

Office of the Work Health  
and Safety Commissioner

# ANNUAL REPORT

**21-22**



**WORKSAFE  
ACT** SAFE +  
HEALTHY  
WORKPLACES

## Acknowledgement of Country

The Office of the Work Health and Safety Commissioner acknowledges the traditional custodians of the Canberra region. The Office of the Work Health and Safety Commissioner wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

## Contact for this report

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## Freedom of information

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First published October 2022.

ISBN: 978 0 642 60732 4

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Information about the Office of the Work Health and Safety Commissioner and an electronic version of this annual report can be found on the website:

[worksafe.act.gov.au](http://worksafe.act.gov.au).

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## Abbreviations and acronyms

|                                  |   |
|----------------------------------|---|
| <b>ACR</b>                       | Asbestos contamination report   |
| <b>ACT</b>                       | Australian Capital Territory  |
| <b>ACTPS</b>                     | ACT Public Service  |
| <b>APIAS</b>                     | Accounts payable invoice automation system                                |
| <b>ART</b>                       | Asbestos Response Taskforce   |
| <b>ATSIPP</b>                    | Aboriginal and Torres Strait Islander Procurement Policy                  |
| <b>Boland Review</b>             | 2018 Review of the model WHS laws   |
| <b>CHO</b>                       | Chief Health Officer  |
| <b>CMP</b>                       | Case Management Panel   |
| <b>CMTEDD</b>                    | Chief Minister, Treasury and Economic Development Directorate             |
| <b>COPD</b>                      | Chronic obstructive pulmonary disease                                     |
| <b>DPP</b>                       | Director of Public Prosecutions   |
| <b>EU</b>                        | Enforceable undertaking   |
| <b>FOI Act</b>                   | <i>Freedom of Information Act 2016</i>                                    |
| <b>FTE</b>                       | Full time equivalent  |
| <b>HSR</b>                       | Health and Safety Representative  |
| <b>HWSA</b>                      | Heads of Workplace Safety Authorities                                     |
| <b>JBT</b>                       | Jervis Bay Territory  |
| <b>LHL</b>                       | Labour Hire Licensing or Labour Hire Licence                              |
| <b>LHL Act</b>                   | <i>Labour Hire Licensing Act 2020</i>                                     |
| <b>LFAC</b>                      | Loose Fill Asbestos Coordination  |
| <b>LGBTIQA+</b>                  | Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual |
| <b>LHLAC</b>                     | Labour Hire Licensing Advisory Committee                                  |
| <b>MSDs</b>                      | Musculoskeletal disorders   |
| <b>NABERS</b>                    | National Australian built environment rating system                       |
| <b>NAWIC</b>                     | National Women in Construction Association                                |
| <b>NCEP</b>                      | National Compliance and Enforcement Policy                                |
| <b>PAW</b>                       | People at work  |
| <b>PCBU</b>                      | Person conducting a business or undertaking                               |
| <b>RAP</b>                       | Reconciliation Action Plan  |
| <b>RAT</b>                       | Rapid antigen test  |
| <b>RCS</b>                       | Respirable crystalline silica   |
| <b>SLA</b>                       | Suburban Land Agency  |
| <b>SOPs</b>                      | Standard Operating Procedures   |
| <b>WHS</b>                       | Work Health and Safety  |
| <b>WHS Act</b>                   | <i>Work Health and Safety Act 2011</i>                                    |
| <b>WHS Regulation</b>            | <i>Work Health and Safety Regulation 2011</i>                             |
| <b>Workers' Compensation Act</b> | <i>Workers Compensation Act 1951</i>                                      |

# Transmittal certificate



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Mr Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety  
ACT Legislative Assembly  
London Circuit  
Canberra ACT 2601

Dear Minister

## **2021-22 Office of the Work Health and Safety Commissioner Annual Report**

This report has been prepared in accordance with section 7(2) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the *Annual Reports (Government Agencies) Directions 2022*.

It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the Office of the Work Health and Safety Commissioner.

I certify that information in the attached annual report, and information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of the Office of the Work Health and Safety Commissioner has been included for the period 1 July 2021 to 30 June 2022.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006* (repealed), Part 2.3 (see section 113, *Public Sector Management Standards 2016*).

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the report to the Legislative Assembly within 15 weeks after the end of the reporting year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jacqueline Agius', is written over a faint, light-colored signature line.

Jacqueline Agius  
Work Health and Safety Commissioner

14 September 2022

**WORKSAFE.ACT.GOV.AU**



# Compliance statement

The *Office of the Work Health and Safety Commissioner 2021–22 Annual Report* must comply with the Annual Report Directions (the Directions) made under section 8 of the *Annual Reports (Government Agencies) Act 2004*. The Directions are found at the ACT Legislation Register: [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

The Compliance Statement indicates the subsections, under Parts 1 to 5 of the Directions, that are applicable to the Office of the Work Health and Safety Commissioner and the location of information that satisfies these requirements:

## Part 1 Directions overview

The requirements under Part 1 of the Directions relate to the purpose, timing and distribution, and records keeping of annual reports. The *Office of the Work Health and Safety Commissioner 2021–22 Annual Report* complies with all subsections of Part 1 under the Directions.

To meet Section 15 Feedback, Part 1 of the Directions, contact details are provided within the *Office of the Work Health and Safety Commissioner 2021–22 Annual Report* to provide readers with the opportunity to provide feedback.

For further information, contact:

### WorkSafe ACT Media and Communications Team

[media@worksafe.act.gov.au](mailto:media@worksafe.act.gov.au)

0466 927 213

## Part 2 Annual Report requirements

The requirements within Part 2 of the Directions are mandatory for all reporting entities and the Office of the Work Health and Safety Commissioner complies with all subsections. The information that satisfies the requirements of Part 2 is found in the *Office of the Work Health and Safety Commissioner 2021–22 Annual Report* as follows:

- A. Transmittal Certificate, see page 1
- B. Organisational Overview and Performance, inclusive of all subsections, see pages 7–78, and
- C. Financial Management Reporting, inclusive of all subsections, see pages 98–155.



## Part 3 Reporting by exception – Dangerous Substances and Medicines, Poisons and Therapeutic Goods

The Office of the Work Health and Safety Commissioner has nil information to report by exception under Part 3 of the Directions for the 2021–22 reporting year.

## Part 4 Annual Report requirements for specific reporting entities

The following subsections of Part 4 of the 2022 Directions are applicable to the Office of the Work Health and Safety Commissioner and can be found within *The Office of the Work Health and Safety Commissioner 2021–22 Annual Report*:

- + WHS Act, s2.41

The Office of the Work Health and Safety Commissioner has nil information to report on Ministerial Directions.

## Part 5 Whole of Government annual reporting

All subsections of Part 5 of the Directions apply to the Office of the Work Health and Safety Commissioner. Consistent with the Directions, the information satisfying these requirements is reported in one place for all ACT Public Service directorates, as follows:

- + Bushfire Risk Management – no information to report for 2021–22
- + Human Rights, see the Annual Report of the Justice and Community Safety Directorate
- + Legal Services Directions, see the Annual Report of the Justice and Community Safety Directorate
- + Public Sector Standards and Workforce Profile, see the annual State of the Service Report, and
- + Territory Records, see the Annual Report of Chief Minister, Treasury and Economic Development Directorate.

ACT Public Service Directorate annual reports are found at the following web address: [Annual Reports - Chief Minister, Treasury and Economic Development Directorate \(act.gov.au\)](#).

# Performance statement

## WORK HEALTH AND SAFETY COUNCIL



Ms Jacqueline Agius  
Work Health and Safety Commissioner  
Via email: [Jacqueline.Agius@act.gov.au](mailto:Jacqueline.Agius@act.gov.au)

Dear Commissioner

**RE: Annual Statement for the 2021-22 Annual Report of the Office of the Work Health and Safety Commissioner**

I am writing to you to provide you with a statement for inclusion in the 2021-22 Annual Report of the Office of the Work Health and Safety Commissioner.

Under section 241(2)(a) of the *Work Health and Safety Act 2011* (WHS Act), each year, the Annual Report for the Office of the Work Health and Safety Commissioner (the Office) includes a statement from the Chair of the Work Health and Safety Council (the WHS Council) in relation to matters including:

- the performance of the Office during the reporting year;
- the effectiveness of compliance and enforcement activities undertaken by the Office during the reporting year; and
- implementation of the strategic plan during the reporting year.

The WHS Council met four times during the year, in September 2021, November 2021, February 2022 and May 2022. A Communiqué was published on the Workplace Safety and Industrial Relations website after each formal meeting.

In July 2021, the Minister for Industrial Relations and Workplace Safety issued the Statement of Expectations 2021 for the Office under schedule 2, section 2.39(2) of the WHS Act.

Members of the WHS Council have appreciated the regular updates provided by you at its formal meetings on regulatory activity, organisational capability, stakeholder engagement and initiatives associated with the delivery of the Statement of Operational Intent.

In particular, Members noted the various activities undertaken by the Office in meeting the requirements of the Statement of Expectations and associated Statement of Operational Intent.

The Council notes the continued implementation of the 2020-2024 Strategic Plan by the Office during the reporting year, including implementation and administration work related to silica dust reforms in the ACT, an increase in compliance activities for residential construction sites with the release of the residential construction strategy and progression of materials to support persons conducting a business or undertaking (PCBUs) and workers addresses psychosocial hazards.

The Council commends the work of the Office in setting the strategic tone for the next several years, with a number of targeted strategies including:

- the launch of a *Strategy for Managing Work-Related Psychosocial Hazards 2021-23* and associated plans that underpin the strategy, such as the *Managing Work-Related Sexual Harassment Plan 2021-23*; *Managing Work-Related Violence and Aggression Plan 2021-23*;
- the launch of a *Strategy for Preventing Occupational Lung Diseases 2021-2023*; and
- the launch of the *Young Worker Strategy 2021-2023*.

The WHS Council would like to thank you for your engagement and participation at its meetings which assist the WHS Council to fulfil its responsibilities to advise the Minister in relation to work health and safety, workers' compensation, bullying and other psychosocial workplace issues.

Members of the WHS Council look forward to continuing to receive regular updates and advice from your Office during the 2022-23 financial year.

Yours sincerely



Anthony Brierley  
Chair, ACT Work Health and Safety Council  
29 August 2022

**Work Health and Safety Council**

Email: [ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au](mailto:ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au)

# ABOUT WORKSAFE ACT

WorkSafe ACT is the Regulator for Work Health and Safety, Workers' Compensation, Labour Hire Licensing and related laws in the ACT.

WorkSafe ACT works with industry, unions, duty holders, workers, and the broader Canberra region community to support a strong safety culture across all ACT workplaces.

**Our vision:** Healthy, safe, and productive working lives.

**Our mission:** To protect workers and ensure compliance with workplace obligations.

**Our values:** Integrity, professionalism, accountability, innovation, fairness, and collaboration.



**ALL WORKERS.**  
**ALL WORKPLACES.**

# Organisational overview and performance



*Jacqueline Agius, Work Health and Safety Commissioner, and Labour Hire Licence Commissioner*

WorkSafe ACT was established on 1 July 2020. It is an independent, prescribed Territory authority headed by the Work Health and Safety (WHS) Commissioner who is the Territory's WHS Regulator.

Jacqueline Agius was appointed to the role of ACT Work Health and Safety Commissioner in April 2020. Ms Agius is also the Commissioner of the Labour Hire Licensing (LHL) scheme. Ms Agius is an experienced leader with extensive practice in both industrial and WHS laws.

Ms Agius is committed to improving health and safety standards in Canberra workplaces and creating a strong safety culture in the ACT community. She believes this is achievable with a strong regulatory response and by holding duty holders accountable for creating safe work environments. Ms Agius is also

dedicated to addressing psychosocial hazards in the workplace, along with helping young workers understand their WHS rights and responsibilities.

Ms Agius was a member of the Work Safety Council from 2016, until it was replaced with the WHS Council, of which Ms Agius is an ex officio member. Ms Agius is also a member of the Heads of Workplace Safety Authorities (HWSA), Chair of the Labour Hire Licensing Advisory Committee (LHLAC) and a regular observer at Safe Work Australia meetings.

WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, inspection, and investigation.

WorkSafe ACT administers the following legislation and related regulations and instruments:

- + *Work Health and Safety Act 2011* (WHS Act) and *Work Health and Safety Regulation 2011* (WHS Regulation)
- + *Machinery Act 1949*
- + *Scaffolding and Lifts Act 1912*
- + *Dangerous Substances Act 2004*
- + *Dangerous Goods (Road Transport) Act 2009*
- + *Fuels Rationing Act 2019*
- + *Workers Compensation Act 1951* (Workers' Compensation Act)
- + *Long Service Leave Act 1976*
- + *Workplace Privacy Act 2011*, and
- + *Labour Hire Licensing Act 2020* (LHL Act).

