



Enforceable Undertaking



Enforceable Undertaking

Part 11 of the *Work Health and Safety Act 2011*

The commitments in this undertaking are offered to the regulator by

The Department of Education Queensland

ABN 76 337 613 647

as the responsible agency for the State of Queensland





Definitions

ASA means Annual Safety Assessments.

Contravention means an alleged contravention.

Department means the Department of Education.

DSHS means Dysart State High School.

HOD means a Head of Department, which is a curriculum leadership role within schools.

HSA means a Health and Safety Advisor, which is a school-based employee responsible for helping the workplace to improve their health, safety and wellbeing practices.

HSW means Health, Safety and Wellbeing.

HSWMS means a Health Safety and Wellbeing Management System.

OHSMS means an Occupational Health and Safety Management System. The Department has aligned their safety management system to industry practice and have titled the Department's system HSWMS.

OIR means the Office of Industrial Relations.

OneSchool means the Department's electronic system for managing a range of functions within the school environment, including Curriculum Activity Risk Assessments (CARA) for quality assurance).

OSW means the Organisational Safety and Wellbeing team, which is the Department of Education's central corporate safety team that provides strategic and technical support regarding health, safety and wellbeing.

Person means an individual who or a legal entity which has a duty under the Work Health and Safety Act 2011, the Electrical Safety Act 2002 or the Safety in Recreational Water Activities Act 2011 and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, individuals or corporations as trustees of trusts, statutory corporations, public authorities, the State of Queensland, the Commonwealth of Australia and other Australian states and territories.

Practical Workshop describes the physical location where Technologies curriculum activity is undertaken within the school environment. The delivery of practical curriculum activities associated with Practical Workshop often involves the use of a variety of machinery and equipment. These typically range from hand tools and portable, battery operated equipment used in lower secondary subjects through to larger higher risk machines incorporated into upper secondary programs.

QCE means Queensland Certificate of Education.

Regulator means the Deputy Director-General, Office of Industrial Relations, being the person appointed by the Governor in Council as regulator under the Safety Acts.

Safety Acts means *Work Health and Safety Act 2011*, *Electrical Safety Act 2002* and *Safety in Recreational Water Activities Act 2011*.



Technologies: Technologies describes two distinct but related subjects within the Australian Curriculum: Design and Technologies, in which students use design thinking and technologies to generate and produce designed solutions for authentic needs and opportunities. The practical work area where Design and Technologies is undertaken within the school environment is called a Practical Workshop.

Very Serious Injury means, for this publication, an injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or part of the body – for example amputation above the knee or elbow.

WHS Act means the *Work Health and Safety Act 2011* (Qld).

WHSO means Work Health and Safety Officer.

WHS Prosecutor means the Work Health and Safety Prosecutor.

WHS undertaking or **undertaking** or **enforceable undertaking** means a written undertaking given under Part 11 of the *Work Health and Safety Act 2011* by a person in connection with a matter relating to a contravention or alleged contravention by the person of the *Work Health and Safety Act 2011* and includes all of the contents of that document including the general information, general and enforceable terms.



Privacy Statement

The OIR respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to the regulator under Part 11 of the *Work Health and Safety Act 2011* (WHS Act). This information will be managed within the requirements of the current state government privacy regime.

The OIR may publish the undertaking and information contained in it for purposes identified in the undertaking or for other appropriate purposes in publications such as newspapers and on its website. The OIR may be required to disclose personal information to other agencies such as the Queensland Police Service and WorkCover in accordance with enforcement activities that may be conducted as part of an investigation. Information on our privacy policy is available at www.worksafe.qld.gov.au.

Section 1: General Information

1.1 Details of the person giving the undertaking

Nominated Person	Department of Education (Department)
Street Address	Education House, 30 Mary Street, Brisbane
Mailing Address	PO Box 15033, City East QLD 4002
Telephone contact number	137468
Email address	hsw@ged.qld.gov.au
Legal structure	Responsible agency of the State of Queensland.
Type of business	Education
Commencement date	2017
Number of workers	(as at 30/06/2022)
Full Time	50,613
Part Time	36,702
Casual	7,321
Products and Services	The Department delivers world-class education services for Queenslanders. Through key portfolios – Early Childhood and Education – we strive to ensure that Queenslanders have the education they need to contribute to the economy.
Comments	The Department is committed to ensuring Queenslanders have the education and skills they need to contribute to the economic and social development of Queensland. We are also committed to ensuring our education systems are aligned to the state's employment, skills and economic priorities.



1.2 Detail the contravention

The WHS Prosecutor alleges that the State of Queensland breached the WHS Act, section 32 in that the State of Queensland failed to comply with their health and safety duty under section 19(2) of the WHS Act with specific regards to an incident that occurred on 1 June 2018.

1.3 Detail the events surrounding the contravention

On 1 June 2018, a Year 12 student at Dysart State High School (DSHS) was enrolled in the Industrial Technology and Design subject and was participating in a furnishings class. At the time of the Incident, the student was operating a Makita Model LS 1040 compound mitre saw to make coasters from an offcut of rosewood timber. The offcut had a length of approximately 20 centimetres and a diameter of approximately 12-14 centimetres.

Whilst cutting into the rosewood the student's thumb and three fingers were severed from the student's left hand. The student ceased work and advised the Department's staff (both the Technologies Teacher and Practical Workshop Teacher Aide) and first aid and emergency response processes were engaged to ensure the student's injury was managed.

From 2020 the terminology for the subject "Industrial Technology and Design" has been replaced with the terminology "Technologies" to align with the Australian Curriculum. All references in the Enforceable Undertaking document refer to the current subject terminology "Technologies".

1.4 Detail the enforcement notices issued that relate to the contravention detailed in term 1.2

No enforcement notices were issued following the incident.

1.5 Detail the injury sustained, or illness suffered by worker/s or other/s as a consequence of the contravention detailed in term 1.2


The injured person sustained injuries to the left hand resulting in the amputation of the left thumb, index and middle fingers. The injured person's left ring finger was surgically reattached.

1.6 Detail the employment status and the worker's compensation or other insurance status regarding the worker/s who sustained injury or suffered illness as detailed in item 1.5

At the time of the injury, the injured person was a full-time student enrolled in Year 12 at the DSHS. With the assistance of the school, the injured person successfully received a Queensland Certificate of Education (QCE).

The injured person has brought a claim against the Department of Education for compensation under the *Personal Injuries Proceedings Act 2002*.

1.7 Detail the support provided or proposed to the injured worker/s and/or family or other/s

Date	Description of support
01/06/2018	The Department provided specialist student counselling support to the injured person as well as to other students at the school. The principal, DSHS ¹ maintained regular contact with the injured person's family to offer ongoing support. This contact and offer of ongoing support continued until the injured person returned to Dysart State High School.
08/10/2018	The injured person returned to DSHS on a flexible learning agreement which enabled the injured person to complete their QCE.
Start of 2019	 The principal, DSHS remains in close contact with the injured person's apprenticeship liaison manager and has been advised that the injured person has made a fantastic start to the apprenticeship.
Late 2019	The injured person visited DSHS with the apprenticeship liaison manager to talk to Year 12 students about working in the mines and the injured workers experience as a 1st year apprentice.

1.8 Detail any current OHSMS implemented and maintained by the person

The Department has an existing [Health, Safety and Wellbeing Management System \(HSWMS\) 2016-2020](#) which provides a framework for managing health, safety and wellbeing through four key components of:

- Policies and procedures
- Awareness and Capability
- Supporting Systems and processes

¹ References to 'principal, DSHS' are references to the principal at the time of the incident in 2018.



- Governance and assurance

Schools and other workplaces are supported through health and safety procedures which provide mandatory requirements, information and resources available on the [internet](#) (also available to non-state schools) and the intranet for Department specific processes.

The Department provides resources both corporately and within regions to support the management of health, safety and wellbeing across the state.

The Department has a network of Health and Safety Advisors (HSA) at schools with more than 30 employees. The Department decided, in accordance with the whole of government policy, to maintain the HSA role after the removal of Work Health and Safety Officer (WHSO) provisions in the Act. A number of departmental workplaces also have elected Health and Safety Representatives (HSRs) who operate in accordance with Section 50 of the WHS Act.

