those who owe a legal duty for health, safety and wellbeing shall seek to identify others with whom they share one or more duties in relation to the work activities and / or locations over which they have management control or influence.

4.3.3 Once identified, duty holders will:
- retain responsibility for fulfilling their responsibilities pertaining to the work;
- consult, cooperate and coordinate with those shared duty holders;
- discharge their responsibilities to the extent to which they have the capacity to influence and control the work matter, irrespective of commercial agreements in place. [WHS Act s. 16, 46]


4.4 Compliance

4.4.1 The Director-General shall undertake periodic assurance activities to confirm due diligence with respect to health, safety and wellbeing across each accountability area. In their capacity as the system manager these activities will seek to confirm:
- compliance with relevant legislation;
- conduct is in accordance with the Health, Safety and Wellbeing Policy (QH-POL-401:2018) and this Standard.

5. Legislation

- Electrical Safety Act 2002, Electrical Safety Regulation 2013, Australian Electrical Standards, the Wiring Rules and Electrical safety codes of practice
- Workers’ Compensation and Rehabilitation Act 2003 and Workers’ Compensation and Rehabilitation Regulation 2014
- Building Fire Safety Regulation 2008

6. Supporting documents

- QH-POL-401:2018 Health, safety and wellbeing policy
- QH-IMP-401-1:2018 Health, safety and wellbeing planning standard
- QH-IMP-401-2:2018 Health, safety and wellbeing governance, consultation and capability standard
- QH-IMP-401-3:2018 Health, safety and wellbeing risk management standard
- QH-IMP-401-4:2018 Health, safety and wellbeing monitoring, evaluation and performance review standard
- QH-IMP-401-5:2018 Workplace rehabilitation implementation standard
- Shared Health, Safety and Emergency Management Duties Fact Sheet, Matrix and Action Plan
- ISO45001 Occupational health and safety management systems, ISO 2018

7. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability area</td>
<td>Department of Health divisions and agencies and each HHS.</td>
</tr>
<tr>
<td>Due diligence</td>
<td>As referenced in the Work Health and Safety Act 2011 Section 27.</td>
</tr>
</tbody>
</table>
### Executive officer

The Director-General, HHS Board Members, Health Service Chief Executives and the most senior person of each accountability area including the Deputy Director-General and Chief Executive Officers. Refer to Appendix 2.

### Manage risks

As referenced in the *Work Health and Safety Act 2011* Section 17.

### Others

Other persons as referenced in the *Work Health and Safety Act 2011*. Any person who is not a worker whose health and safety may be impacted or whose acts or omissions could adversely affect the health and safety of other persons.

### Person conducting a business or undertaking (PCBU)

The definition of PCBU may be found in the *Work Health and Safety Act 2011* Section 5.

Within Queensland Health, each HHS is a PCBU and the Department of Health is a PCBU.

### Personal responsibility

Queensland public service agencies and their employees are required to make ethical decisions, be accountable for their actions, and demonstrate integrity. Refer to the *Public Sector Ethics Act 2008*, Section 26 of the *Public Service Act 2008*, the Code of Conduct for the Queensland Public Service and the Queensland Government’s Performance Management Framework.

### Reasonably practicable

As defined in the *Work Health and Safety Act 2011* Section 18.

### Shared duty

As per the *Work Health and Safety Act 2011* Section 16 where more than one person can concurrently have the same duty.

### Worker

As per the *Work Health and Safety Act 2011* Section 7 a person is a worker if the person carries out work in any capacity for a 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.

Executive officers are themselves also workers.

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### Appendix 1: Roles

Within each accountability area, the assignment of roles may differ, as determined by the executive officer of the accountability area. In general terms, for guidance only, roles may be assigned based on function as is grouped in Diagram 1.
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Chief Human Resources Officer  
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### Diagram 1: General responsibilities role groupings