The WHS Commissioner is the Regulator and is not subject to the direction of anyone else. The WHS Commissioner must act independently in relation to the exercise of a function under the WHS Act or another Territory law under which she performs a function. However, the Minister for Industrial Relations and Workplace Safety may, in writing, give directions to the WHS Commissioner in relation to the exercise of the WHS Commissioner's functions. Such a direction must be of a general nature and not direct her in relation to an investigation or regulatory action.

The WHS Commissioner also regulates a range of licences and permits for individuals under the WHS Act, the *Dangerous Substances Act 2004*, the *Scaffolding and Lifts Act 1912* and the *Machinery Act 1949*. The *Dangerous Substances (Explosives) Regulation 2004* provides for the issuing of licences and/or permits relating to explosives.

Regulation of the Workers' Compensation Act and LHL Act is also the responsibility of WorkSafe ACT. In June 2020, the Workers' Compensation Act was amended to modernise the insurer and self-insurer provisions and align with a best practice licensing framework. The purpose of these amendments is to ensure injured workers have access to a consistent standard of service, regardless of whether their employer has a workers' compensation insurance policy or is self-insured.

Further amendments to the Workers' Compensation Act were also introduced to align the regulatory licensing functions with the new independent regulatory role of WorkSafe ACT. The WHS Commissioner (as the Regulator) is now directly responsible for issuing and compliance oversight of both approved insurer and self-insurer licences.

The LHL Act commenced in May 2021. The purpose of the LHL scheme is to encourage responsible practices in the ACT labour hire industry and ensure labour hire businesses operating in the Territory meet their workplace obligations and responsibilities to their workers. The LHL scheme creates a framework intended to prevent and respond to non-compliance with workplace standards in the labour hire industry.

In accordance with the LHL Act, the WHS Commissioner is also the Labour Hire Licence Commissioner. WorkSafe ACT is responsible for determining the suitability of provider applications for a licence as well as undertaking compliance and enforcement activities associated with the LHL scheme.

# Organisational structure

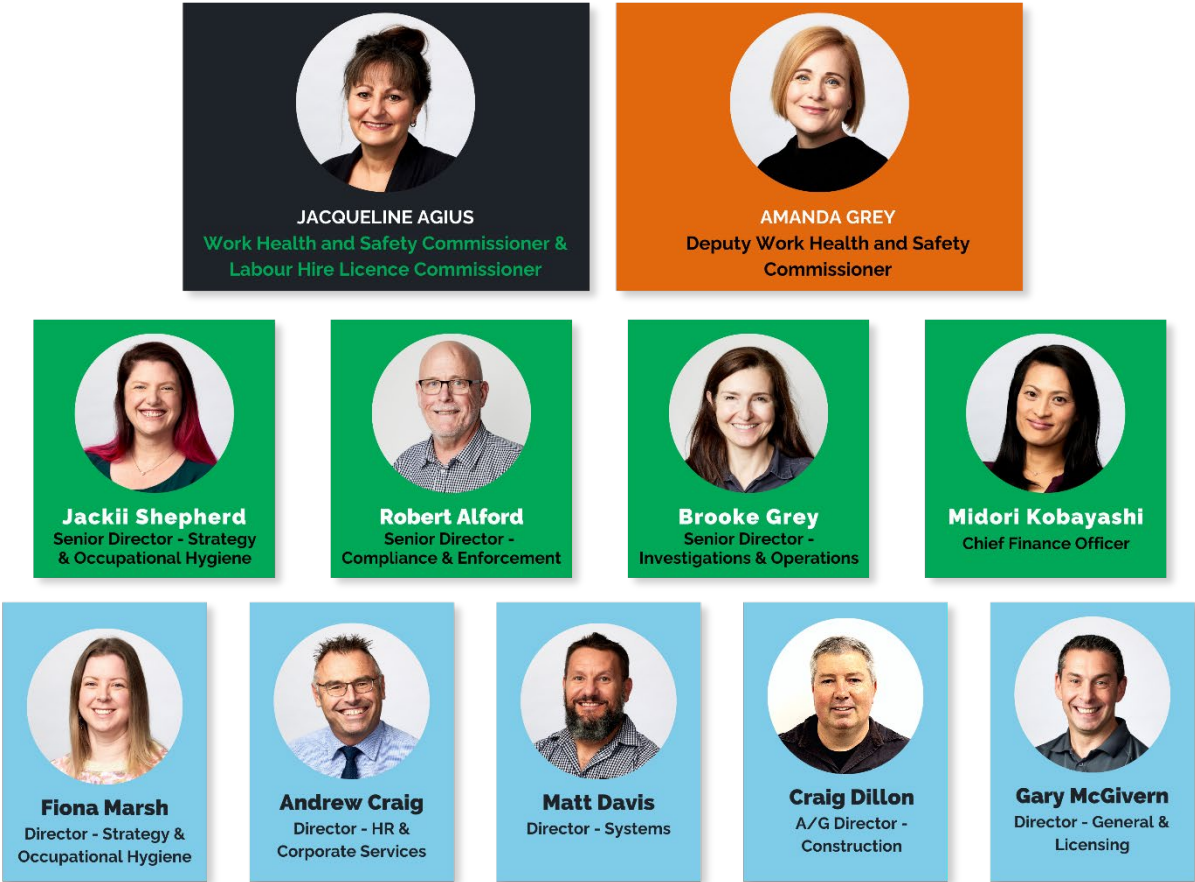


Figure 1: WorkSafe ACT organisational structure as at 30 June 2022

## Performance analysis

WorkSafe ACT objectives, deliverables and accountability indicators are published in the 2021–2022 ACT Budget Statements on the [ACT Government Budget 2021–22 website](#) and are used to monitor and assess WorkSafe ACT performance.

During the 2021–22 financial year, WorkSafe ACT continued its compliance and enforcement activities across the Territory. With the impacts of COVID-19 and the resulting ACT Public Health Emergency Directions, operational adjustments were made to ensure the wellbeing of WorkSafe ACT Inspectors, as well as the safety of duty holders, workers and other members of the community.

A detailed overview of WorkSafe ACT performance over 2021–22 is provided in this section.

# Output Class 1 (Output 1.1): Regulatory Compliance and Enforcement

## Accountability indicators

### Summary of operational performance against targets

This section discusses and explains WorkSafe ACT performance during 2021–22 against its one output class, regulatory compliance and enforcement. It also includes high-level commentary on performance against the agency's accountability indicator targets, as set out in the 2021–22 Budget Statement. There are eight accountability indicators used to measure WorkSafe ACT 2021–22 performance against its goals:

---

### WorkSafe ACT met 6 of 8 accountability indicators for 2021–22.

---

1. The 2018 Independent Review of the ACT's work safety compliance infrastructure, policies and procedures by the Nous Group made recommendations for improving the ACT's WHS compliance and enforcement arrangements. **The target for 2021–22 was implementation of 25 of the 27 recommendations.**

WorkSafe ACT has implemented 27 of the 27 Nous recommendations, two more than the target.

The final recommendations were implemented in the 2021–22 financial year with the completion and implementation of the capability framework, and training and development schedule.

WorkSafe ACT will provide the closure report to the WHS Council in the second half of 2022.

2. This indicator sets a ratio for the activities which WorkSafe ACT undertakes to achieve its goal of preventing work-related deaths, injuries and diseases and protecting property and the environment. **WHS compliance activities in line with the Compliance and Enforcement Policy: education, prevention, enforcement ratio: 65:25:10.**

WorkSafe ACT achieved a ratio of 84:15:1.

This accountability indicator is informed by the different types of notices issued by WorkSafe ACT; improvement notices (education), prohibition notices (prevention), and infringement notices (enforcement).

The 2021–22 result indicates that a disproportionate ratio of improvement and prohibition notices were issued in comparison to infringement notices.



This is reflective of the pro-enforcement model adopted by WorkSafe ACT in the 2020–21 financial year.

In considering this result it is noted that there are extremely limited circumstances in which infringement notices may be issued by WorkSafe ACT Inspectors. This contrasts with improvement and prohibition notices which can be issued across a full range of offences in the WHS and associated legislation.

This indicator also suggests the use of improvement notices as an engagement and education tool given the limited ability to deliver other stakeholder engagement during the COVID-19 pandemic and its associated lockdowns and restrictions. WorkSafe ACT Inspectors use prohibition notices to provide a consistent and targeted focus on the prevention of work-related deaths, injuries and diseases, and protecting property and the environment where risk is imminent. Together the use of these tools has a significant impact on the health and safety outcomes for ACT workers and others in the workplace.

WorkSafe ACT is reviewing this accountability indicator to determine if it best reflects reporting on its compliance and enforcement activities.

3. Rates of compliance for workers' compensation are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy. **The WorkSafe ACT target was a 90% compliance rate.**

WorkSafe ACT achieved a 93% compliance rate.

WorkSafe ACT contributed to the high rate of compliance through its activities to educate employers of their responsibilities under the Workers' Compensation Act.

4. Rates of compliance during inspections of labour hire providers and hosts are appropriately licensed and compliant with the licence conditions. **The WorkSafe ACT target was a 90% compliance rate.**

WorkSafe ACT achieved a 100% compliance rate.

WorkSafe ACT launched a dedicated advertising campaign to make duty holders aware of the need to acquire a labour hire licence prior to the commencement of its inspection activities.

5. WorkSafe ACT aims for **100% of investigations to be opened within 14 days of WorkSafe ACT being notified of a serious WHS incident** within

the WorkSafe ACT jurisdiction, which the regulator considers requires investigation.

WorkSafe ACT met this target. All investigations by the Major Investigations Team commenced within 14 days of notification of the incident and/or endorsement from the Case Management Panel.

6. WorkSafe ACT has a target of **60% of major investigations completed within 12 months of commencing investigations**. The major investigations relevant to this indicator are those completed (not commenced) in the 2021–22 financial year.

WorkSafe ACT achieved a result of 71%.

Of the seven investigations completed in 2021–22, five were completed within 12 months.

7. WorkSafe ACT has a target of **100% of enforceable undertaking (EU)-sanctioned entities meeting their EU obligations**.

WorkSafe ACT considers the 100% target to be met.

WorkSafe ACT monitors compliance of EU-sanctioned entities with their EU obligations. If an entity fails to meet its obligations, the entity is referred to the Director of Public Prosecutions (DPP).

During 2021–22, four EUs were due for completion. Two persons conducting a business or undertaking (PCBUs) met their EU obligations, and the EUs were discharged. Two PCBUs did not meet their obligations, one due to liquidation, with the other being referred to the DPP.

8. In order to improve awareness, WorkSafe ACT has a target of **100% of its media releases generating media coverage**.

WorkSafe ACT achieved a result of 92%.

Of the 26 media releases, two did not result in media coverage.

One of these releases was made during the COVID-19 lockdown period and was not sent through a dedicated media channel, as one did not exist at the time.

The other was for Workers' Memorial Day. The media release was supported by a social media post that generated 13,441 impressions, 26 reactions and six shares. While this release was not formally picked up by traditional media, it had great success on WorkSafe ACT's single social media platform.

WorkSafe ACT has recently created a specialist media team with a media inbox and subscriber list. The formation of this team will target awareness improvement activities in future media engagement.



# WorkSafe ACT value statement

|   |   |
|---|---|
| <b>VISION</b><br> Healthy, safe and productive working lives   | <b>MISSION</b><br> To protect workers and ensure compliance with workplace obligations |
| <b>STRATEGIES</b><br> <ul style="list-style-type: none"><li>• Fair and firm enforcement against non-compliance</li><li>• Minimising physical and psychological harm and improving WHS culture and practice</li><li>• Engaging with stakeholders to better respond to current and emerging WHS issues</li><li>• Creating an exemplary regulator</li></ul> |   |
| <b>VALUES</b><br> <ul style="list-style-type: none"><li>• Integrity</li><li>• Professionalism</li><li>• Innovation</li><li>• Fairness</li><li>• Collaboration</li></ul>   | <b>OUTCOME</b><br> <b>SAFE + HEALTHY WORKPLACES</b>                                  |

## Planning framework

The WHS Act requires the preparation of the following strategic planning documents:

- + a four-year Compliance and Enforcement Policy
- + a four-year Strategic Plan, and
- + an annual Statement of Operational Intent in response to the Minister for Industrial Relations and Workplace Safety's Statement of Expectations.

In consultation with relevant stakeholders, WorkSafe ACT met its statutory planning obligations during 2021–22.

## Compliance and Enforcement Policy

WorkSafe ACT published its first [Compliance and Enforcement Policy 2020–2024](#) in October 2020. In developing its policy, WorkSafe ACT was guided by the National Compliance and Enforcement Policy (NCEP), with some amendments specific to the interface with the Territory's criminal justice system and to make it applicable to the ACT dangerous substances legislation.

The fundamental premise of the policy is to secure, to the highest degree possible, legislative compliance and prevent work-related deaths, injuries, and diseases. As the policy also covers compliance with the dangerous substances laws, it also aims to protect property and the environment from damage presented by hazards associated with dangerous substances.

To ensure transparency and to promote awareness of its compliance and enforcement activities, WorkSafe ACT commenced publishing [monthly data snapshots](#) of these activities in February 2022.