The Department has developed a specific training course for HSAs based on the hazards and risks in the school environment which focuses on the practical application of the Department's procedures and practices that are designed to manage these hazards and risks. The Department has a procedure that details the involvement of HSR's within workgroups and their involvement in the Department's HSWMS.

Each regional office has dedicated Regional Senior Health and Safety Consultants who offer support to school-based HSAs, principals and managers. Regional consultants provide high level advice, practical assistance and support to principals, HSAs and other school employees. This may include delivery of training to school-based staff, site visits, hazard assessments, safety inspections, support of incident investigations and corrective and preventative action management.

The Department has a central Organisational Safety and Wellbeing (OSW) team focusing on overall management and implementation of the HSWMS, departmental compliance and risk assessment, strategic OSW initiatives, performance reporting and analysis, and the provision of advice and support to regional health and safety staff and management of emerging issues and risks.

1.9 Detail the level of auditing undertaken on the OHSMS referred to in term 1.8, including compliance audits and audit frequency.



The Department's HSWMS has not been audited in its entirety. An external review of initial procedures and processes was conducted by Ernst and Young in September 2016.

A formal focussed work health and safety auditing program of the HSWMS, comprising both external and internal audits is scoped within this enforceable undertaking. The Department conducts assessments and audits of the implementation of health and safety practices at schools and the workplace level through:

- Annual Safety Assessments (ASA) – a self-audit encompassing the 12 compliance elements of the HSWMS. An electronic version of the annual safety assessment was released in 2019. The ASA tool was reviewed and updated in January 2020 and was a key performance indicator for workplaces from the commencement of the 2020/21 financial year.
- Internal Audit Branch undertaking formal auditing of workplaces which includes health safety and wellbeing elements which are reported to the Department and Regional Health Safety and Wellbeing Committees on a quarterly basis. Internal audits are scheduled in such a way that the majority of schools are audited within a three-year period.
- Self-inspection processes for elements of the HSWMS, such as chemical management, plant and equipment, playgrounds and other high-risk areas, are also available for use by schools.

1.10 Detail the consultation undertaken or proposed to be undertaken in relation to this undertaking

The Department operates within a complex industrial environment and successful implementation of the undertaking terms will be dependent on consultation with key stakeholder groups including: Internal Stakeholders

- Early Childhood and State Schools
- People, Information and Communication Services
- Infrastructure Services Division
- Policy, Performance, International and Intergovernmental Division
- Legal Services Branch
- Internal Audit Branch
- School Principals
- Technologies Teachers
- Practical Workshop Teacher Aides
- Technologies Heads of Department
- Regional Directors
- Executive Leadership Team





- Audit and Risk Management Committee
- Executive Director, Safety, Wellbeing and Capability
- Department HSW Committee
- Regional Health, Safety and Wellbeing (HSW) Committees
- Workplace HSW Committees

External Stakeholders:

- Queensland Teachers Union
- Together Union
- United Workers Union
- Queensland Association for State Principals
- Queensland Secondary Principals Association
- Queensland Schools Parents and Citizen Association
- Queensland State P-10-12 School Administrators Association
- Queensland College of Teachers
- School Business Manager Association Queensland

Preliminary consultation on the undertaking terms has been conducted with key internal and external representative stakeholders including Queensland Teachers Union, Together Union, United Workers Union and Queensland Secondary Principals Association. Preliminary consultation has involved formal meetings with external representatives, and internal stakeholder briefings and presentations.

Planning and implementation of undertaking terms will involve consultation with internal and external stakeholders through a range of mechanisms which will include formal meetings with stakeholder groups, communication of actions and status reports to the Department's HSW Committee and sharing of these actions and status reports through all child committees (regional HSW committees, schools and workplace HSW committees).

1.11 Detail the rectifications to the workplace or work practices made as a result of the contravention and events detailed in term 1.2 and 1.3 and the enforceable notices issued as detailed in term 1.4

Following the incident at DSHS, the Department has taken a number of steps to improve health and safety in Practical Workshop classes both at DSHS and the Department's schools generally.

Rectifications – Dysart State High School	Approximate Cost
<p>1. Additional resources allocated to a middle management role in a work force reform to recruit an experienced leader to manage and oversee the implementation of processes and policies in the Practical Workshop area.</p> <p>The DSHS created a new position as HOD for Technologies. This position was advertised on a temporary basis initially and has recently been advertised as a permanent position.</p>	<p>Costs for the temporary recruitment and appointment of Head of Department (HOD) Technologies- \$40,000.</p>
<p>2. Committed significant resources towards the current Dysart Technologies teacher's professional development (i.e. work shadowing at school as recommended by Practical Workshop specialist WHS Advisor, attended various professional development programs around safety, maintenance and use of Practical Workshop equipment).</p> <p>As part of the professional development activities the DSHS Technologies teacher undertook work shadowing at five secondary schools ([REDACTED]) between 27 August and 31 August 2018. The Dysart Technologies teacher also attended a one day Machine Safety Program at [REDACTED] on 10 August 2018.</p>	<p>Travel, accommodation and associated costs of \$1,400 plus six days normal salary equalling \$1,920.</p>
<p>3. A complete review and updating of all Risk Assessments of all machinery in the workshops. These have been collaboratively developed and discussed between teacher and principal.</p> <p>The risk assessment reviews involved consultation with industry (Fitter and Turner) and was comprehensive involving all hazards within the Practical Workshop area.</p>	<p>Regional teacher was at Dysart State High School for 10 weeks – 100 hours (approximately) worked on risk assessments (\$4,200 total salary).</p> <p>Principal reviewed (approximately) 40 risk assessments/plant and equipment risk assessments – 20 hours (\$2,400 total salary cost)</p> <p>Discussion with teacher/HOD/Principal/</p>

	Business Manager – approx. 20 hours (\$2,400 total salary cost)
<p>4. Two DSHS Technologies Teachers participated in two days of Professional Development with a WHS Advisor from the Department's Central office, who reviewed the school's processes and policies.</p> <p>The professional development included participation in a two-day course – Managing risks in Practical Workshop, facilitated by SkillsTech on 20th & 21st September 2018.</p>	<p>Travel, accommodation and associated costs \$500, plus normal salary for two Technologies teachers (\$1,680) and WHS advisor (\$840)</p>
<p>5. Implementation of more detailed records in the area of training, risk assessments and staff/student training have been enacted.</p> <p>The Principal, DSHS has implemented a robust risk assessment process which involved closure of the Practical Workshop to enable staff at DSHS to undertake comprehensive risk assessments of hazards within the Practical Workshop area. Risk assessments are regularly reviewed by DSHS HOD and Principal.</p> <p>Review of 'On guard' competency assessments for students to ensure accuracy of student competency records was undertaken. The Principal DSHS has also implemented competency requirements for science and home economics (other high-risk curriculum areas) using the 'On guard' system.</p> <p>Two new HODs have commenced in 2020 at DSHS and have had a workplace health and safety induction by the Principal, DSHS.</p> <p>The Principal, DSHS also shares experiences and processes with other principals at conferences and regional meetings.</p>	Nil
<p>6. Reorganised workshop and equipment collaboratively. Machinery that was not compliant was removed or tagged out.</p> <p>A regular program is in place to monitor and replace any other items that are not compliant.</p>	<p>Contracted external maintenance provider to safety check and service machinery in workshops and trade training centre. Cost was \$2,900.</p>
<p>7. Discussed and developed curriculum for Semester 2, 2018, with plans based on low or middle risk learning environments.</p> <p>Hand Tool (Chisel) curriculum activities were undertaken in Semester 2, 2018. During this period other high-risk areas (such as the kitchen) were also closed down for a period (up to 2 weeks) whilst safety risk assessment and corrective action was undertaken to improve safety processes.</p>	Nil