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Duty holders</th>
<th>Department of Health</th>
<th>Hospital and Health Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work Health and Safety Act 2011 / Electrical Safety Act 2002</strong></td>
<td>Person conducting a business or undertaking</td>
<td>Department of Health</td>
<td>Department of Health</td>
</tr>
<tr>
<td></td>
<td><strong>Executive officers</strong></td>
<td>Director-General</td>
<td>HHS Board Members</td>
</tr>
<tr>
<td></td>
<td><strong>Deputy Director-General</strong></td>
<td>Deputy Director-General</td>
<td>HSCE</td>
</tr>
<tr>
<td></td>
<td><strong>Workers</strong></td>
<td>Employees</td>
<td>Director-General</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contractors</td>
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<td>Sub-contractors</td>
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<td></td>
<td>Volunteers</td>
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<td></td>
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<td>Students</td>
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<td></td>
<td></td>
<td>Trainees</td>
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<td></td>
<td></td>
<td>Apprentices</td>
<td></td>
</tr>
<tr>
<td><strong>Workers’ Compensation and Rehabilitation Act 2003</strong></td>
<td><strong>Employer</strong></td>
<td>Department of Health</td>
<td>Department of Health</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hospital and Health Service for health executive employees</td>
<td>Department of Health</td>
</tr>
</tbody>
</table>

### Table 1: Health and safety duty holders: Queensland Health

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Duty holders</th>
<th>Department of Health</th>
<th>Hospital and Health Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work Health and Safety Act 2011 / Electrical Safety Act 2002</strong></td>
<td>Person conducting a business or undertaking</td>
<td>Department of Health</td>
<td>Department of Health</td>
</tr>
<tr>
<td></td>
<td><strong>Executive officers</strong></td>
<td>Director-General</td>
<td>HHS Board Members</td>
</tr>
<tr>
<td></td>
<td><strong>Deputy Director-General</strong></td>
<td>Deputy Director-General</td>
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<td></td>
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<td></td>
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<td></td>
<td></td>
<td>Apprentices</td>
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</tr>
</tbody>
</table>

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Appendix 2: Responsibilities

Role 1: Executive officers

For the purposes of this Standard, the Director-General and executive officers of each accountability area are responsible for exercising due diligence to ensure the Department of Health and HHSs comply with their legal duty to manage risks. That is:

<table>
<thead>
<tr>
<th>Accountability area</th>
<th>Role: Executive officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Health as a whole</td>
<td>Director-General</td>
</tr>
<tr>
<td>Department of Health Divisions</td>
<td>Deputy Directors-General</td>
</tr>
<tr>
<td>eHealth</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Health Support Queensland</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Hospital and Health Services</td>
<td>Members of the Hospital and Health Service Board and the Health Service Chief Executive</td>
</tr>
<tr>
<td>Other statutory agencies</td>
<td>Chief Executive or equivalent</td>
</tr>
</tbody>
</table>

Table 2: List of Executives as per Queensland Health organisation chart

Executive officers shall take reasonable steps to ensure, so far as is reasonably practicable:

- the workplace is managed and controlled to ensure that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health, safety and wellbeing of any person. [WHS Act s. 19, 20]
- conditions at the workplace and the health of workers is monitored to prevent harm. [WHS Act s. 19]
- adequate facilities for the welfare at work of workers in carrying out work are provided. [WHS Act s. 19]
- when a worker is required to occupy accommodation that the premise does not expose the worker to health, safety and wellbeing risks. [WHS Act s. 19]
- all potential emergency situations are identified and documented response procedures are prepared, communicated and tested and the organisation complies with the Building Fire Safety Regulation 2008 for each premise owned and occupied by the organisation.
- fixtures, fittings, plant and structures at the workplace are provided, maintained, managed and controlled to ensure, that they are without risks to the health, safety and wellbeing of any person. [WHS Act s. 21]
- plant, substances and structures are managed and controlled including their design, manufacture, importation, supply, installation, construction and commissioning to ensure, that they are without risks to the health, safety and wellbeing of persons during use, handling and storage. [WHS Act s. 19, 22, 23, 24, 25, 26]
- electricity safety is achieved by managing compliance with the Electrical Safety Act 2002, supporting regulation, standards, rules and codes.
- safe systems of work are provided and maintained. [WHS Act s. 19]
- information, training, instruction and supervision is provided to people as necessary to manage risk to health, safety and wellbeing arising from work. [WHS Act s. 19]
- that appropriate management systems for health, safety and wellbeing are implemented and maintained by the entity.
- the health, safety and wellbeing of people engaged, or caused to be engaged by their entity and others whose activities are influenced or directed by their entity. [WHS Act s. 19]
• that other duty holders, including workers, and duty holder’s delegates are consulted and communicated with so as to ensure they are able to fulfil their responsibilities for health, safety and wellbeing. [WHS Act s. 16, 46, 47]

• those injured or made ill due to work are supported so as to facilitate recovery at work whilst enabling the realisation of the health and wellbeing benefits of good work and the entity complies with the Workers Compensation and Rehabilitation Act 2003 and supporting regulation.