Safe Work Australia has agreed to revise the NCEP as an outcome of the [2018 Review of the model WHS laws](#) (the Boland Review), noting this work is underway. WorkSafe ACT will review and, as necessary, amend the policy following the completion of this project.

## Strategic Plan 2020–2024

WorkSafe ACT delivered its [Strategic Plan 2020–2024](#) in October 2020.

The first year of the strategic plan focused on the establishment of durable partnerships within government, with other jurisdictions, with workers and their representatives, and PCBUs and their representatives.

The second year focused on the delivery of evidence-based and targeted strategies addressing priority hazards and industries, including:

- + managing work-related psychosocial hazards and plans for managing work-related violence and aggression and sexual harassment
- + young workers
- + occupational lung diseases
- + preventing musculoskeletal disorders, and
- + residential construction.

During 2022–23, Safe Work Australia will release a new Australian Work Health and Safety Strategy. Consequently, WorkSafe ACT will undertake a review of its strategic plan to ensure its foundation document remains contemporary and reflects national priorities and targets.

## Statement of Operational Intent

In accordance with the WHS Act, the WHS Commissioner is required to prepare a Statement of Operational Intent in response to the Minister's Statement of Expectations. The Statement of Expectations for 2021–22, notified on 5 August 2021, sets out the priorities the Minister expects WorkSafe ACT to action. In summary, these priorities were:

- + Addressing present and emerging WHS risks including:
  - psychosocial hazards in the workplace
  - silica dust exposure, and
  - the impacts of climate change.

- + Actively implementing the National Principles to Support Families following an Industrial Death published by Safe Work Australia.
- + Continued focus on improving the safety culture of the construction industry.
- + Continuing to improve the operational effectiveness of WorkSafe ACT, including implementation of the 2018 Independent Review recommendations.
- + Engagement with the WHS Council.

Consequently, WorkSafe ACT focus areas for 2021–22, progressed in the context of meeting the outcomes of its strategic plan, include:

- + **Addressing psychosocial hazards** – WorkSafe ACT will continue to increase its capability and tools to address psychosocial hazards, including specialised training of Inspectors along with the deployment of additional resources. Engagement with industry and social partners to understand barriers, enablers and opportunities will inform the WorkSafe ACT regulatory response to psychosocial hazards in the workplace, combined with a high-level review of ACT psychosocial hazards at work incidents. Based on the evidence collected, WorkSafe ACT will develop and release a psychosocial strategy to guide the work in this area, including the prevention of sexual harassment and the prevention of work-related violence.

In addition, the People at Work (PAW) tool will continue to be promoted for PCBUs to assess workplace psychological risks using an evidence-based psychosocial survey.

- + **Preventing silica dust exposure in the workplace** – As an emerging WHS risk, silicosis is a preventable disease with the potential to affect many workers and their families. WorkSafe ACT will prioritise its regulatory response of enforcing compliance with the silica dust exposure standard. This includes working with industry representatives to provide education and undertake compliance and enforcement actions. This will ensure all workers in the manufacturing and construction industries with a risk of exposure to respirable crystalline silica are protected.
- + **Ensuring that all workers and workplaces across the Territory are safe and healthy** – WorkSafe ACT is committed to preventing injury and traumatic fatality by developing and implementing a range of strategies to support compliance with relevant legislation. These strategies and awareness campaigns will include:
  - a young workers strategy, including addressing the health and safety of apprentices
  - a strategy to prevent musculoskeletal disorders
  - an occupational lung diseases strategy
  - a risk awareness campaign about lead, and
  - a hazardous chemicals awareness strategy.

- + **Addressing work related impacts of climate change** – In response to recommendations from the WHS Council, through its Extreme Weather Conditions Advisory Committee, WorkSafe ACT will develop guidance material for air quality, working in weather and extreme heat risks to improve industry capability to manage these issues in the workplace.
- + **Supporting the families of those killed or seriously injured at work** – Safe Work Australia's National Principles to Support Families following an Industrial Death provide a high-level framework to guide WHS regulators in implementing family-centred policies and practices to support families impacted by an industrial death or serious injury. WorkSafe ACT will actively implement the National Principles.
- + **Continuing to work to improve the safety culture in the construction industry** – The safety culture in the construction industry remains inconsistent, creating a high-risk working environment for its workers. Economic indicators highlight a significant rise in residential construction activity in the 2021–22 period, with residential dwelling approvals in March 2021 increasing by 121.1% compared with March 2020.
  - WorkSafe ACT will maintain its strong and ongoing focus to improve compliance and safety standards across both residential and commercial sectors through specific strategies for each segment of this industry, along with continued engagement with stakeholders and social partners to provide appropriate information and guidance materials.
- + **Improving the operational efficiency of WorkSafe ACT** – WorkSafe ACT will remain focused on ensuring improvements to its governance and operations continue to build on the recommendations of the 2018 Independent Review. WorkSafe ACT will commence the implementation of the remaining recommendations from the 2018 Independent Review which focus on capability development.
  - An internal audit function will be established as a critical part of WorkSafe ACT corporate governance. The internal audit function will be used to test management and internal controls and provide assurance that they are fit for purpose, ensuring WorkSafe ACT business activities are conducted in accordance with the proper legislative, regulatory and policy framework.
- + **Engaging with the WHS Council** – The WHS Council is a statutory body that provides advice to the government and Minister on WHS and workers' compensation matters across the Territory. As an ex-officio member of the WHS Council, the WHS Commissioner will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act.
- + **Implementing the Territory's labour hire licensing scheme** – WorkSafe ACT will ensure responsible practices in the ACT labour hire industry through a combination of information provision and the active monitoring of compliance and enforcement when the scheme fully commences in November 2021.

- + **Ensuring compliance with the Workers' Compensation Act** – In addition to carrying out compliance campaigns across a range of ACT businesses, WorkSafe ACT will develop and publish a workers' compensation compliance and enforcement policy.

Achievement of these priorities and matters requiring further action are detailed in this report.

## WorkSafe ACT strategic priorities

WorkSafe ACT accountability indicators, activities, and initiatives for the reporting period were developed in the context of the Statement of Operational Intent, supported by available data and business intelligence collected during compliance and enforcement activities and in response to new and emerging issues.

This annual report also integrates the agency's responsibilities to regulate workers' compensation in the Territory and deliver the ACT's LHL scheme.





# STRATEGY ONE

Ensuring fair and firm  
enforcement against  
non-compliance



# Strategy one: Ensuring fair and firm enforcement against non-compliance: Work Health and Safety

## WHS compliance monitoring and enforcement activities

The Strategic Enforcement Priorities outlined in the strategic plan, together with the Minister's [Statement of Expectations](#) and WorkSafe ACT's [Statement of Operational Intent](#), have guided WHS compliance monitoring and enforcement activities during 2021–22.

While COVID-19 continued to affect many workplaces in 2021–22, including their working arrangements and operational practices, the PCBU duty of care to workers remained unchanged. WorkSafe ACT continued compliance and enforcement activities through the financial year, irrespective of the various levels of industry shutdown due to the public health emergency.

When undertaking compliance and enforcement activities, WorkSafe ACT conducts two streams of inspection activities:

- + actions in response to complaints or incidents, and
- + proactive compliance campaigns which are planned through data-led analysis.

In 2021–22, across all industries, including ACT Government directorates and agencies, WorkSafe ACT conducted 3,335 workplace inspections and issued a total of \$131,040 in fines. These inspections were a mixture of responses to complaints or incidents received by WorkSafe ACT or as part of compliance campaigns across all industries (see Figure 2 and Table 1).



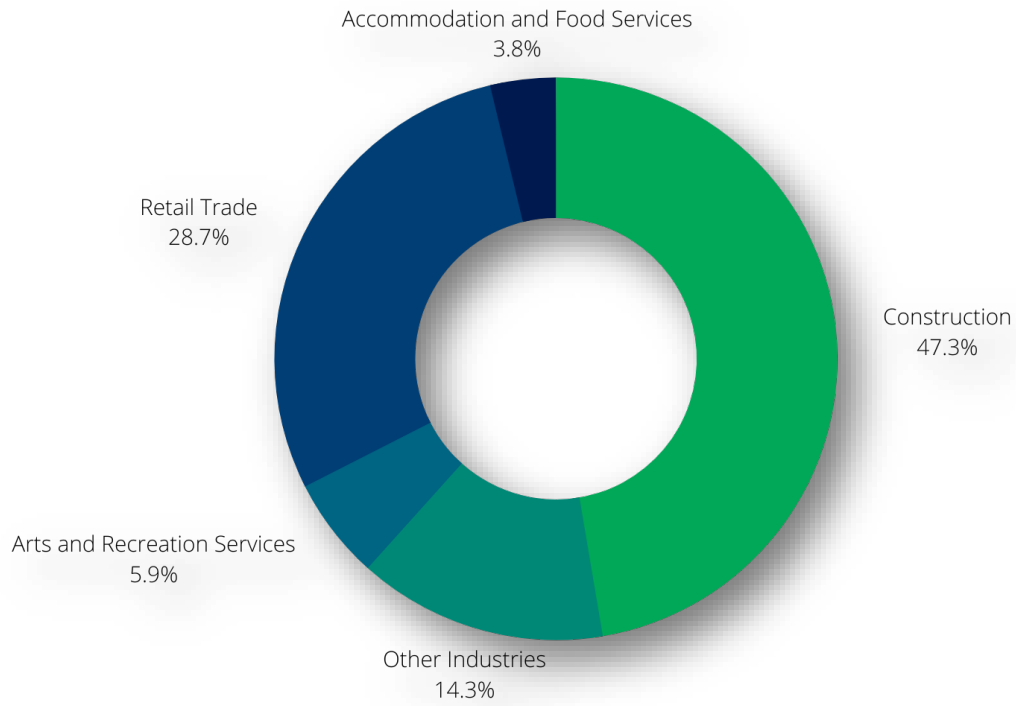


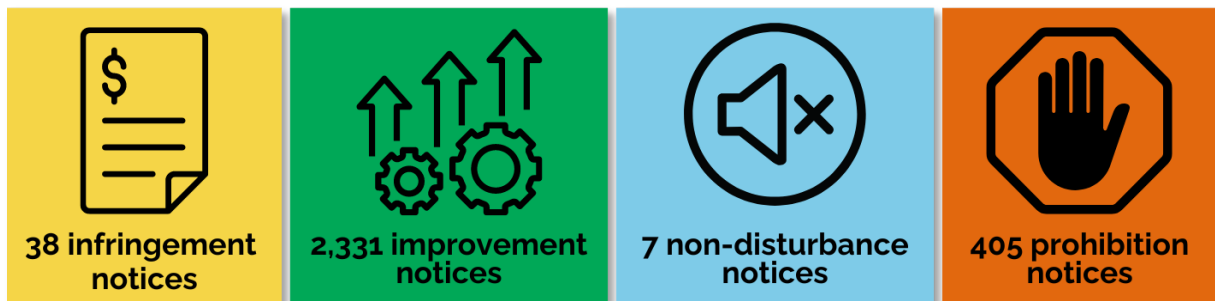
Figure 2: Percentage of workplace inspections by industry



Table 1: Workplace visits per industry

| Industry  | Number | %    |
|---|--------|------|
| Construction                                    | 1505   | 45.3 |
| Retail Trade                                    | 914    | 27.5 |
| Other Services                                  | 353    | 10.6 |
| Arts and Recreation Services                    | 185    | 5.6  |
| Accommodation and Food Services                 | 118    | 3.6  |
| Manufacturing                                   | 50     | 1.5  |
| Education and Training                          | 50     | 1.5  |
| Health Care and Social Assistance               | 42     | 1.3  |
| Transport, Postal and Warehousing               | 30     | 0.9  |
| Electricity, Gas, Water and Waste Services      | 24     | 0.7  |
| Professional, Scientific and Technical Services | 13     | 0.4  |
| Public Administration and Safety                | 12     | 0.4  |
| Other Industries                                | 24     | 0.7  |

Throughout the reporting period, WorkSafe ACT Inspectors issued the following notices under the WHS Act:



## Prosecutions and enforceable undertakings

As outlined in the WorkSafe ACT Compliance and Enforcement Policy, compliance with legislation is undertaken by Inspectors in several ways, including using inspection powers as directed by the Regulator. Where an inspection or investigation reveals evidence of an alleged breach, WorkSafe ACT has a range of tools to use, depending on the circumstances.

WorkSafe ACT has a strong regulatory posture and, where warranted, will take immediate action to protect the health, safety and wellbeing of Territory workers. The most serious offences require the strongest regulatory response, including prosecution.

Prosecutions may be brought by the Regulator in relation to alleged serious breaches of the WHS Act, or the dangerous substances or workers' compensation legislation. WorkSafe ACT applies the [Prosecution Policy of the Australian Capital Territory](#) when making decisions on whether to refer an alleged breach to the DPP.

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### There were three successful prosecutions in the reporting period 2021–22.