<p>8. Appointment of an additional Technologies resource (an experienced senior Technologies teacher) who provided significant health and wellbeing support for the Technologies teacher to help with confidence getting back to the classroom.</p> <p>Additional Technologies resource provided support for a period of two weeks whilst risk assessment and corrective actions were undertaken during the Practical Workshop closure period.</p>	<p>Two weeks for experienced senior teacher - approx. \$5,174.</p>
<p>9. Reviewed and developed induction for new staff in relation to Work, Health and Safety. Principal DSHS to quality assure during line manager meetings to check for evidence of completion to guarantee effective implementation.</p> <p>Two new HODs have commenced in 2020 at DSHS and have had a workplace health and safety induction by the Principal, DSHS.</p> <p>The Principal, DSHS also shares experiences and processes with other principals at conferences and regional meetings.</p>	<p>Nil</p>
<p>10. Principal, DSHS reviewed all risk assessments stored on OneSchool.</p> <p>This included review of the hazards in the Practical Workshop for all stakeholders, including students, teachers, teacher aides and cleaners.</p>	<p>Nil</p>
<p>11. The Principal, DSHS and school management requested from the Department's Human Resources to provide additional and experienced manual arts staff.</p> <p>In October 2018 the Regional Director appointed an additional full time equivalent employee to the school specifically for Manual Arts to assist DSHS with their Plant and Equipment Register Assessments (PERA) which is an assessment utilised within the Practical Workshop area to identify hazards and recommend controls for plant and equipment.</p>	<p>Ten weeks experienced senior teacher - approximately \$25,874.</p>
<p>12. Through consultation with the local WHS Committee, Regional WHS Committee and the Department's WHS advisor, CARA's have been completed for Practical Workshop and reviewed by the Principal, DSHS. Planned maintenance for fixed machinery was sent through to facilities to be logged as a scheduled planned maintenance. This has been completed. Registers for machinery maintenance for fixed, scheduled and term maintenance schedules are in place and data is being entered currently. All Risk Assessments are being completed for all Practical Workshop machinery and SOP's are displayed at all machinery. Student and staff induction booklets have been reviewed from templates that were given to the school by the Department's WHS advisor. A WHS calendar has been created to help new staff identify when a particular</p>	<p>Nil</p>

<p>activity needs to be completed. This is a working document that will link to the folder containing all Practical Workshop processes.</p> <p>A WHS Calendar is in place and it is a regular item for discussion at HSW committee meetings. Reviewed Staff / Student induction booklets are in place and are regularly monitored.</p>	
<p>13. The Dysart Technologies teacher is having regular meetings with the Principal, DSHS to ensure processes and procedures are being implemented and followed. New Technologies staff will go through an induction process that is currently being created in consultation with the DSHS Principal, WHS Advisor, teacher and teacher aide of the Practical Workshop area.</p>	Nil
<p>Rectifications - Schools Generally</p>	
<p>Messages to all Technologies Departmental Principals</p> <ul style="list-style-type: none"> A new information resource “Key messages for Principals – Managing Industrial Technology and Design” was published in March 2019. This document is focussed on induction and training requirements for staff. This document was promoted through a State Schools Update on the 22 August 2019. 	Nil
<p>Delivery of training</p> <p>The Department delivered training, managing risks in Practical Workshop course (Course 1), for Technologies teachers across the state (including Technologies staff at DSHS) on 21 and 22 September 2018).</p> <p>This workshop has been in place since 2012. Since 2012, over 40 courses have been run and 530 participants have successfully completed the course. This course was developed by the Department’s OSW team in conjunction with an external registered training organisation SkillsTech.</p> <p>This is a two-day course specifically tailored to the Department’s environment and covers off on four training competencies, including:</p> <ul style="list-style-type: none"> MEM13014B Apply principles of occupational health and safety in the work environment MEM18001C Use hand tools MSFFM2001 Use furniture making sector (hand / power tool) MSFFM1002 Operate basic woodworking machines <p>Since the Dysart State High School incident, the Department has run 10 courses at a cost of over \$68,000 for the cost of delivering the course. Staff replacement costs for attendance at these courses are estimated to be \$113,000.</p>	Approximate total cost since incident: \$197,000



Administration costs for coordination of the courses since the incident are \$16,000.	
<p>Development of training courses</p> <p>The Department has developed an additional training course designed to address safety in the Practical Workshop.</p> <p>Course 2 - Maintaining Workshop Machinery and Equipment. This course is also tailored to the Department's environment and covers four high risk areas:</p> <ul style="list-style-type: none"> • MEM07001B – Perform operational maintenance of machines/ equipment • MSFFM2010 – Set up and operate basic static machines • MEM13003B – Work safely with industrial chemicals and materials • Electrical safety awareness in workshops <p>Participants in the above courses are also encouraged to complete MEM13014 – Apply principles of occupational health and safety in the work environment prior to the two-day practical workshop.</p>	<p>\$50,000 for SkillsTech to develop the course.</p> <p>\$15,838 for internal staff costs (AO6x8 weeks) to contribute to course content development.</p> <p>The Department ran a pilot of this course in 2019 for nine people at an approximate cost of \$7,700 in staff replacement costs and \$1,600 in administrative costs.</p>
Total approximate cost of rectification measures	\$361,426



SECTION 2 – GENERAL TERMS

The person acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that the regulator alleges a contravention occurred as detailed in term 1.2

The Department acknowledges that the regulator has alleged that the State of Queensland contravened the WHS Act.

2.2 Statement of regret that the contravention occurred and the reasons the person consider this undertaking is a more appropriate response to the contravention than a court-imposed sanction

The Department as an agency of the Queensland Government, its officers and its workers are deeply committed to the safety of all workers, students and visitors. The Department sincerely regrets the alleged contravention and extends its sympathy to the affected student, workers and any others who may have been affected by the alleged contravention.

The Department is committed to ensuring, so far as reasonably practicable, the ongoing health and safety of its workers, students and visitors. This undertaking provides it with the ability to make further improvements in relation to health and safety within the Department and its workforce, over and above the minimum standards required by law, for the benefit of its workers and students and the wider educational community.

2.3 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

The Director-General is the responsible officer within the Department and is accountable to the Minister of Education for the efficient and effective management of Education.

The Director-General acknowledges that the Department is striving to continue to improve its work health and safety culture and approach to the management of hazards and implementation of effective risk controls across the Department's schools and workplaces. This is reflected in the Department's commitment to ensuring the work health and safety system will be reviewed and updated even if the enforceable undertaking proposal is not accepted by the regulator.

The Director-General acknowledges that whilst the Department has an excellent work health and safety record and can boast a positive and proactive approach to work health and safety, the Director-General and Officers within the Department do not want a recurrence of this type of injury or any injuries to our



workers, students or anyone concerned with our business. The Department is committed to ensuring that the behaviour, activities and processes which caused or led to the alleged contravention have ceased and will not reoccur. The Department has already taken the rectification action outlined at 1.11 above and undertakes to deliver the measures detailed in Section 3 to demonstrate its commitment.

2.4 Acknowledgement of the guidelines published by the regulator for the acceptance of the undertaking

As the Responsible Officer I, Megan Barry, have read and understand the regulators '*Guidelines for the acceptance of an enforceable undertaking*' Version 1, updated November 2017.

2.5 Acknowledgement that this enforceable undertaking may be published and publicised

2.5.1. The Department acknowledges that this undertaking may be published on the OIR's website and referenced in OIR material.

2.5.2 The Department acknowledges that the undertaking may be publicised in newspapers.

2.6 Statement of the person's ability to comply with the terms of this enforceable undertaking and meet the projected costs of the activities

2.6.1 The Department has the financial ability to comply with the terms of this undertaking and has provided evidence by way of a letter from the Department's CFO and, the [Department's Annual Report 2021-2022](#) with this undertaking to support this declaration. These documents have been provided to OIR separately to the submission of the EU.

2.6.2 In the event that the Department's financial capacity changes, the Department will advise the regulator of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.7 Statement regarding person's relationships with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarships or other recipient of financial benefit contained in this undertaking

The Department does not have a relationship with the parties who will receive benefits under this undertaking other than as an employer and government body.



2.8 Statement regarding Intellectual Property Licence

The Department grants OIR a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this undertaking.

2.9 Acknowledgement that the person may be required to provide a statutory declaration

OIR has requested a statutory declaration outlining details of any prior convictions, subject to any local legal constraints such as spent conviction legislation, or findings of guilt under the safety Acts.