• Health, safety and wellbeing support is provided in the form of a trained safety advisors, equipped to assist officers satisfy their due diligence obligations.

In addition, to administration of the health, safety and wellbeing system the executive officers will take reasonable steps to exercise due diligence over health, safety and wellbeing in their accountability area. This personally held duty requires the executive officer to:

• have adequate knowledge and an appropriate decision manual to understand health, safety and wellbeing implications of their decisions;
• acquire and maintain knowledge of health, safety and wellbeing matters;
• understand the operations being carried out in their accountability area and the hazards and risks associated with the operations;
• manage health, safety and wellbeing performance by:
  o ensuring that the accountability area has, and uses, appropriate resources and processes to eliminate or minimise health and safety risks arising from work being done;
  o ensuring that the accountability area has appropriate processes in place to receive and respond promptly to information regarding incidents, hazards and risks;
• ensure that the accountability area has, and uses, processes for:
  o complying with duties or obligations under the WHS Act;
  o verifying the implementation and effectiveness of systems and processes for health, safety and wellbeing risk management.
• report on the position of health, safety and wellbeing and the performance of effort invested and the outcome.

Role 2: Senior directors, line managers and supervisors

For the purposes of this Standard, executive officers may delegate activities to senior directors, line managers and supervisors to assist them to perform their responsibilities under work health and safety legislation and this Standard. An executive officer does not transfer their legal responsibilities under work health and safety legislation or this Standard by delegating activities to senior directors, line managers and supervisors.

Role 3: Workers

Each employee, contractor and their employees, subcontractor and their employees, labour hire employee, locum, VMO, intern, student, volunteer, apprentice and trainee is personally responsible for health, safety and wellbeing at work.

Workers must take reasonable care:

• for their own health, safety and wellbeing;
• to ensure that their acts or omissions do not adversely affect others health, safety and wellbeing;
• to comply with reasonable instructions;
• to co-operate with reasonable policies and procedures of which they have been made aware. [WHS Act s. 28, 29]
Role 4: Others including support functions

Other persons and businesses may be concurrent duty holders with the Department of Health and HHSs. It is the responsibility of the executive officer of the accountability area to identify other persons and businesses which hold concurrent responsibilities within their accountability area, including:

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designers</td>
<td>Responsibilities of workers / employees who design plant, substances and structures are as per the WHS Act s. 22.</td>
</tr>
<tr>
<td>Importers</td>
<td>Responsibilities of workers / employees who import plant, substances and structures are as per the WHS Act s. 24.</td>
</tr>
<tr>
<td>Installers, constructors and commissioners</td>
<td>Responsibilities of workers / employees who install, construct and commission plant and structures are as per the WHS Act s. 26.</td>
</tr>
<tr>
<td>Manufacturers</td>
<td>Responsibilities of workers / employees who manufacture plant, substances and structures are as per the WHS Act s. 23.</td>
</tr>
<tr>
<td>Suppliers</td>
<td>Responsibilities of workers / employees who supply plant, substances and structures are as per the WHS Act s. 25.</td>
</tr>
</tbody>
</table>

Certain support function roles within the Department of Health and HHSs may also have more than one responsibility under work health and safety legislation, including:

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Safety Representative (HSRs)</td>
<td>Responsibilities are as per the WHS Act, Pt. 5.</td>
</tr>
</tbody>
</table>
| Trained safety advisors | Within their organisation, trained safety advisors shall:  
  - promote a positive health, safety and wellbeing culture;  
  - support officers in meeting their due diligence requirements;  
  - ensure safety information is updated. |
| Work Health and Safety governance committees | Advise and support the decision makers within the PCBU and make decisions as per the committee’s own scope of authority and terms of reference. |
| Work Health and Safety Officers (WHSOs) | Responsibilities are as per the WHS Act and supporting documentation. |