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On 12 December 2021, Multiplex pleaded guilty to a Category 2 offence under the WHS Act for the death in 2016 of a worker at the University of Canberra Hospital site. The worker sustained fatal injuries when a mobile crane that was trying to move a 10-tonne generator toppled. The court found Multiplex guilty and fined it \$150,000.

For the same fatality, RAR Cranes pleaded guilty to a Category 2 offence under the WHS Act and was convicted and fined \$300,000 on 6 May 2022.

Better Building Holdings Pty Ltd pleaded guilty to a Category 2 offence under the WHS Act for the death of a residential construction worker who fell over six metres at a site in Denman Prospect. Better Building Pty Ltd was convicted and fined \$450,000 on 9 June 2022.

The WHS Commissioner may accept an EU in lieu of referral to the DPP. An EU is a legally binding agreement intended to improve WHS practices, as well as being an effective tool to deliver benefits to the workplace, relevant industry, or the community.

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### During 2021–22, WorkSafe ACT accepted no new enforceable undertakings.

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All EUs accepted by WorkSafe ACT are available on the [WorkSafe ACT website](#).

# Targeted compliance campaigns

In 2021–22, WorkSafe ACT continued its compliance and enforcement actions in identified priority industries, as well as focusing education programs on those industries demonstrating lack of knowledge of statutory obligations. These activities were undertaken in response to key present and emerging issues across a range of industries:

| Issues                          | Industries                          |
|---------------------------------|-------------------------------------|
| + COVID-19                      | + ACT Government                    |
| + Loose-fill asbestos           | + Logistics, hotels and hospitality |
| + Safety at major public events | + Retail                            |
| + Silica                        | + Commercial construction           |
| + Musculoskeletal disorders     | + Residential construction          |
| + Psychosocial hazards          | + Bench top manufacturing           |
|                                 | + Manufacturing                     |
|                                 | + Independent schools               |
|                                 | + Vocational education and training |

Campaigns are well planned and designed to improve health and safety outcomes in industries and occupations that require targeted attention. Campaigns may be sector-specific, address priority hazards, substances, or conditions, or target those workers who are most at risk.

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**Three compliance campaigns in priority industries—Construction (including WorkSafe ACT’s COVID-19 response), Retail Trade and ACT Public Sector—are featured in this annual report.**

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## Jervis Bay Territory

During 2021–22, due to COVID-19, WorkSafe ACT did not attend the Jervis Bay Territory (JBT).

The Australian Government Department of Infrastructure, Transport, Regional Development and Communications, in consultation with the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) Policy & Cabinet Division, Infrastructure, Economic and Regional Policy Branch, issued specific JBT emergency directions to manage all movements in the JBT.

## Construction

Safe Work Australia data<sup>1</sup> shows the Australian average frequency rate for serious claims<sup>2</sup> for the construction industry decreased by 4% between 2014–15 and 2018–19.

As seen in Figure 3, during this time the ACT recorded a 9% decrease in its frequency rate.<sup>3</sup>

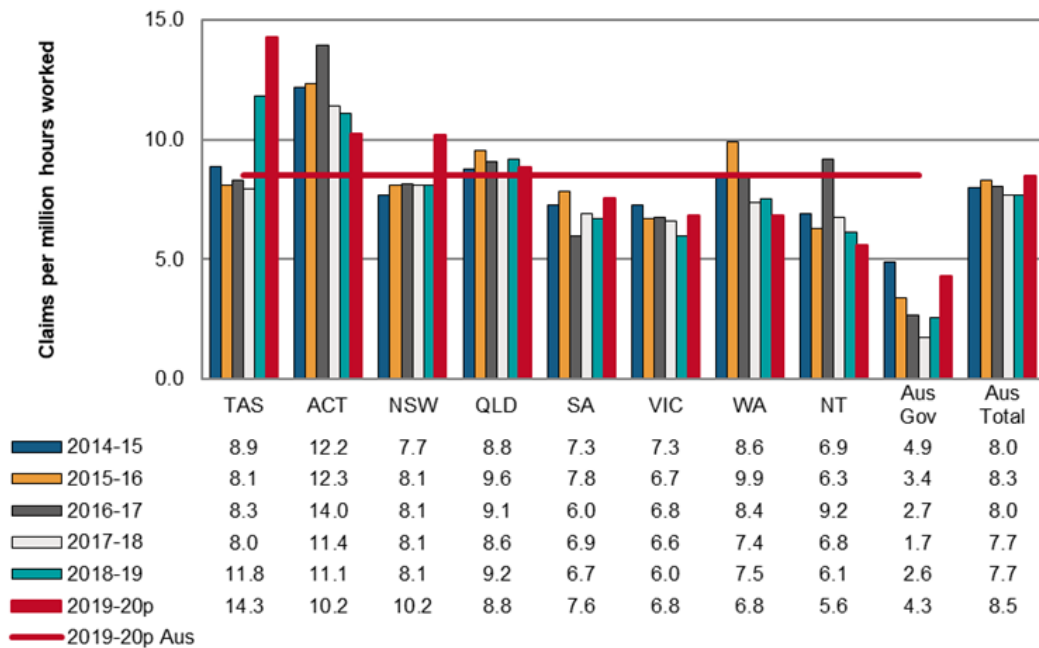


Figure 3: Frequency rates of serious claims for construction by jurisdiction<sup>4</sup>

A mixture of stakeholder engagement, compliance and enforcement is critical to changing the current safety profile of construction and the rate of serious claims in the ACT. Despite modest improvement in the frequency of serious workers' compensation claims, the construction industry continues to miss the mark in the provision of safe and healthy working environments for its workers.

<sup>1</sup> Safe Work Australia—[Comparative Performance Monitoring report 23rd edition – Work health and safety performance](#)

<sup>2</sup> Serious claims are those relating to work-related injury or disease that result in a total absence from work of one working week or more.

<sup>3</sup> The incidence rates of the Territory should be interpreted with caution as the relative standard error of the number of employees was between 25 and 50%.

<sup>4</sup> Safe Work Australia—[Comparative Performance Monitoring report 23rd edition – Work health and safety performance](#)

## Residential construction

During 2021–22, to support the industry and provide opportunities for education, WorkSafe ACT developed strategies aimed at improving workplace safety across construction, particularly residential construction. WorkSafe ACT launched its first Residential Construction Strategy in August 2020. Saturation workplace visit campaigns, coded Operation Safe Prospect, were a vital part of the first strategy.

An analysis undertaken on the outcomes of the first strategy and Operation Safe Prospect indicated there was little change in safety behaviours and compliance with the WHS laws in the residential construction industry over the last two years. Compliance rates were almost unchanged, as was the proportion of improvement and prohibition notices issued.

On 29 June 2022, WorkSafe ACT launched the updated [Residential Construction Strategy 2022–24](#) with a focus on improving safety behaviours and compliance in the sector.

The updated strategy defines the WorkSafe ACT approach to improving safety behaviours and compliance in the residential construction sector from 2022 to 2024.

Operation Safe Prospect continues to be the most visible element of the strategy. The key objectives of the strategy are:

- 
1. To embed WHS in work design and systems.
  2. To secure stakeholder commitment to improve compliance rates.
  3. To enforce compliance across the residential construction industry.
  4. To build WorkSafe ACT capability and capacity as a responsive regulator.
- 

The compliance aspects of Operation Safe Prospect involve WorkSafe ACT Inspectors making programmed saturation visits to greenfield and brownfield sites across the ACT. During 2021–22, Operation Safe Prospect included 922 dedicated inspections as part of 15 saturation campaigns. These campaigns targeted non-compliance and focused on serious safety issues, including:

- + the risk of falls from heights
- + unsafe scaffolding
- + failure to follow safe work method statements
- + lack of site security
- + lack of site signage, and
- + lack of basic facilities for workers.



During the reporting period, Operation Safe Prospect resulted in WorkSafe ACT Inspectors issuing:

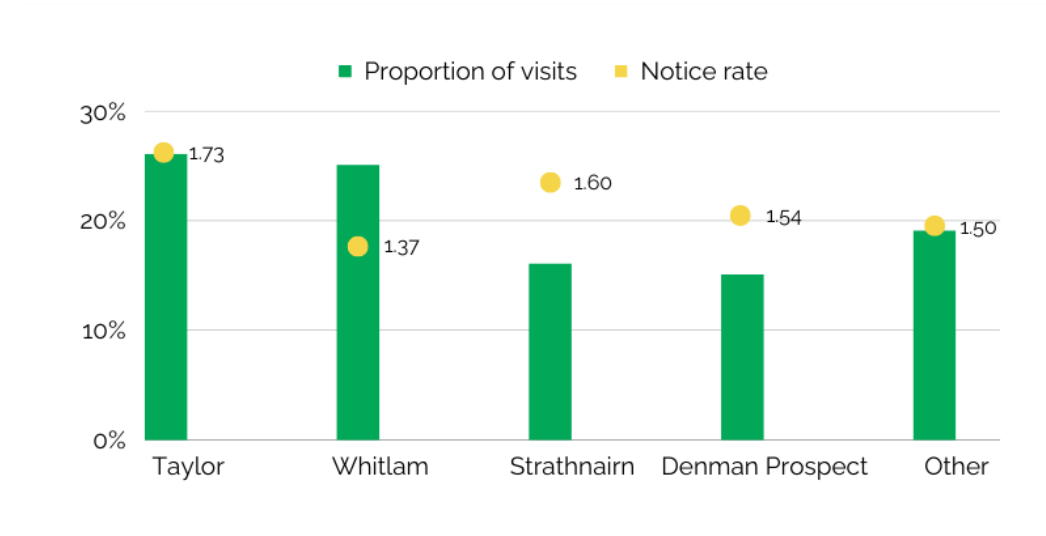


Figure 4: Proportion of visits to suburbs (with corresponding notice rates)

As shown in Figure 4, inspections in Taylor and Whitlam comprised over 50% of Operation Safe Prospect workplace visits. Taylor had the highest notice rate (1.73 notices per visit), followed by Strathnairn (1.60 notices per visit).

**Failure to manage the risks of falls from heights made up 50% of all prohibition notices and 62% of all infringement notices**

**Improvement notices were highest for:**

- not maintaining a secure workplace, and
- not providing adequate workplace facilities

## Stakeholder engagement in the residential construction sector

Industry stakeholders and WorkSafe ACT continue to actively collaborate and support each other to achieve improved outcomes in residential construction.

The launch of the updated [\*Residential Construction Strategy 2022–24\*](#) on 29 June 2022 was attended by a broad range of stakeholders, including Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction, Rebecca Vassarotti MLA, members of the WHS Council, representatives from industry associations, union groups and media.

On the back of a successful joint campaign with the Suburban Land Agency (SLA) in June 2021, WorkSafe ACT partnered with SLA again in December 2021. The aim of this project was to promote safety in the greenfields suburbs of Taylor and Whitlam, by collaborating on communication products for new land releases in the ACT. This included a presentation by WorkSafe ACT at a successful buyer's information evening on 10 February 2022, the development of a pamphlet on how to choose a builder with WHS in mind, and a presentation by the WHS Commissioner to an SLA all-staff meeting on 22 March 2022.

## Commercial construction

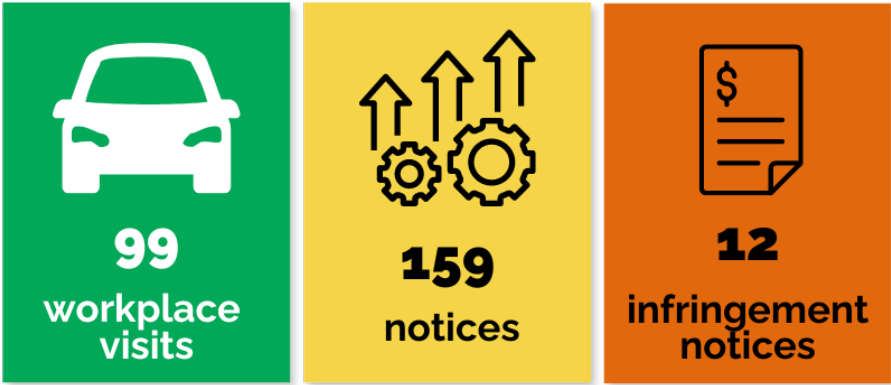
Commercial construction was a key focus for WorkSafe ACT during 2021–22, continuing its programmed audits of larger construction sites across the ACT.

WorkSafe ACT engaged with the commercial construction sector using a combination of engagement methods, including communication through peak industry bodies, complemented with audits and inspections. Wherever appropriate, regulatory enforcement options were implemented to ensure compliance and remediation of the safety issues.

The focus areas for commercial construction were:

- + working at heights safely
- + scaffolding
- + moving plant
- + lifting and crane operations
- + silica and other dust exposure
- + safe work method statements, and
- + COVID-19 control measures.

The commercial construction campaigns completed during the reporting period resulted in:



### COVID-19 and construction

Under WHS laws, COVID-19 is a biological hazard and PCBUs must implement effective control measures to minimise the spread of the virus in and from the workplace. During the COVID-19 pandemic, the management of COVID-19 at the workplace is also required under ACT Public Health Emergency Directions.