☐ YES

☒ NO

The statutory declaration is attached (if applicable)

☐ YES

☐ NO

2.10 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

2.10.1 It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the Department.

2.10.2 Evidence to demonstrate compliance with the terms will be provided to OIR by the due date for each term.

2.10.3 The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by the regulator, that this undertaking has been completely discharged.

2.10.4 It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.

2.10.5 It is acknowledged that OIR may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to OIR.

2.10.6 It is acknowledged that OIR may initiate additional compliance monitoring activities, such as inspections, as considered necessary at OIR's expense.

2.10.7 It is acknowledged that details of all seminars, workshops and training conducted by a nonregistered training provider must be notified to OIR, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.



2.11 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking.

The Department undertakes to implement each of the strategies set out in Section 3 below.

The Department and its officers are committed to meeting their obligations under the Act and ensuring, so far as is reasonably practicable, that risks to health and safety are managed through the Department's HSWMS. The Department and its officers will ensure the ongoing effective management of risks to health and safety in the future conduct of its undertaking through:

- Direct oversight by the Deputy Director-General, People, Information and Communication Services of all actions listed within this undertaking.
- Monitoring and governance of the undertaking by the Executive Director, Safety, Wellbeing and Capability and the Director, Organisational Safety and Wellbeing.
- Monitoring and consultation through the Department's Health, Safety and Wellbeing Committee structure.

2.12 A commitment regarding linking the promotion of benefits by the Department to this undertaking

The Department is committed to linking the promotion of any benefit provided under this undertaking to the undertaking. The enforceable undertaking will be acknowledged as the source of initiatives in any report, publication and presentations both internally and externally.

SECTION 3 – ENFORCEABLE TERMS

The Department acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and a minimum cost for each activity.

The Department commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

Dissemination will be achieved by doing the following:

- The Deputy Director-General, People, Information and Communication Services on behalf of the Department, will communicate to all staff of the Department of Education either electronically or in writing of the existence of the undertaking and provide details of where the undertaking can be accessed or viewed within 30 days of the Department entering the undertaking.
- The Deputy Director-General, People, Information and Communication Services on behalf of the Department, will make available on its website an electronic copy of the undertaking and provide a copy either electronically or in person to the Queensland Teachers Union, Together Queensland Union, United Workers Union and Queensland Nurses and Midwives Union. This dissemination will occur within 30 days of the Department entering the undertaking.

3.2 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits to workers/others

	Activities	Minimum Cost	Months from acceptance
3.2.1	<p>Review of the Health, Safety and Wellbeing Management System (HSWMS)</p> <p>a) ISO 45001 HSWMS alignment and external Audit program.</p> <p>The Department will review its HSWMS to ensure alignment with WHS legislation and ISO 45001. Implementation of an updated and embedded HSWMS that addresses hazards within the workplace and supports implementation of</p>	<p>External audit costs expected to cost \$95,000 per audit for two audits (total of \$180,000).</p>	<p>External audits will be scheduled as per section 3.8.2 of the EU.</p>

	Activities	Minimum Cost	Months from acceptance
	<p>effective risk controls will support the development of a mature safety culture.</p> <p>HSWMS The following outputs of this initiative which will be provided as evidence within 12 months of EU acceptance:</p> <ul style="list-style-type: none"> • External gap analysis of existing HSWMS against ISO 45001 and ISO 45003. • Design and implement HSWMS based on gaps identified in analysis of ISO 45001 and ISO 45003. • HSW Policy • HSW management system operating manual • HSW leadership manual • Implementation of a Departmental HSW Risk Register • Development and internal publication of a HSWMS awareness training package <p>Implementation of the HSWMS will be supported by external HSWMS audits ensuring alignment with WHS legislation and ISO 45001.</p> <p>Further evidence which will be provided to reflect the Department's actions to address this activity include:</p> <p>External HSWMS Audits</p> <ul style="list-style-type: none"> • Evidence will be provided to show that an external safety audit by third party auditors against alignment with ISO 45001 on up to ten (10) schools each external audit. • A further external audit will be scheduled two years after the first. • Audited schools will be selected based on their risk profile. • The Department will adopt a systematic approach to the audit findings. Any non-conformances found will be managed as a risk in all similar workplaces. • Actions associated with the external audits will be tabled at the Department's HSW committee to ensure high level oversight on corrective and preventative actions and ensure state wide communication is undertaken. 	<p>\$28,000 for development of HSW Leadership Training package.</p> <p>The department will fund a new AO4 Project Support Coordinator to coordinate and support external auditing and training schedules for a two year period. This position will work 60% to support the activity of the Enforceable Undertaking (at a cost of \$100,052 for two years).</p>	<p>HSWMS leadership training will continue after the EU though evidence will be provided for a period of 24 months after acceptance of the EU.</p>

	Activities	Minimum Cost	Months from acceptance
	<ul style="list-style-type: none"> External HSWMS audit reports will be submitted to OIR as evidence within 30 days of being received by the Department, along with written confirmation that the report has not been altered. The Department's HSW Committee meet quarterly and within 60 days of the relevant meeting the approved minutes will be provided as evidence that will reflect the external audit reports being tabled and actioned. Evidence required as part of section 3.8, 3.9, 3.10. <p>Leadership Training</p> <ul style="list-style-type: none"> Development and publication of a HSWMS leadership training package will be provided as evidence within 12 months of the acceptance of the EU. HSWMS leadership training will part of the Department's leadership training package and training records will be provided to OIR as evidence of leaders undertaking the HSWMS leadership training at the end of each term for a period of one year. <p>EU Project Support</p> <ul style="list-style-type: none"> An AO4 Project Support Coordinator will be recruited for support of the EU. They will work 60% on activities identified within this EU and will therefore undertake work such as, supporting the EU project manager, trainers, OIR led Safety Capability Program coordination, internal and external communications, scheduling, co-ordinating and other administrative duties associated to internal and external audits. Review and approve the position description for a Project Support Coordinator position within 6 months of the acceptance of the EU Successful recruitment of an AO4 Project Support Coordinator (appointment letter and position description which will include the salary range to be provided as evidence within 6 months of EU acceptance). Evidence will be provided annually of the operational costs associated to the Project Support Coordinator position 		



	Activities	Minimum Cost	Months from acceptance
	<p>b) Embed Practical Workshop inspection checklist within the Practical Workshop.</p> <p>The Department has an existing inspection checklist for Practical Workshops. This checklist will be updated to ensure it adopts a risk management approach to the identification, assessment and control of high-risk hazards.</p> <p>For Practical Workshop, completion of the Practical Workshop inspection checklist will be made a mandatory requirement every month.</p> <p>The HOD or principal will be required to review completed assessments on a regular basis to ensure actions have been undertaken to control the hazards.</p> <p>The mandatory use of an inspection checklist will enable recording of assessments to meet record management and retention requirements.</p> <p>Inspection Checklist</p> <ul style="list-style-type: none"> • Evidence of the Practical Workshop inspection checklist being made mandatory will be provided as evidence within 12 months of acceptance of the EU. • Evidence of Practical Workshop checklist being reviewed, updated and published. • Evidence of communication regarding mandatory process for completing the Practical Workshop checklist. <p>c) Department HSW risk register</p> <p>The Department will implement a HSW risk register that covers all HSW hazards, identifies appropriate controls and the risk level associated to the hazard.</p> <p>This will assist in monitoring HSW controls to ensure they are in place and provide evidence that the Department is assessing HSW hazards through a range of mechanisms including role-based risk assessments, incident trends, industry concerns and WHSQ advice.</p>		<p>Within 12 months of acceptance of the EU all actions of this element will be completed.</p> <p>Within 18 months of acceptance of the EU all actions within this element will be completed.</p>

	Activities	Minimum Cost	Months from acceptance
	<p>The Departmental HSW Risk Register will be monitored regularly by OSW and will be reviewed at each quarterly Departmental HSW Committee meeting, providing greater transparency of HSW hazards and controls within the Department.</p> <p>Regions will have delegated officers to ensure that regional HSW hazards are assessed, taking into account the likelihood of the hazard being realised in their region.</p> <p>The identified outputs of this initiative are:</p> <p>HSWMS Risk Register</p> <ul style="list-style-type: none"> • Implementation of an enhanced Departmental HSW Risk Register within 12 months of the acceptance of the EU. • Evidence of an approved risk based process to HSW hazard and risk management within workplaces will be provided within 12 months of acceptance of the EU. • Evidence of Departmental HSW Committee minutes that note the review on the HSW Risk Register within 6 months of the implementation of the enhanced Departmental HSW Risk Register. • Evidence will include internal communication regarding the approval of the HSW Risk Register. 		
	Total Cost for Term 3.2.1	\$308,052	
3.2.2	<p>Leadership and Accountability</p> <p>a) Leadership, safety culture and accountability</p> <p>The Department will establish a safety culture framework to provide support and guidance that enables work areas to manage safety proactively.</p> <p>Measure of Safety Culture</p> <p>The Department will work with OIR to implement the OIR led Safety Capability survey Safety Capability survey as well as other safety culture training packages available in the market and used within the education industry to determine applicability for implementation in the Department environment.</p>	<p>\$50,000 for development of training package and support material (through the department's Learning and Development team). This training will be developed based on findings from the</p>	<p>Within 36 months of acceptance of the EU all actions of this element will be completed.</p>

	Activities	Minimum Cost	Months from acceptance
	<p>Working with OIR, the Department will undertake the Safety Capability survey Safety Capability survey in one Region to profile the Region's current safety culture and safety leadership capability; identify gaps or improvements; and, develop and implement an action plan so that the Region can undertake to meet best practice, legislation and ISO45001 requirements. The region selected will be the Central Queensland region, which is the region where the incident occurred.</p> <p>The initial Safety Capability survey will be undertaken within 12 months of acceptance of the EU. Staff communication regarding the initial Safety Capability survey will be provided within 30 days of the Safety Capability survey being sent to relevant staff.</p> <p>The results of the Safety Capability survey will inform a second stage roll out across the Department and subsequent development of a management action plan for the Department.</p> <p>A subsequent survey will be conducted for Central Queensland Region 12 months after the initial survey to assess the impact of changes implemented through the management action plan. The mandatory training program will be updated as required within 6 months of the survey results being approved.</p> <p>The Department's HSW Committee will oversee survey results, recommend actions and share findings to relevant regional executives within 3 months of the survey results being approved.</p> <p>Minutes from the Departmental HSW Committee relevant to the Safety Capability survey will be provided as evidence within 60 days of the quarterly meeting the approved minutes will be provided that will reflect findings from the Safety Capability survey have been reviewed and actions approved.</p> <p>HSW Leadership Training The outcomes of the Safety Capability survey and resultant action plan will be used to inform the</p>	<p>Safety Capability Program.</p> <p>The department will fund two new AO6 senior health and safety consultants (training) positions who will assist with the implementation of the Safety Capability Program and development of action plans and required training as a result of the survey findings. This will be for a two year period at a cost of \$376,902. These positions will work 80% of the time towards the activities outlined within this EU.</p>	

	Activities	Minimum Cost	Months from acceptance
	<p>development of a training package for school-based leaders to improve knowledge and awareness of legislative and departmental HSW requirements. This will be called HSW leadership training.</p> <p>The HSW leadership training will focus on HSW accountability, due diligence, risk and hazard management.</p> <p>Training will empower school-based leaders to demonstrate a positive safety culture while supporting employees under their supervision to also be proactive participants in a positive safety culture.</p> <p>HSW leadership training will be a mix of online pre-reading, face to face training and online support materials.</p> <p>The HSW Leadership Training package will be developed and published, and provided as evidence within 12 months after the Safety Capability survey results are approved.</p> <p>The following evidence will also be provided to OIR within this timeframe:</p> <ul style="list-style-type: none"> • Invoice(s) reflecting payment to an external company to develop training course material • Copy of completed training package. <p>The Department will consult and share information and learnings with OIR during the development and implementation of the Safety Capability survey - based leadership training, including consultation with the OIR's Safety Leadership at Work team. Sharing of the training package will be dependent on the intellectual property requirements of the final training package (e.g. restraints of external providers used to develop the training).</p> <p>HSW Training awareness HSW training awareness packages will be developed to address any gaps identified from the Safety Capability survey, HSW Risk Register or as deemed necessary by the HSW Committee and subject matter experts.</p>		

	Activities	Minimum Cost	Months from acceptance
	<p>HSW Training Consultants</p> <p>Two AO6 HSW consultants will be dedicated 100% on activities defined by the EU. They will develop HSW awareness packages within 6 months of acceptance of actions from the results of the Safety Capability survey.</p> <ul style="list-style-type: none"> Two AO6 HSW consultants dedicated to training will be dedicated to support this element of the EU. They will work 80% on activities identified within this EU. Evidence will be provided annually of the operational costs associated to the HSW consultant (Training) positions. Evidence of awareness packages being approved will be provided to OIR within 6 months of acceptance of the EU. <p>HSW Key Performance Indicators</p> <p>To support leadership accountability for HSW performance outcomes, all Principal and Regional Director performance agreements will be updated to include safety performance indicators.</p> <p>Key performance metrics will focus on:</p> <ul style="list-style-type: none"> Annual safety assessment completion rates Class 1 and class 2 incident investigation completion rates Rates of completed workplace HSW committee meetings Evidence will be provided within 12 months of acceptance of the EU that performance review documentation includes the need for safety KPI discussions. 		
	Total Cost for Term 3.2.2	\$426,902	
3.2.3	<p>Governance and assurance</p> <p>Internal Practical Workshop Assurance Program</p> <p>The Department will develop and implement an internal assurance program for Practical Workshops and employ four internal HSW consultants to undertake internal safety audits.</p>	<p>The department will recruit four new internal AO6 health and safety auditors For a three-year period at a total cost of \$1,413,384. These</p>	<p>Within 36 months of acceptance of the EU all actions of this element will be</p>



	Activities	Minimum Cost	Months from acceptance
	<p>The Practical Workshop internal safety assurance program will undertake an assurance assessment of every ITD workplace within a three year period.</p> <p>Outcomes of Practical Workshop internal safety assurance audits will be reviewed regularly by the OSW team as part of their HSW risk register review process to proactively identify any systemic trends or risks for communication to HSW committees where appropriate.</p> <p>Costs associated with undertaking corrective or preventative actions associated with the Practical Workshop internal safety audits will be considered normal operational costs by each school.</p> <p>The following evidence will be provided:</p> <ul style="list-style-type: none"> • A summary of audit findings of the completion of Practical Workshop internal safety audits on a quarterly basis. Evidence will be provided for a period of three years from the date of implementation at the end of every quarter. • Evidence of the implementation/completion of corrective actions will be provided within a summary report on a quarterly basis. Any audit findings that are considered unreasonable will be discussed with OIR requesting an exemption. • Department and Regional HSW Committee minutes will be provided 60 days after the quarterly meeting that reflect audit findings being discussed and relevant actions identified. <p>The following evidence will be provided in relation to internal safety assurance:</p> <ul style="list-style-type: none"> • Four AO6 HSW consultants with responsibilities for internal auditing will be recruited to support this element of the EU. They will work 100% on activities identified within this EU. • Evidence will be provided showing the Department has reviewed and approved the position descriptions for the Senior Health and Safety Consultant (Audit) positions within 6 months of the acceptance of the EU. 	<p>positions will 100% work on activities identified in the EU.</p> <p>Travel and accommodation costs per year estimated at \$90,000 for 3 years. After this period travel costs will be included in operational costs for OSW.</p>	<p>completed.</p>