WorkSafe ACT Inspectors were, for this reporting period, authorised as Public Health Officers under the *Public Health Act 1997* to minimise the spread of COVID-19 in workplaces and audit compliance with ACT Public Health Emergency Directions.

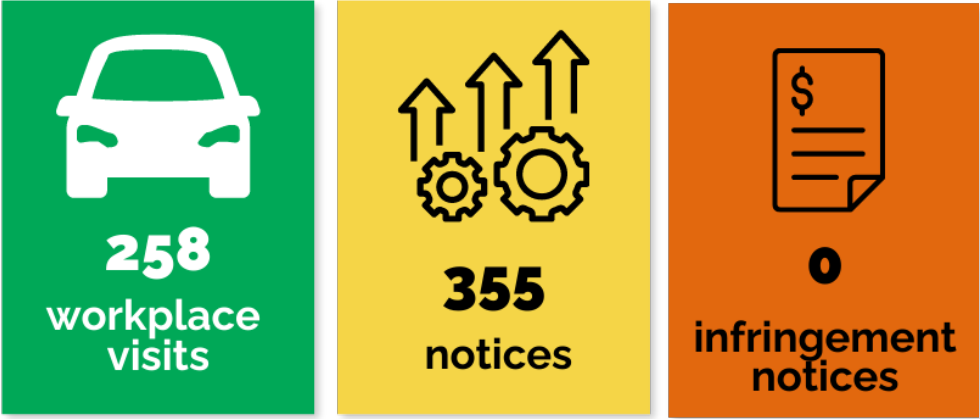


On 12 August 2022, the Chief Health Officer (CHO) closed most non-essential businesses in the ACT, including the construction industry. WorkSafe ACT worked in collaboration with Major Projects Canberra, ACT Health and the ACT COVID-19 Compliance Regulators Working Group during this time. This collaboration resulted in the implementation of a surveillance program to ensure no worker was working or tasked with construction work that was contrary to the public health orders of the time.

The surveillance model was designed to report any activity to ACT Policing, assist with PCBU and worker engagement, and educate on the requirements of the ACT Public Health Emergency Directions. As the industry gradually reopened, WorkSafe ACT engaged with all sectors of construction to ensure both WHS and COVID-19 control measures were in place and being followed. The control measures included:

- + physical and social distancing
- + density limits
- + mask mandates
- + work/travel permits
- + sanitising provisions
- + cleaning
- + removal of unwell workers
- + removal of interstate workers without exemptions
- + rapid antigen test (RAT) testing protocols and reporting
- + notification of positive cases of workers, and
- + site shutdowns.

The COVID-19 surveillance activities resulted in:



WorkSafe ACT developed a [checklist](#) for the industry as it reopened, which incorporated the requirements of both the WHS laws and ACT Public Health Emergency Directions. This checklist enabled the industry to comply during the ACT shutdown of August and September 2021.

# HIGHLIGHT

## COVID-19 Operations

The ACT went into lockdown on 12 August 2021. This included a stop work direction for the entire construction industry.

WorkSafe ACT Inspectors were delegated as Public Health Officers to assist with maintaining compliance with the Public Health Emergency Directions,

As numbers of positive cases within the ACT escalated, including within WorkSafe ACT itself, the agency had to change its approach to compliance and enforcement. The inspectorate moved to a surveillance model rather than a direct, face to face, compliance approach. In consultation with staff and their representatives, WorkSafe ACT's COVID-19 Safety Plan, which included its risk assessment, was amended to include a phased approach for attending workplaces based on the risk of COVID-19 exposure and provide Inspectors with guidance on interacting with duty holders and workers where inspections were required.

With the lockdown only allowing 'essential work', the inspectorate provided both advice and compliance operations to support ACT Health. WorkSafe ACT Inspectors carried out 258 surveillance activities, with 24 matters referred to ACT Policing for significant COVID-19 breaches. Over 200 emails and phone calls per week

were received between 13 August and 24 October 2021; with enquiries ranging from reports of positive COVID-19 cases, complaints about non-essential works and requests for information about a safe return to work.

Large scale construction returned to work on 3 September 2021 and residential construction returned on 10 September 2021. WorkSafe ACT worked closely with ACT Health and Major Projects Canberra to provide construction PCBUs with a checklist that clearly outlined the public health and WHS requirements for safely returning to work.

Inspectors carried out 459 inspections in September and November with a focus on COVID-19 compliance. Compliance was initially low (34% in September) but built as work returned (up to 70%) by the end of October. Only one COVID-19 breach was detected in construction in December.

With broader retail opening on 22 October, WorkSafe ACT conducted COVID-19 safety operations within the retail sector, in Fyshwick, Mitchell, Majura Park, Beard, Gungahlin and Belconnen, with a focus on retailers supplying to trades. A total of 32 COVID-19 safety inspections were carried out, noting 100% compliance.



## Key COVID-19 campaigns

### *Residential construction, September 2021*

14 September—Denman Prospect

- five notices issued over nine workplace visits
- **20%** of notices were issued for **COVID-19 breaches**

16 September—Strathnairn

- 33 notices issued over 16 workplace visits
- **70%** of notices were issued for **COVID-19 breaches**

21 September—Taylor

- 68 notices issued over 43 workplace visits
- **20%** of notices were issued for **COVID-19 breaches**
- other breaches included site security and site facilities, and management of risk associated with falls from heights

23 September—Throsby

- 56 notices issued over 27 workplace visits
- **43%** of notices were issued for **COVID-19 breaches**
- other breaches included site security and site facilities, and management of risk of falls from heights

September 2021—Large scale construction

- 34 workplace visits
- 10 desktop audits of COVID-19 Safety Plans.



## Retail trade

Retail Trade is the sale of goods to the public, both in person and online. Retailers typically operate in locations designed to attract a high volume of customers, have extensive displays, and use physical and digital mass media advertising to attract customers.

The most recent Safe Work Australia data<sup>5</sup> shows that between 2014–15 and 2018–19, the Australian average frequency rate of serious claims in the retail trade industry decreased by 8%. The ACT (up 1%) was one of four jurisdictions recording increases during the same period.<sup>6</sup>

Jobs in retail trade make up 7% of the ACT workforce and there were nearly 1,500 retail businesses in the ACT in 2020.

The proportion of young, part-time, and casual workers in the retail sector contributes to health and safety risks. The retail sector has the youngest age demographic of all industries, with 44% of workers aged under 25 years. The sector also has the ACT's highest proportion of part-time workers (59% compared to the all-industry average of 31%), and the highest proportion of casual employees (63% compared to the all-industry average of 25%). In addition to physical hazards, there is also a heightened risk to the retail workforce of psychosocial hazards including work-related violence and harassment.

Retail is a key industry focus in the [Young Workers Strategy 2021–2023](#) and in the [Strategy for Managing Work-Related Psychosocial Hazards 2021–23](#). WorkSafe ACT Inspectors carry out retail compliance inspections to enforce compliance and provide education in this industry.

WorkSafe ACT published a [media release](#) reminding people to treat retail workers respectfully over the December holiday season, where there is often an increase in work-related violence. WorkSafe ACT's dedicated Psychosocial Inspectorate Team worked with approximately 20 retail businesses over the 2021–22 holiday period to ensure their policies and procedures for psychosocial hazards, including workplace violence and aggression, bullying and sexual harassment, were adequate and in place.

Inspectors also issued notices relating to the high demand for stock during the Christmas period, including breaches for:

- + emergency routes and exits blocked by boxed stock
- + poor pallet storage, and
- + out of date or excess stock being stored in electrical switch rooms.

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<sup>5</sup> Safe Work Australia—[Comparative Performance Monitoring report 23rd edition – Work health and safety performance](#)

<sup>6</sup> The incidence rates of the Territory should be interpreted with caution as the relative standard error of the number of employees was between 25 and 50%.

WorkSafe ACT retail sector activities resulted in:



## ACT Public Sector

WorkSafe ACT is committed to ensuring safe workplaces for all workers in the ACT, including the ACT public service (ACTPS) workforce.

From a WHS perspective, the ACTPS is the largest and most diverse business WorkSafe ACT regulates. The ACTPS has broad responsibilities including the management of parks, greenfield and brownfield construction developments, public transport, fire and ambulance services, municipal services, health, education and justice systems, including corrections, and community support services. Delivering each of these services poses both common and specific risks to worker safety, including:

- + physical risks such as:
  - slips, trips and falls, and
  - musculoskeletal disorders
- + psychosocial risks such as:
  - work-related violence
  - stress and fatigue, and
  - workload.

In 2021–22, WorkSafe ACT conducted 56 workplace visits across the ACTPS, resulting in a combined 54 notices being issued across 11 entities. The notices were for a range of WHS matters, including inadequate measures to eliminate or reduce the risks associated with:

- + work-related violence
- + COVID-19, and
- + occupational hygiene.



Building on the work of the reporting period, in 2022–23 WorkSafe ACT will develop and implement a standalone strategy focused on improving compliance and safety outcomes across the ACTPS.

## Silica in manufacturing

WorkSafe ACT revisited all engineered stone benchtop businesses in the second half of 2021–22 to ensure continued compliance with the requirements of WHS laws, and in particular, air and health monitoring.

Inspectors visited nine PCBUs and issued 13 improvement notices and one prohibition notice. The key breaches identified included:

- + inadequate control measures
- + health monitoring
- + maintenance of equipment and housekeeping, and
- + inadequate provision of training.

## Licensing

Certain types of work can be hazardous and require specific skills, capabilities, and licences. Under the WHS Regulation, licences are required for:

- + high risk work
- + asbestos removal and clearance
- + demolition work, and
- + major hazard facilities.

Figure 5 shows the licences issued under the WHS Act during 2021–22.

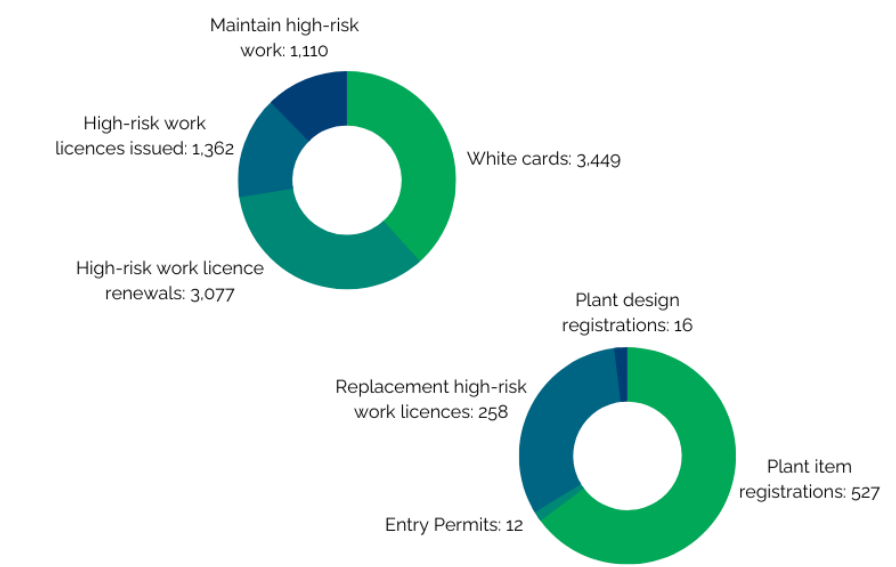


Figure 5: Licences issued under the WHS Act, 2021–22

## High-risk work

The high-risk work licensing system provides for 29 classes of high-risk work that are divided into five categories:

- + scaffolding work
- + dogging and rigging work
- + crane and hoist operation
- + forklift operation, and
- + pressure equipment operation.

Access Canberra administers licensing requirements for the ACT Government, including for high-risk work. For information about high-risk licensing visit the [Access Canberra website](#).

## White cards

Construction workers in the ACT require a General Construction Induction Card (White Card) when working on a construction site. The WHS Regulation requires a PCBU to ensure that all workers have successfully completed general construction induction training before starting construction work. Each construction worker must hold:

- + a general construction induction training card, and
- + a general construction induction training certification that has been issued within the preceding 60 days if the worker has applied for, but not yet been issued with, a general construction induction training card.

Access Canberra issues White Cards in the ACT. For information about White Cards visit the [Access Canberra website](#).

## High-risk plant item and plant design registration

High-risk plant items must be design and item registered for use in the ACT under the WHS Act and the WHS Regulation. The purpose of registering an item of plant is to ensure it is inspected by a competent person and safe to operate.

In the ACT, WorkSafe ACT is the Regulator while Access Canberra delivers plant registration services. It is an offence to use plant if the WHS Regulation requires the plant to be registered and it is not so authorised.

During the reporting period, WorkSafe ACT received applications for exemptions to regulations for design registration to allow additional time for scheduled replacements with new equipment or where design verification was unavailable due to the age of the equipment. A total of 49 exemptions were issued to applicants seeking design registration exemption.