	Activities	Minimum Cost	Months from acceptance
	<ul style="list-style-type: none"> Successful recruitment of four HSW consultant positions that relate to the assurance program (appointment letter and position description which will include the salary range to be provided as evidence within 6 months of EU acceptance). Evidence will be provided annually of the operational costs associated to the Senior Health and Safety Consultant (assurance) positions. <p>Annual Safety Assessment When completing their ASA, schools will be required to undertake an assessment once a year on the hazards associated with Practical Workshops.</p> <ul style="list-style-type: none"> Evidence of the ASA being updated to include Practical Workshop hazards will be provided within 12 months after acceptance of the EU. Evidence will be provided within 12 months of the amended ASA being published of schools completing and submitting their ASA. 		
	Total Cost for 3.2.3	\$1,503,384	
3.2.4	<p>Training and Competency</p> <p>a) Mandatory WHS Awareness and Induction Processes for Practical Workshop space</p> <p>The Department will implement a mandatory WHS awareness induction program for all teachers, teacher aides, supply and contract teachers working in a Practical Workshop.</p> <p>A mandatory awareness induction program will ensure staff are informed of expectations and hazards while providing the knowledge and risk management skills specific to the Practical Workshop environment. This will support proactive hazard and risk identification and a reduction in the number of serious incidents which occur.</p> <p>The induction program will be an online package for delivery by principals or heads of Department as part of the mandatory induction requirements for those staff entering a Practical Workshop. The</p>	<p>Development of Practical Workshop Induction Training and induction tools \$50,000</p> <ul style="list-style-type: none"> This will include implementation of an audit tool to support implementation and record induction completion. <p>\$30,000 for Learning and Development</p>	<p>Within 24 months of acceptance of the EU all actions of this element will be completed.</p>

	Activities	Minimum Cost	Months from acceptance
	<p>Online training package will be published and made available within 12 months of acceptance of the EU.</p> <p>Resources will be developed to support schools with the mandatory induction processes.</p> <ul style="list-style-type: none"> • Evidence of employees completing their induction will be provided quarterly for 12 months after implementation. <p>b) Develop a set of Technologies teacher minimum competency standards</p> <p>There are currently no minimum competency standards for Technologies teachers other than the mandatory higher education framework teaching qualifications.</p> <p>The Department will develop a set of competency standards and specialist training aligned to an associated training package for Technologies teachers aligned to the Australian Qualifications Framework within 12 months of the acceptance of the EU.</p> <p>Any Teacher (including those on supply or contract), who are assigned to teach or supervise in a practical workshop will be required to meet the minimum competency standards. Competency assessment will be a combination of online and face-to-face training and practical assessments, in class observations and, on the job, mentoring and coaching from experienced Practical Workshop teachers.</p> <p>This action is unique within the education sector within Australia with only one other jurisdiction known to have implemented competencies for Practical Workshop teachers.</p> <p>The department commits to developing a formal competency framework which does not currently exist and is not required under the <i>WHS Act</i> or <i>Regulations</i>.</p> <p>For experienced teachers this may be done through a Recognition of Prior Learning process.</p>	<p>costs to translate content into online interactive learning modules.</p> <p>Development of Technologies minimum competency standards training package through Qld TAFE estimated \$50,000 (based on an external quote provided by TAFE).</p>	<p>Within 48 months of acceptance of the EU all actions of this element will be completed.</p>

	Activities	Minimum Cost	Months from acceptance
	<p>Ensuring consistently high skilled Technologies teachers will support improved management of Practical Workshop related risks.</p> <p>Evidence will be provided of relevant employees obtaining or their progression to obtain the required competency on a yearly basis after acceptance of the EU for 3 years.</p>		
	Total Cost for 3.2.4	\$130,000	
Total minimum cost of benefits for workers / others - \$2,368,338			

3.3 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits to the industry

	Activities	Cost	Timeframe
3.3.1	<p>Research and innovation in guarding design Investigation of guarding prototypes for high-risk plant and equipment used within the Practical Workshop to reduce the risk for workers and students.</p> <p>Background Band saws are used in many Practical Workshop in Qld state schools. Plant and equipment risk assessments, operational manuals and appropriate equipment is a requirement for all schools.</p> <p>The Department seeks to identify if further controls can be implemented to continue to reduce incidents related to band saws. Whilst administrative control measures continue to be implemented and enforced these are less reliable than engineering or design options.</p> <p>The Department is exploring a prototype guard which prevents access to the blade which is identified as a risk requiring further control.</p> <p>The Department will:</p> <ul style="list-style-type: none"> Engage an independent specialist to undertake risk assessments of band saws and confirm that further risk controls are required within 3 months of acceptance of the EU 	<p>\$50,000 for prototype design, assessment and prototype product creation being undertaken by Machine Safety Consulting.</p> <p>If successful the department commits to supporting schools with \$100,000 to help implement the guarding prototype.</p>	<p>Within 30 months of acceptance of the EU all actions of this element will be completed.</p>

	<ul style="list-style-type: none"> • Support investigation of a “skirt guard” within six months of acceptance of the EU • Develop and pilot of prototype skirt guard within 12 months of acceptance of the EU • Review success of prototype pilot and prepare recommendation report for consideration of Department wide implementation within 18 months of acceptance of the EU. <p>Should a successful guarding prototype be identified, it will be patented and shared with non-state schools. The Department will also develop a case study to share through OIR and other Queensland Education jurisdictions which outlines the outcomes of the research and the successful guarding prototype within 12 months of successful pilot phase.</p> <p>If proven successful, the department commits \$100,000 to help support schools to implement the guarding prototype within 12 months of a successful pilot phase. Schools will be able to apply for funding to help support them to implement the prototype on their machines.</p> <p>Remittance notices of funding given to schools to be provided as evidence within 12 months of successful prototype design.</p> <p>If the identification of a guarding prototype is unsuccessful, to the extent that there remains a surplus of funds from the committed \$100,000, the Department will (as per 3.6.2) commit outstanding costs to improve the safety of plant or equipment, in negotiation with OIR within 12 months of the prototype providing unsuccessful.</p>		
Total minimum cost of benefits for industry - \$150,000			

3.4 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits for the community

	Activities	Cost	Timeframe
3.4.1	Technologies Teaching Bursary The Department will partner with Central Queensland University to provide a bursary scheme for students undertaking an initial	\$40,000 (\$5,000 bursary per person over two year	Within 30 months of acceptance of the EU all actions of this element

	<p>teacher education course which specialises in Technologies. Four bursaries will be offered each year for a period of two years.</p> <p>Eligibility will be for a third or fourth year student studying a Bachelor of Education with a specialisation in Technologies. This initiative supports academic excellence in the field of Technologies and rewards an individual to complete study in the specialised field.</p> <p>This initiative will support the community in having high performing quality teachers who specialise in the field of Technologies.</p> <p>Evidence will be provided within 6 months of acceptance of the EU that an agreement has been made with the Central Queensland University regarding approval of the bursary and how it is to be used.</p> <p>A report will be provided every year (for 2 years) by the Department outlining the payments that have been made and the outcome of the initiative.</p>	period – 8 bursaries in total).	will be completed.
Total minimum cost of benefits for community - \$40,000			

3.5 Agreement to pay the OIR's recoverable costs

The Department agrees to pay OIR's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the OIR invoice.

Recoverable costs	Amount
Administrative costs	\$3,814
Legal costs	\$1,500
Compliance monitoring costs	\$3,410
Publication costs	\$2,000
Total of OIR recoverable costs	\$10,724

3.6 Minimum spend

3.6.1 The Department acknowledges the minimum spend for this undertaking will comprise of the:

Estimated total value of	Amount
Benefits to workers/others	\$2,368,338
Benefits to industry	\$150,000



Benefits to community	\$40,000
OIR recoverable costs	\$10,724
Estimated total minimum spend for the undertaking	\$2,569,062

3.6.2 The Department agrees to spend any residual amount arising from the total minimum spend value not being met. Agreement on how to spend this residual will be sought from the regulator.

3.7 A commitment to maintain an OHSMS

3.7.1 The Department is committed to ensuring their HSWMS is compliant with the principles of ISO45001 within twelve months of acceptance of this undertaking.

3.7.2 The Department acknowledges that the HSWMS will be maintained in accordance with ISO45001.

3.8 A commitment to ensure the HSWMS is audited by third party auditors

3.8.1 The Department acknowledges that the auditors selected to perform HSWMS audits must meet the qualification requirements as set by the regulator.

3.8.2 The Department commits to ensuring the HSWMS will be audited by certified third party auditors.

3.8.3 The Department acknowledges that details of the auditors' qualifications will be provided with audit reports submitted to OIR.

3.8.4 The Department acknowledges that costs associated with these audits will be met by the Department as part of the undertaking.

3.8.5 The Department commits to ensuring the HSWMS will be audited against criteria that meets the principles of ISO45001.

3.8.6 The Department acknowledges that the current HSWMS in place, as detailed in term 3.7.1 will be reviewed and commits to ensuring that an initial third-party audit will be undertaken within six months of this undertaking being accepted. An additional audit will be undertaken 24 months from the previous audit.

3.9 A commitment to provide a copy of each finalised HSWMS audit report to OIR

3.9.1 It is acknowledged that audit reports received from the auditor will be sent to OIR within 30 days of the audit along with written confirmation that the report has not been altered from the copy provided to the person by the auditor.

3.9.2 It is acknowledged that within 30 days of receipt of the auditor's written report, OIR will be advised of the intended actions for addressing each of the report's recommendations.

3.10 A commitment to implement the recommendations from third party audits

3.10.1 The Department commits to ensuring the recommendations resulting from the first HSWMS audit and subsequent audit, as detailed in 3.9.2 will be recorded and actioned, unless OIR grants an exemption due to the actions being unreasonable.



3.10.2 Following receipt of the audit report from the external auditor, the Department commits to providing a detailed action plan or statutory declaration by an authorised officer from the Department confirming recommendations arising from the third-party audit have been fully implemented, unless OIR grants an exemption due to the actions being unreasonable.





SECTION 4 – EXECUTION

THE COMMON SEAL OF

Department of Education was affixed in accordance with the *Corporations Act 2001* in the presence of

Megan Barry



Name of Deputy Director-General,
People, Information and Communication Services
Department of Education

Signature of Deputy Director-General
People, Information and Communication Services
Department of Education

On the 16th of November 2023

Before me:

Madison Howard

Name of Witness



Signature of witness

Witness address

Department of Education





SECTION 5 – ACCEPTANCE

This undertaking is accepted by the regulator on the 02 day of January 2024

[Redacted signature box]

Signature of regulator

Peter McKay

Name of regulator

Appointed by the Governor in Council as regulator under Schedule 2, Part 1 of the *Work Health and Safety Act 2011*, Schedule 2 of the *Electrical Safety Act 2002* and section 32 of the *Safety in Recreational Water Activities Act 2011*.



Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event Number	257804
Entity	Department of Education as the responsible agency for the State of Queensland
ABN	76 337 613 647
Entity Address	Education House, 30 Mary Street, Brisbane, Qld, 4000
Location of alleged contravention	Dysart State High School, 97 Beardmore Crescent, Dysart, Qld, 4745
Date of alleged contravention	1 June 2018

1 History of the application

- 1.1 The undertaking is being given by the Department of Education (DoE) as the responsible agency for the State of Queensland. The undertaking relates to an alleged contravention of the *Work Health and Safety Act 2011* on 1 June 2018 where a student was injured while participating in an Industrial Technology and Design (ITD) subject at Dysart State High School (DSHS).
- 1.2 The DoE provides state funded education services for Queenslanders and is uniquely placed in terms of the nature and size with thousands of students attending school based educational services on a weekly basis, many of whom are engaged in learning activities that are being performed for the first time.
- 1.3 The DoE employs approximately 90,000 employees, is the primary provider of education services within Queensland and operates 1,254 schools across the State providing educational services to over 578,000 students.
- 1.4 ITD classes are delivered in approximately 270 schools throughout Queensland as part of the Queensland State Schools curriculum. Practical Workshop classes deliver essential, foundational skills that assists to foster careers for school leavers, including through entry into apprenticeship programs.
- 1.5 On 1 June 2018, a Year 12 student at DSHS, was enrolled in an ITD subject and was participating in a Practical Workshop furnishings class. The student was operating a compound mitre saw to make coasters from an offcut of rosewood timber (Approx. 20cm in length and 12-14 cm diameter). The student had brought the wood to school, following approval by the teacher. Normally, wood used within the class is supplied by the school.
- 1.6 While cutting into the timber offcut, the student's thumb and three fingers were severed from the left hand. First aid was administered, and an emergency response engaged to manage the student's injury. Following the incident, the student's left ring finger was surgically reattached.
- 1.7 The classroom teacher and the teacher's aide on the day of the incident were not experienced or competent in ITD practical activities. Neither the teacher or the teacher's aide had experience using the mitre saw and did not demonstrate the safe use of the mitre saw to students. Due to the location of the school, DoE advise that

previous attempts to employ suitable teachers for the ITD class were unsuccessful. As a result, teachers already employed at the school were placed in this role.

- 1.8 Post recovery and with the assistance of the DoE, the student returned to school and successfully received a Queensland Certificate of Education.
- 1.9 Following notification of the above incident and investigation by Workplace Health and Safety Queensland (WHSQ), prosecution action was commenced by the Work Health and Safety Prosecutor (by complaint and summons) against the DoE as the responsible agency for the State of Queensland, for failing to comply, so far as reasonably practicable, with their health and safety duties under section 19(2), contrary to section 32 of the WHS Act.
- 1.10 On 18 November 2019, the DoE notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.11 On 15 July 2021, an Evaluation Panel (panel) evaluated the DoE's initial undertaking including all supporting documentation.
- 1.12 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided the DoE with written feedback indicating they were willing to re-evaluate a revised undertaking if it appropriately addressed the feedback.
- 1.13 On 20 September 2023, the DoE submitted a revised undertaking and updated supporting documents.
- 1.14 On 20 October 2023, following a return evaluation, the panel unanimously recommended the undertaking be accepted, subject to two minor amendments being made to Term 3.2.3 and Term 3.2.4 of the undertaking and the OIR verification that the suggested amendments have been made.
- 1.15 On 20 October 2023, panel feedback was provided to the DoE and on 17 November 2023, a revised undertaking addressing term 3.2.2 and 3.2.3 of the undertaking was received, with the panel's suggested amendments verified by EU Unit.

2 Legislation and Policy

- 2.1. Since 12 December 2017 the Office of Industrial Relations (OIR) has been part of DoE under Administrative Arrangements Order (No.3) 2017.
- 2.2. It is alleged that the DoE as the responsible agency for the State of Queensland failed to comply with section 32 of the WHS Act.
- 2.3. Pursuant to section 216 (1) of the WHS Act the WHS regulator may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the WHS Act.
- 2.4. The Deputy Director-General (DDG), OIR has been appointed as the WHS regulator by the Governor in Council under Schedule 2, Part 1 of the WHS Act.
- 2.5. Notwithstanding the administrative arrangements referred to in paragraph 2.1 of these reasons, Schedule 2, Part 1 of the WHS Act requires that when the WHS regulator makes a decision under the WHS Act the regulator must act independently and is not subject to direction in making a decision.
- 2.6. OIR provided the DoE with the relevant publications outlining information regarding the OIR EU Program and the WHS regulator's expectations for giving an undertaking.
- 2.7. Pursuant to section 216(4) of the WHS Act, the WHS regulator must issue, and publish on the WHS regulator's website, general guidelines in relation to the acceptance of WHS undertakings under the WHS Act.

- 2.8. Section 217(1) of the WHS Act provides that the WHS regulator must give the person seeking to give an undertaking written notice of the decision to accept or reject the undertaking and the reasons for the decision.

3 Material and evidence considered by the WHS regulator

- 3.1. In making a decision regarding this matter, the WHS regulator has considered the following documents:
- 3.1.1. *Work Health and Safety Act 2011, [Part 11; section 3].*
 - 3.1.2. *Guidelines for the acceptance of an enforceable undertaking* - dated November 2017.
 - 3.1.3. Revised WHS undertaking dated 16 November 2023.
 - 3.1.4. Complaint and Summons - DoE dated 29 June 2019.
 - 3.1.5. Statements of Facts – DoE.
 - 3.1.6. OIR's Statement of compliance history – DoE – dated 13 March 2020 and 11 October 2023.
 - 3.1.7. Supporting documentation – DoE – various dates.
 - 3.1.8. EU Unit Chronology Statement – DoE – dated 21 November 2023.
 - 3.1.9. Initial Evaluation Panel feedback and DoE response – DoE – dated 2 August 2021 and September 2023.
 - 3.1.10. Return Evaluation Panel Assessment – DoE.