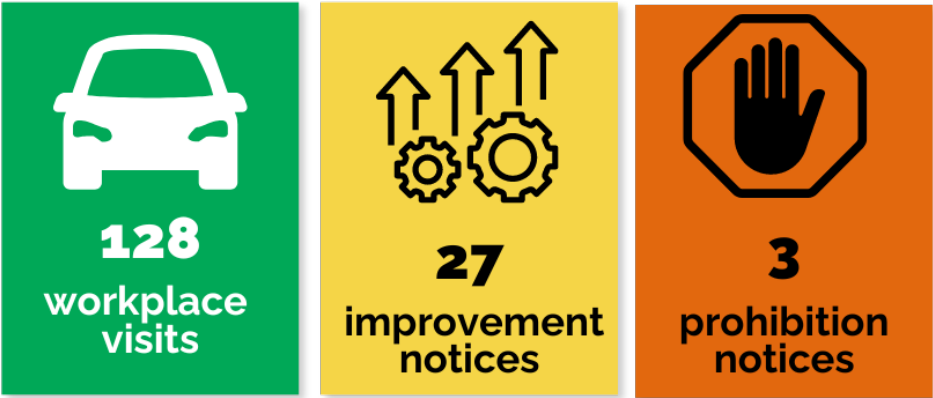
Further information on plant item and plant design registration, including online application forms, is available on the [Access Canberra website](#).

# Strategy one: Ensuring fair and firm enforcement against non-compliance: Dangerous Substances

## Dangerous substances compliance activities

Compliance activities for dangerous substances continued despite the impacts of the COVID-19 pandemic and the associated restrictions on social gatherings and fireworks.

Nevertheless, 2021–22 activities increased nearly 500% on those completed in the 2020–21 reporting period and included:



During 2021–22, WorkSafe ACT processed the following requests (see Figure 6) under the *Dangerous Substances Act 2004*.



Note: Dangerous goods search requests are no longer conducted by WorkSafe ACT.

Figure 6: Requests under the Dangerous Substances Act 2004 during 2021–22

During the reporting period, WorkSafe ACT also processed 19 applications under the *Dangerous Goods (Road Transport) Act 2009* and *Dangerous Goods (Road Transport) Regulation 2010*. Of these, 18 were for dangerous goods driver licences and one was for additional vehicles added to existing licences.

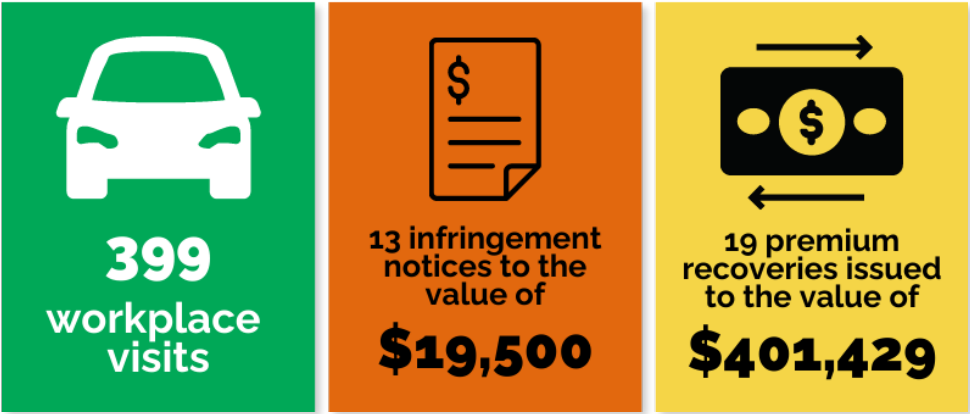


# Strategy one: Ensuring fair and firm enforcement against non-compliance: Workers' Compensation

## Workers' compensation compliance and enforcement

WorkSafe ACT initiated a proactive compliance campaign under the Workers' Compensation Act during 2021–22.

As part of this campaign, Inspectors conducted a total of 399 workplace visits resulting in premium recoveries and infringement notices being issued:



In June 2020, technical amendments were made to the ACT workers' compensation legislation to ensure that regulatory functions under the Workers' Compensation Act were appropriately legislated to be functions of the WHS Commissioner. The functions included the licensing of insurers and self-insurers.

Consequently, a priority for WorkSafe ACT for 2021–22 was undertaking a licence application and assessment process for approved insurers and self-insurers. Notably, the June 2020 legislative amendments made new licences perpetual instead of requiring a licence renewal process to be undertaken every three years.

In December 2021, short-term licences were issued to seven workers' compensation self-insurers and seven approved workers' compensation insurers. These short-term licences expired on 31 May 2022.

Existing self-insurers and approved insurers were invited to apply to WorkSafe ACT for perpetual licences beyond 31 May 2022.

Two panels were established to review and assess the self-insurer and approved insurer licence applications. In total, six applications were received for a self-insurer licence and seven applications were received for an approved insurer licence. All applicants were issued with their respective licences with a commencement date of 1 June 2022.



# STRATEGY TWO

Minimising physical and psychological harm and improving WHS practice and culture



## Strategy two: Minimising harm and improving culture

Identifying focus areas to prevent and minimise harm are key to the success of WorkSafe ACT compliance and enforcement measures. In addition to the priorities that are set at the national level, WorkSafe ACT draws from local compensation data and inspection intelligence to establish operational objectives that are appropriate to the ACT context.

The efforts WorkSafe ACT takes to minimise physical and psychological harm are shaped following consideration of multiple factors, such as:

- + industry size and share
- + hazard and risk factors
- + data analysis
- + areas of previous or systemic non-compliance, and
- + sample target areas, regardless of the level of risk.

In addition to its work in and across the priority industries, the key focus areas for prevention of harm identified for WorkSafe ACT in 2021–22 were:



Addressing the growing impact of psychosocial hazards and risks in the workplace includes work-related violence and sexual harassment and the impact on the wellbeing of workers across all industries. Silica dust exposure and other occupational lung diseases, and addressing work-related impacts of climate change remain ongoing focus areas.

### Psychosocial hazards and risks

Under the WHS Act, PCBUs have a duty to ensure the health, safety and wellbeing of their workers, this includes psychological health. Psychosocial hazards and the management of psychosocial risks have been prioritised by WorkSafe ACT.




Throughout February, March and April 2022, a survey was conducted on behalf of WorkSafe ACT by Dr Peta Miller, a WHS specialist with over 35 years' experience. The survey looked at mental health in ACT workplaces with four key audiences:

- + workers
- + employers
- + licensed labour hire providers, and
- + advocates.

The findings were provided to WorkSafe ACT in June 2022 and will be used to inform future WorkSafe ACT work. The survey findings will also be released formally in National Safe Work Month in October 2022.

WorkSafe ACT has developed and implemented a Psychosocial Maturity Indication Tool that is used by Inspectors on I-Auditor. The tool allows Inspectors to gain an indication of psychosocial management in workplaces. The tool provides a workplace rating and indicates resources for the workplace to improve.


## How the maturity indicator works:




Digital questionnaire using the I-Auditor platform which questions logic, increasing data quality.




Available for multi-inspectorate use to increase industry reach. Sampling approach—reactive and proactive.



Identification of workplace maturity through compliance, attitude and capability indicators across employer and worker perspectives.



Generates an overall score, indicative of the workplace's psychosocial maturity, increasing workplace psychosocial understanding and guidance.



Digital operation allows for benchmarking and industry monitoring. Survey data will complement the maturity data with workers' compensation data.

On 6 October 2021, WorkSafe ACT launched its inaugural [\*Strategy for Managing Work-Related Psychosocial Hazards 2021–23\*](#).

This strategy is the framework to guide action to:

- + build understanding and awareness of workplace obligations
- + ensure PCBUs are appropriately assessing risk and implementing control measures and safe systems of work
- + ensure incidents are reported
- + ensure appropriate regulatory action, and
- + assist in the development of a mature and sophisticated workforce that addresses psychosocial hazards in the same way as physical hazards.

## Work-related violence

In October 2021, WorkSafe ACT published a [\*Work-Related Violence and Aggression Plan 2021–2023\*](#). This plan guides the WorkSafe ACT approach to the identification of hazards and management of risks posed by work-related violence and aggression.

During the reporting period, the WHS Commissioner was an observer on the WHS Council Work-Related Violence Advisory Committee. The committee was tasked with researching, discussing and delivering a report on work-related violence in the ACT. The work of the committee is due to conclude in August 2022, with the recommendation report *Preventing and Managing Work-Related Violence in the Workplace*, due to be provided to the WHS Council later that month for consideration.

## Sexual harassment

The [\*Managing Work-Related Sexual Harassment Plan 2021–23\*](#) also published in October 2021, guides the activities of WorkSafe ACT to educate, engage and enforce issues related to sexual harassment (also known as gender-based violence and harassment).

WorkSafe ACT continues to be involved in the Human Rights Commission [\*Respect@Work: Sexual Harassment National Inquiry\*](#). WorkSafe ACT has been actively involved in working groups to provide input and advice for meeting the recommendations in the Respect@Work report. This important work will continue into 2022–23.

The WHS Commissioner participated in the ACT Government Workplace Reference Group to support the broader work of the Sexual Assault Prevention and Response Steering Committee. The steering committee delivered its report [\*Listen, Take Action to Prevent, Believe and Heal\*](#) on 13 December 2021. The ACT Government's response was provided on 9 June 2022, with WorkSafe ACT specifically noted in one recommendation. Recommendation 21 outlined the expectation that WorkSafe ACT adequately regulate the prevention and responses to sexual harassment and sexual assault in ACT workplaces.

Supported by the *Managing Work-Related Sexual Harassment Plan 2021–23*, WorkSafe ACT will continue work in 2022–23 with a focus on:

- + utilising opportunities to prevent and address work-related sexual harassment
- + contributing to standardising regulatory agency data on workplace sexual harassment through its representation on HWSA, and
- + improving internal capability, training and development in psychosocial matters.

## Prevention of occupational lung diseases

### Silicosis

Silicosis and other occupational lung diseases are preventable, and their prevention has been prioritised for action by WorkSafe ACT. WorkSafe ACT has had a Crystalline Silica Compliance Program in place since 2019. The focus of this program is on compliance in the manufacturing of stone benchtops, and silica containing materials that are found predominantly in construction.

During the reporting period, WorkSafe ACT collaborated closely with industry and union representatives to develop the [Guidance note: Managing silica dust in construction sites](#). The guidance note was published in January 2022. It focuses on how to ensure compliance with the workplace exposure standard by implementing a combination of control measures including wet dust suppression, exclusion zones and dust collection, supported by respiratory protective equipment. It provides a first-of-its-kind matrix for applying control measures based on air monitoring data provided by industry and presented based on task and silica containing material or product.

In April 2022, the Minister for Industrial Relations and Workplace Safety announced the [ACT's Silica Dust Reform Action Plan for 2022](#). The plan sets several tranches of reforms with initial focus on implementing a ban on uncontrolled dry-cutting, mandatory silica dust awareness training for workers and clearer health monitoring and air monitoring requirements for high-risk silica dust work.

WorkSafe ACT has since published a [suite of guidance documents](#) to provide information on the new requirements. This guidance targets occupations and silica containing materials to provide a straightforward explanation of the changes.

WorkSafe ACT has engaged ThinkPlace Australia to conduct ethnographic research both as a follow up to the 2018 Safe Work Australia report [Exploring dust exposure in the stone industry](#) and in response to the expanded regulatory requirements for managing silica dust. This work is expected to be finalised in late-August 2022.

## Asbestosis and mesothelioma

WorkSafe ACT has a designated Inspector assigned to oversee the regulatory components of the work that supports the role and responsibilities of the Asbestos Response Taskforce (ART) for all properties impacted by loose fill asbestos (Mr Fluffy) in the ACT.

Various sites had been handed back by owners to the ACT Government through ART to oversee their demolition. During 2021–22, WorkSafe ACT attended six demolitions with 21 total visits to these sites.

WorkSafe ACT also completed over 137 monthly compliance inspections on those remaining Mr Fluffy properties where residents still reside to ensure compliance with obligations under the *Dangerous Substances Act 2004* and *Dangerous Substances (General) Regulation 2004*. Property owners are required to have in place an Asbestos Contamination Report (ACR), which must be prominently displayed at the entrance to the residence and updated every two years.

The ART closed on 30 June 2022 and was replaced by the smaller Loose Fill Asbestos Coordination (LFAC) team.

WorkSafe ACT records on average 240 removal notifications a month. Inspectors carry out a desktop review of all notifications to identify any notifications requiring specific or further action. In 2021–22, there were:



## Labour hire licensing

On 27 May 2021, the ACT introduced the LHL scheme in accordance with the LHL Act for the regulation of labour hire operators in the ACT. The purpose of the scheme is to:

- + protect workers from exploitation by providers of labour hire services
- + ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply
- + promote the integrity of the labour hire services industry, and
- + promote responsible practices in the labour hire services industry.

The scheme was launched after WorkSafe ACT had ensured that support systems, a dedicated team of Inspectors, and a comprehensive communications strategy were in place once the scheme commenced on 27 May 2021.

There was a six-month transition period, as provided in the legislation, to enable providers to obtain a licence. All labour hire providers had to hold a licence by 27 November 2021. All licensed providers are published on the public register on the [WorkSafe ACT website](#).

During this transition period, several media and advertising campaigns were run on Facebook, Instagram, Google searches, and other digital billboards, together with free industry-focused Q&A sessions. This extensive body of work by the WorkSafe ACT Media and Communications Team ensured that those who provide labour or those who use labour hire services were appropriately and adequately prepared for the full commencement of the scheme in November 2021.

In 2021–22, 851 conditional and unconditional licences were issued. Examples of conditions imposed on licences include:

- + not engaging in labour hire services in the ACT until a current Workers' Compensation policy is provided and accepted by WorkSafe ACT, and
- + notifying WorkSafe ACT in writing when entering into any subcontracting arrangements for the supply of workers.

To date, the main industries used for labour hire workers in the ACT are:



The licence fee in 2021–22 was \$2,900. Further information on the scheme including exemptions, application forms and a public register of licensed providers is available on the [WorkSafe ACT website](#).

In addition to handling the first licence renewal process in 2022–23, WorkSafe ACT will continue to develop supporting infrastructure to underpin the operation of the scheme. In the first instance, the primary focus will be on implementing both a Compliance and Enforcement Policy and the Minister for Industrial Relations and Workplace Safety's Complaints Handling Guidelines. The guidelines will ensure that complainants are aware of the complaints process and

the expectations and obligations for themselves and WorkSafe ACT as the regulator.

## WorkSafe ACT strategies

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In 2021–22, WorkSafe ACT developed and launched five strategies and two underlying plans.

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### Strategy for managing work-related psychosocial hazards

Psychosocial hazards are factors in the design or management of work that can lead to psychological harm. These can lead to an increase in the incidence of:

- + bullying and harassment
- + work-related violence
- + sexual harassment, and
- + work-related stress and psychological injury.

On 6 October 2021, WorkSafe ACT launched its inaugural [\*Strategy for Managing Work-Related Psychosocial Hazards 2021–23\*](#).

The key objectives of the strategy are:

- 
1. **To increase awareness of psychosocial hazard management and workers' compensation obligations.**
  2. **To support psychosocial hazard management compliance.**
  3. **To enforce breaches in psychosocial hazard management and associated workers' compensation duties.**
  4. **To build WorkSafe ACT capability and capacity as a responsive regulator on workplace psychosocial hazard matters.**
- 

Priority hazards, industries and work groups for the strategy are identified through a combination of qualitative and quantitative data, including Salesforce (WorkSafe ACT case management system), investigations, trend analysis and stakeholder feedback. The priority hazards identified for the strategy include:

- + **Poor recovery support**—when there are barriers for workers' compensation claims and poor claims management.
- + **Poor workplace relationships**—when there are inappropriate and/or dangerous behaviours.
- + **Poor work design**—when employees have little control over aspects of the work they undertake and when high or low physical, mental or emotional effort is continually required when undertaking work.
- + **Poor environmental conditions**—when workers are exposed to poor quality or hazardous working environments.

- + **Poor organisational management**—when there is not enough consultation, communication, support, information, training and/or resources to undertake work.

The strategy aims to improve duty holder awareness and knowledge of existing duties and obligations to manage work-related psychosocial hazards. This needs to improve and mature before compliance can be achieved.

WorkSafe ACT is undertaking targeted engagement with duty holders and other ACT Government agencies, including general targeted awareness campaigns on the duties and obligations of PCBUs and the role of WorkSafe ACT.

From December 2021 until April 2022, WorkSafe ACT conducted a targeted psychosocial campaign that identified a lack of PCBU understanding of WHS duties related to psychological health. A majority of the PCBUs and workplaces were also unaware that the WHS Regulator monitored and regulated psychological health WHS duties.

The campaign resulted in 506 workplace visits. These visits allowed Inspectors to advise and educate workplaces and PCBUs on their WHS duties for psychologically healthy workplaces, and the role of the Psychosocial Inspectorate and WorkSafe ACT.

Through workplace visits targeted information and education was delivered to the strategy's priority working groups:

- + workplaces with fewer than 20 workers (31%)
- + casual workers, women, apprentices and young workers (18%), and
- + culturally and linguistically diverse workers (43%).

The proactive campaign also increased workers' compensation awareness, accessibility, and policies. The campaign identified 128 workplace employees unaware of the workers' compensation information. Initial data identified:

- + **35%** of workers were unaware of any workplace policy to address matters relating to workplace bullying
- + **32%** of workers identified being exposed to either physical or verbal violence
- + **29%** of workers were unaware of processes to deal with occupational violence, and
- + **6%** of workers identified being subject to bullying.

The proactive campaign also took steps to:

- + expand industry engagement and continue to grow data on industry knowledge, trends and significant WHS psychosocial risks
- + use data collected to shape and refocus further regulatory actions to address key issues and trends being identified

- + promote the role of the regulator in the psychosocial space through media platforms, and
- + produce resources to increase educational uptake of workplace psychosocial hazards.

Poor psychosocial hazard identification and management in priority industries and small businesses is common. In part, this can be attributed to a lack of clarity on how they can identify the hazards and effectively assess and control risks.

WorkSafe ACT is promoting existing resources and developing new resources to support business awareness, understanding and ability (business maturity), and implement any new psychosocial legislation. An anonymous [psychosocial hazard complaint form](#) has been developed to allow workers to provide information to WorkSafe ACT for further enquiries.

The psychosocial Maturity Indication Tool has allowed for the distribution of consolidated psychosocial resource materials. The resources are focused on workplaces and workers, offering resources individually and in combination. Greater usage of the tool is being promoted in the inspectorate.

The development and release of the [common psychosocial hazards poster](#), available on the [WorkSafe ACT website](#) and through physical distribution, has increased workplace understanding through a visual medium.

The Psychosocial Inspectorate Team has also increased joint psychosocial and other inspectorate workplace visits to increase the focus on the psychosocial contributions to other hazards. This is being supported by the development of a triaging process for psychosocial hazard complaints and notifiable incidents, which includes use of compliance tools, including:

- + providing advice on compliance
- + issuing notices, and
- + commencing prosecutions.

From December 2021 to June 2022, there was an increase in the number of psychosocial notices issued, with 60 improvement notices and one prohibition notice. There have been two psychosocial cases referred to the WorkSafe ACT internal Case Management Panel (CMP) for consideration for investigation by the Major Investigations Team.

## **Managing work-related violence and aggression plan**

The WorkSafe ACT role is to regulate work-related sexual harassment by ensuring PCBUs comply with their duty to provide and maintain a healthy and safe working environment. WorkSafe ACT recognises that work-related violence and aggression is an outcome of not adequately managing psychosocial hazards and can cause psychological and/or physical harm.



The *Managing Work-Related Violence and Aggression Plan 2021-23* guides the WorkSafe ACT approach to identifying hazards and managing the risks posed by work-related violence and aggression.



Additional qualitative and quantitative data, including Salesforce, investigations, trend analysis and feedback from industry stakeholders, has identified the following workplaces in the ACT that should be prioritised for education and regulatory actions:



The key objectives of this plan are to:



The four key objectives will be addressed holistically by building the capability of duty holders to meet WHS obligations, and building regulator capability and capacity to enforce compliance.

## Managing work-related sexual harassment plan

The [Managing Work-Related Sexual Harassment Plan 2021-23](#) is a targeted approach to support psychosocial hazard identification and management in ACT workplaces over the next three years. The plan will also guide the activities of WorkSafe ACT to educate, engage and enforce issues related to sexual harassment (also known as gender-based violence and harassment).

The key objectives of this plan are:

1. To raise awareness of sexual harassment as a work health and safety issue.
2. To engage with stakeholders to better understand and respond to sexual harassment in the workplace.
3. To maintain deterrence and increase compliance on managing sexual harassment in the workplace.
4. To build WorkSafe ACT capability and capacity as a responsive regulator on sexual harassment.

Women are significantly more likely to experience sexual harassment than men. Other groups with an increased likelihood of experiencing sexual harassment include:

- + workers under 30 years of age
- + workers who identify as LGBTIQ+
- + Aboriginal and Torres Strait Islander workers
- + workers with a disability
- + workers from culturally and linguistically diverse backgrounds
- + migrant workers or workers holding temporary visas, and
- + people in insecure working arrangements.

The key priority industries for sexual harassment include:



## Young workers strategy

WorkSafe ACT is committed to ensuring all workers have a safe and healthy workplace, including young workers. Young workers are workers aged up to 25 years, including apprentices, school-based apprentices, and trainees. This also includes all forms of employment, including but not limited to casual, freelance or gig, labour hire, temporary, unpaid internships, work experience and work placements, full-time and part-time work.

Young workers are a vulnerable worker cohort and may be at higher risk of experiencing illness or injuries in the workplace.

Young workers make up 39% of the employed population<sup>7</sup> yet account for 47% of accepted workers' compensation claims in the ACT. For these young workers, 94% of workers' compensation claims are for injuries of a physical nature. In addition to physical injuries, the [Respect@Work: Sexual Harassment National Inquiry Report \(2020\)](#) stated that workers under the age of 30 are at higher risk of experiencing sexual harassment at work.

To ensure the safety of young workers, WorkSafe ACT launched the [Young Workers Strategy 2021–2023](#) in November 2021.

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<sup>7</sup> [Australian Bureau of Statistics, Labour Force, Australia Detailed 2021](#)

Data from workers' compensation claims, anecdotal records and 'Own Voice' consultation sessions with young workers informed the development of the strategy. Using these mechanisms, WorkSafe ACT identified the following barriers to the safety of young workers:

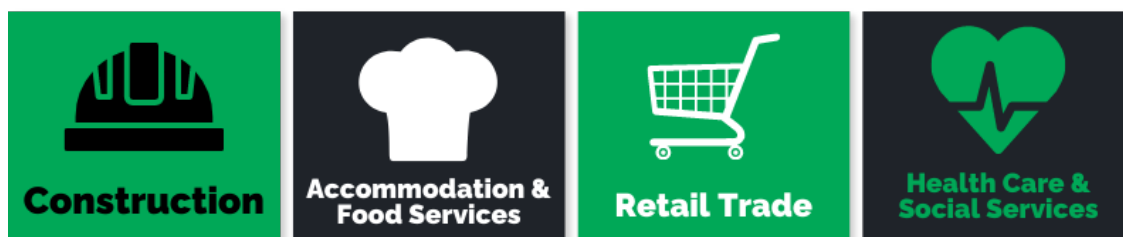
- + lack of awareness of WHS duties and responsibilities
- + limited understanding of employer WHS obligations
- + inadequate training and supervision
- + reluctance to voice concerns for fear of repercussions
- + physical and mental development, and
- + peer pressure.

Young apprentices often experience inadequate supervision and induction. Psychosocial hazards are also prevalent for workers under 25 years of age.

The strategy's key objectives to improve the safety of young workers in the ACT are:

- 
1. **To increase young worker awareness of WHS and workers' compensation obligations.**
  2. **To support WHS and workers' compensation legislative compliance.**
  3. **To enforce compliance with WHS and associated workers' compensation duties.**
  4. **To build WorkSafe ACT capability and capacity as a responsive regulator on young workers' health and safety.**
- 

The strategy will target these priority industries throughout the first two years of its implementation:



WorkSafe ACT has identified the priority workgroups when implementing the strategy:

- + student workers and apprentices—including international students
- + young workers and apprentices with disability
- + young LGBTIQ+ workers and apprentices
- + young Aboriginal and Torres Strait Islander workers and apprentices, and
- + young workers and apprentices who are culturally and linguistically diverse.

To support the implementation of the strategy, a Young Worker Strategy Coordinator and Young Worker Inspector were appointed in March 2022.

Educating and engaging young people around safety at work is crucial to achieving the objectives of the strategy. WorkSafe ACT commenced development of resources during 2021–22 to support implementation, and these included:

- + the strategy implementation plan
- + a branding suite
- + expansion of the young worker section of the website, including resources for employers and parents of Australian apprentices, and
- + a communication plan.

WorkSafe ACT presented at several stakeholder engagement activities during 2021–22 to educate and empower young workers, including with the Master Plumbers Association, Canberra College, and Marist College.

WorkSafe ACT also met with various educational organisations such as the ACT Education Directorate and Canberra Institute of Technology. These meetings were introductory sessions for future presentations to young workers.

To inform the development of a branding suite, WorkSafe ACT met with the Youth Advisory Council in April 2022 to gain insight on young workers. Using this information and data from the 'Own Voice' sessions, the new branding will be eye-catching and in the tone of voice young workers will engage with.

The strategy's third objective contains a commitment to enforcing compliance with WHS and associated workers' compensation duties. Section 19 of the WHS Act provides that a PCBU must ensure, so far as is reasonably practicable, the health and safety of employees—this includes young workers.

WorkSafe ACT has responded to several incidents this financial year and issued notices to enforce the safety of young workers. These include:

- + investigating an incident where an apprentice cut his leg
- + responding to an incident that involved an apprentice falling from a roof, and
- + examining a case of a young worker who was struck on the shoulder by an elevated work platform.