4 Findings on material questions of fact

- 4.1. I regard the *Guidelines for the acceptance of an enforceable undertaking* dated November 2017, contains considerations which are relevant and appropriate to my decision.
- 4.2. I find the undertaking given by the DoE satisfies the formal requirements of the WHS Act and the policy requirements discussed above with respect to the operation of Part 11 of the WHS Act as they have been published.
- 4.3. I find the factual background to the alleged contravention is as set out in section 1 of the undertaking given by the DoE.
- 4.4. I find that the procedural history relating to the undertaking is set out in paragraph 1 above.
- 4.5. I find the objective gravity of the alleged contravention by the DoE is 'medium/high.'
- 4.6. I find the quantum of the undertaking and the respective financial commitments of the DoE are proportionate to the objective gravity of the alleged contravention by the DoE and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that the DoE have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that the DoE, who have a health and safety duty under the WHS Act, failed to comply, so far as reasonably practicable, with that duty contrary to section 32 of the WHS Act.
- 4.9. I acknowledge the assurance given by the DoE that the behaviour that led to the alleged contravention has ceased and the commitment to ensuring the ongoing effective management of risks to health and safety in the future.

- 4.10. I find the undertaking commits the DoE to a standard that is higher than the recognised compliance for the activity and to activities over and beyond recognised compliance levels.
- 4.11. I find the undertaking would constitute tangible benefits for workers, industry and the community as the DoE are committing to:
- 4.11.1. Disseminating information about the undertaking to all DoE staff either electronically or in writing. The DoE will also make available on its website, an electronic copy of the undertaking and provide a copy either electronically or in person to the Queensland Teachers Union, Together Queensland Union, United Workers Union and Queensland Nurses and Midwives Union.
 - 4.11.2. Reviewing and updating the DoE Health, Safety and Wellbeing Management System (HSWMS) to ensure alignment with WHS legislation and ISO45001. This initiative also includes undergoing external third party auditing of the WSHS, development of internal publications and awareness training, HSW leadership training and funding the recruitment of a new A04 Project Support Co-ordinator to co-ordinate and support external auditing and training schedules.
 - 4.11.3. Updating the existing Practical Workshop Inspection checklist within the practical workshops to ensure a risk management approach is adopted to the identification, assessment and control of high-risk hazards. Completion of this checklist across DoE will be made a mandatory requirement every month and reviewed by Heads of Departments or principals regularly to ensure actions have been taken to control any hazards.
 - 4.11.4. Implementing a Health Safety and Wellbeing (HSW) Risk Register that covers all HSW hazards, identifies appropriate controls and the risk levels associated with the hazards, DoE's Organisational Safety and Wellbeing (OSW) team will monitor this register regularly and it will be reviewed at each quarterly Departmental HSW Committee meeting, providing greater transparency of HSW hazards and controls within the Department. The costs associated with this commitment do not count towards the minimum expenditure of the undertaking.
 - 4.11.5. Establishing a Safety Culture Framework to provide support and guidance that will enable work areas to manage safety proactively. This will include:
 - 4.11.6. Implementing and conducting an initial and follow up online OIR Safety Capability Survey (survey). The initial survey will be conducted in the Central Region to profile the region's current safety culture and safety leadership capability. The results will inform a second stage roll out across the DoE and subsequent development of a management action plan. A follow up survey will be conducted 12 months later to assess the impact of changes implemented through the management plan.
 - 4.11.7. Developing and delivering an HSW:
 - 4.11.7.1. Leadership Training Program, informed by the results of the survey, for school-based leaders to improve knowledge and awareness of legislative and departmental HSW requirements, and
 - 4.11.7.2. Training Awareness Package for DoE staff, to address any gaps identified in the survey, HSW Risk Register or as deemed necessary by the HSW Committee and subject matter experts.

- 4.11.8. Funding two new A06 senior health and safety consultant training positions for a two-year period to assist with the implementation of the Safety Capability Program and development of action plans and required training as a result of the survey findings. These positions will work 80 per cent of the time towards the activities outlined within the EU.
- 4.11.9. Updating HSW key performance indicators for all principals and regional directors that will focus on annual safety assessments and Class 1 and 2 incident completion rates and completed workplace HSW committee meetings.
- 4.11.10. Developing and implementing an assurance auditing program for Practical Workshops which will assess every ITD workplace within a three-year period. Outcomes of Practical Workshop internal safety assurance audits will be reviewed regularly by the OSW team as part of their HSW risk register review process to proactively identify any systemic trends or risks for communication to HSW committees where appropriate.
- 4.11.11. Employing four internal A06 HSW consultants for a period of three years, to undertake the Practical Workshops internal safety audits. These positions will be work 100 per cent on activities identified in the EU.
- 4.11.12. Updating Annual Safety Assessments at all schools to include hazards associated with Practical Workshops. The costs associated with this commitment do not count towards the minimum expenditure of the undertaking.
- 4.11.13. Developing and implementing an online mandatory WHS Awareness Induction Program for all teachers, teacher aides, supply and contract teachers working in a Practical Workshop. This will ensure staff are informed of expectations and hazards while providing the knowledge and risk management skills specific to the Practical Workshop environment.
- 4.11.14. Engaging TAFE Queensland to assist in developing a set of competency standards and specialist training aligned to an associated training package and the Australian Qualifications Framework for Technologies teachers. Any Teacher (including those on supply or contract), who are assigned to teach or supervise in a practical workshop will be required to meet the minimum competency standards. Competency assessments will be a combination of online and face-to-face training and practical assessments, in class observations and, on the job, mentoring and coaching from experienced Practical Workshop teachers.
- 4.11.15. Researching and investigating a guarding prototype for band saws, used within state school Practical Workshops, which will prevent access to the blade. The DoE has committed to engage an independent specialist to undertake risk assessments of band saws, develop and pilot a prototype skirt guard and assess the effectiveness of the guarding. If found effective, the guard will be patented, shared with non-state schools and additional funding will be provided to state schools to assist in implementing the new guard. If the prototype is unsuccessful, DoE have committed to committing any surplus funds from the additional funding to improving the safety of plant and equipment in negotiation with OIR.
- 4.11.16. Partnering with Central Queensland University to provide a bursary scheme for third or fourth-year student studying a Bachelor of Education with a specialisation in Technologies. This initiative supports academic excellence in the field of Technologies and rewards an individual to

complete study in the specialised field. The scheme will include four bursaries each year for a period of two years.

4.11.17. Agreeing to pay \$10,724 for OIR's recoverable costs.

- 4.12. I acknowledge that panel members have recommended acceptance of the undertaking as an appropriate enforcement outcome in the circumstances of this case.

5 Decision

- 5.1 In making my decision, I do so in the exercise of the independent decision-making power of the WHS regulator under Schedule 2, Part 1 of the WHS Act. I have not been subject to any direction in making this decision.
- 5.2 In making my decision, I have considered and had regard to the evidence and other material referred to in paragraph 3 above, and to the facts I have found referred to in paragraph 4 above.
- 5.3 Because the proposed undertaking given by the DoE as the responsible agency for the State of Queensland meets the formal requirements of the WHS Act and policy requirements, my discretion whether to accept the undertaking under section 216(1) of the WHS Act is enlivened.
- 5.3 Based on the evidence, findings and having regard to the objects of the WHS Act, I have carefully considered this matter and am of the opinion that the undertaking given by the DoE as the responsible agency for the State of Queensland is an appropriate enforcement option in regard to this case.
- 5.4 I have concluded that an EU is the preferred enforcement option, rather than continuing with the prosecution, due to the opportunity to provide lasting organisational change within the DoE and the implementation of monitored and targeted health and safety improvements that will deliver benefits to workers, students, industry and the community, which may not be achieved by prosecution.
- 5.5 Under section 216(1) of the WHS Act, it is my decision to accept this undertaking as an EU.



Peter McKay
Deputy Director-General
Office of Industrial Relations

02 / 01 / 2024