In collaboration with Skills ACT, the strategy has also enforced six breaches of regulation 39 regarding training and supervision of apprentices. These relate to various concerns including not meeting supervision requirements and not providing adequate training.

## **Strategy for preventing occupational lung diseases**

Occupational lung diseases span a range of acute and chronic conditions and include occupational and work-exacerbated asthma, silicosis and other silica-

related diseases and pneumoconioses. Occupational lung diseases are priority conditions under the [WorkSafe ACT Strategic Plan 2020–2024](#).

Nationally, one in three Australians are affected by a chronic respiratory condition. However, it is unclear how many are caused or exacerbated by work. It is estimated that 15% of asthma and chronic obstructive pulmonary disease (COPD) and 10–30% of lung cancers can be attributed to work.

On 17 January 2022, WorkSafe ACT launched its [Strategy for Preventing Occupational Lung Diseases 2021–2023](#).

The strategy will guide the activities of WorkSafe ACT to enforce the management of exposures that may lead to occupational lung diseases in the ACT over the next three years. The strategy also provides for targeted guidance for work-related and work-exacerbated asthma, silica-related diseases and the management of welding fumes.

The key objectives of the strategy are:

- 
1. **To increase awareness of managing exposures that cause occupational lung diseases.**
  2. **To support compliance with managing exposure risks.**
  3. **To enforce compliance in managing exposures that lead to occupational lung diseases.**
  4. **To build WorkSafe ACT capability and capacity as a responsive regulator for preventing occupational lung diseases.**
- 

The strategy also identifies air quality and weather as a priority hazard, with the strategic plan identifying the key focus of work-related impacts of climate change.

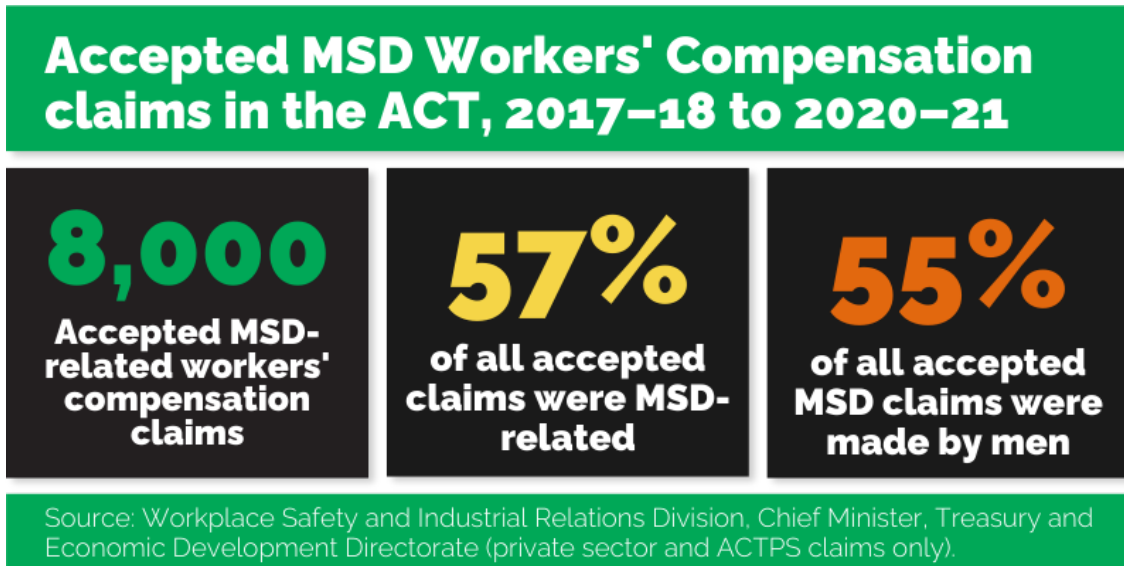
WorkSafe ACT has developed extensive web guidance material for climate- and weather-related hazards, including:

- + [smoke, pollen and dust in the workplace](#)
- + [working in extreme weather events](#), and
- + [working in extreme hot and cold temperatures](#).

WorkSafe ACT has also recently developed and released the guidance note, [Managing silica dust at construction sites](#) to raise awareness about the risks of inhaling respirable crystalline silica (RCS).

## Strategy to prevent musculoskeletal disorders

Musculoskeletal disorders (MSDs) include a wide range of inflammatory and degenerative conditions affecting the muscles, tendons, ligaments, joints, peripheral nerves and supporting blood vessels.



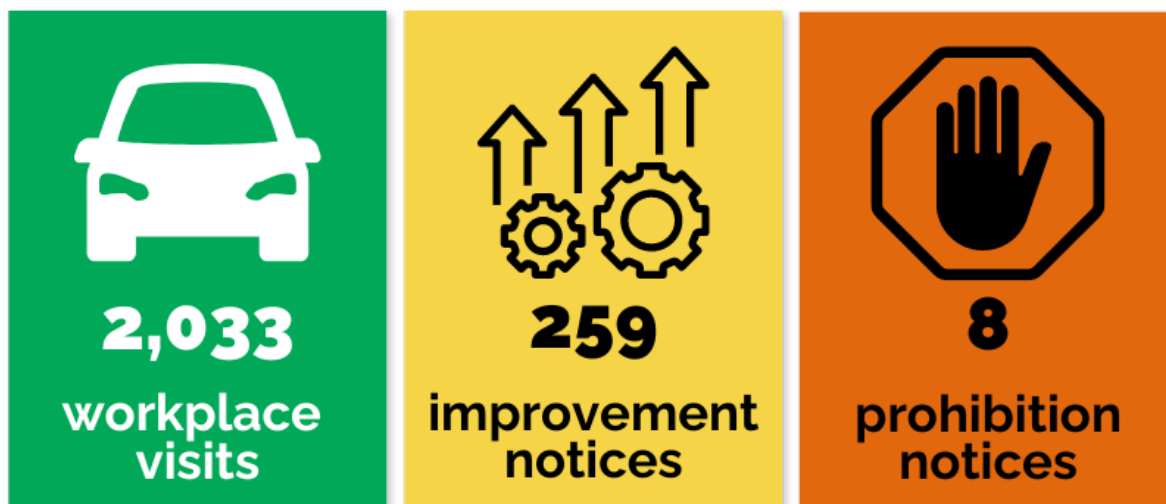
On 3 May 2022, WorkSafe ACT launched its [\*Strategy to Prevent Musculoskeletal Disorders 2022–2024\*](#). This strategy captures the WorkSafe ACT approach to preventing MSDs in ACT workplaces. The strategy will guide the activities of WorkSafe ACT to educate, engage and enforce the management of MSD prevention in the ACT over the next two years.

The strategy to prevent MSDs aims to reduce the incidence rate of claims for MSDs resulting in one or more weeks off work by at least 30%.

The key objectives of the strategy are:

1. **To increase awareness of the complex nature of musculoskeletal disorders.**
2. **To secure stakeholder commitment to prevent musculoskeletal disorders.**
3. **To enforce compliance in the prevention of musculoskeletal disorders and workers' compensation duties.**
4. **To build WorkSafe ACT capability and capacity as a responsive regulator.**

The General and Construction Inspectorate Teams conducted several proactive campaigns throughout 2021–22 focused on addressing MSD hazards. In 2021–22, WorkSafe ACT conducted over 2,033 workplace visits where Inspectors discussed MSD risks with PCBUs and/or workers.



Inspectors issued 254 notices related to MSD hazards, most commonly where boxes of stock were obstructing entrances, exits or emergency routes. In addition, four notices were issued for improvements to policy and procedures relating to MSDs.

## Residential construction strategy

The first Residential Construction Strategy set a mission, through proactive inspections and engagement with builders, tradespersons, and workers on residential construction sites, to detect contraventions in the sector and ensure compliance through regulatory sanctions under the WHS Act and Regulation.

The strategy was followed by the launch of [Operation Safe Prospect](#), an ongoing saturation campaign focused on increasing workplace visits to improve the safety standards of the residential construction industry.

However, there was little change in safety behaviours and compliance with the WHS laws, with compliance rates almost unchanged over a two-year period.

On 29 June 2022, WorkSafe ACT launched its updated [Residential Construction Strategy 2022–24](#).

The key objectives of the updated strategy are:

- 
1. To embed WHS in work design and systems.
  2. To secure stakeholder commitment to improve compliance rates.
  3. To enforce compliance across the residential construction industry.
  4. To build WorkSafe ACT capability and capacity as a responsive regulator.
-



Priority hazards and workgroups for the updated strategy were identified through analysis of Safe Work Australia reports, workers' compensation claims data, Salesforce intelligence and information, investigations, and stakeholder feedback.

The updated strategy focuses on the following high-risk work groups:

- + sole traders and small business
- + trades workers, and
- + young workers.

The most common breaches in residential construction are:



# HIGHLIGHT

## Operation Safe Prospect: Throsby

In September 2021, with the reopening of residential construction in the ACT, WorkSafe ACT conducted a saturation campaign in the suburb of Throsby.

Inspectors were briefed on COVID-19 protocols and strategic enforcement priorities for the day and then divided into five teams.

The campaign visited 43 sites and issued 14 prohibition notices and 67 improvement notices. The breaches identified were wide ranging and included:

- falls from heights
- scaffolding
- electrical risks
- COVID-19
- housekeeping and amenities, and
- site security.

The WHS Commissioner also attended and spoke with workers about safety on residential construction sites.

Operation Safe Prospect campaigns are critical for enforcing compliance with the WHS, LHL and Workers' Compensation laws, but also provide the opportunity for targeted engagement with duty holders and workers.



# STRATEGY THREE

Engaging with  
stakeholders to better  
understand and  
respond to current  
and emerging issues



# Strategy three: Engagement with stakeholders to better understand and respond to current and emerging issues

WorkSafe ACT encourages compliance with the WHS Act and associated legislation in partnership with its stakeholders.

It does this in a range of ways, including:

- + providing information and guidance to raise awareness of rights and obligations
- + helping duty holders know how to comply with the laws, and
- + building duty holder capability to address issues and achieve compliance.

The WHS Commissioner and WorkSafe ACT interact with a broad range of stakeholders and regulated entities, in a variety of ways and on many topics. Key stakeholders include:

- + Ministers and the ACT Legislative Assembly
- + the WHS Council
- + the ACT community
- + PCBUs and workplaces
- + Health and Safety Representatives and individual workers
- + industry associations and chambers of commerce
- + unions
- + Group Training Organisations
- + Registered Training Organisations
- + advisory and consultative groups
- + medical and allied health providers
- + regulators and policymakers in other jurisdictions, including Safe Work Australia
- + ACT Government directorates
- + the ACT Youth Advisory Council
- + insurers and self-insurers, and
- + labour hire providers and users.

## Delivering a lead risk awareness campaign

As part of the Statement of Operational Intent, WorkSafe ACT committed to the delivery of a risk awareness campaign about lead. As the WHS Regulator, noting

that the highest number of lead risk work notifications come from the ACT Government and that all lead removal processes in education and childcare settings must be notified, WorkSafe ACT focused its campaign on the Education Directorate, with its removal of lead paints from ACT public schools.

The campaign involved updating the information available on the WorkSafe ACT website and revising the lead risk work notification form to make it more accessible and simpler to use. This was followed by targeted emails to the directorate prior to the Christmas shut down period when much of the maintenance and upkeep of ACT schools is undertaken.

The 2021–22 Statement of Operational Intent also indicated that WorkSafe ACT would deliver a hazardous chemicals awareness strategy as part of its commitment to ensuring that all workers and workplaces across the ACT are safe and healthy. Due to the restrictions and impacts of COVID-19, this strategy was not delivered. However, WorkSafe ACT will build on its work on lead risk work awareness, managing silica dust at workplaces, and dangerous substances advice and licensing to deliver a targeted strategy in 2022–23.

## WHS Council

The WHS Council is established under the WHS Act and provides advice to the Minister on matters relating to WHS, workers' compensation, workplace relations, bullying in the workplace and other workplace psychosocial issues. In addition, the WHS Council has a strengthened function in advising the Minister in relation to the activities and function of the ACT's WHS Regulator.

The Minister for Industrial Relations and Workplace Safety appoints WHS Council members on a part-time basis for up to four years. The WHS Council is comprised of 12 appointed members:

- + five members following consultation with employee representatives
- + five members following consultation with employer representatives, and
- + two ex-officio members—the WHS Commissioner and the Public Sector Workers' Compensation Commissioner.

The WHS Council is the key stakeholder body in the work of the WHS Commissioner and WorkSafe ACT. WorkSafe ACT reports to, and consults regularly with, the WHS Council both within its scheduled meetings and out of session.

The WHS Commissioner is required to report on the performance of the regulator as well as the operations of WorkSafe ACT, including its organisational capability, stakeholder engagement and initiatives, and compliance and enforcement activity.

In 2021–22, there were four WHS Council meetings:

- + September 2021
- + November 2021
- + February 2022, and
- + May 2022.

The WHS Commissioner was a member of the Work-Related Violence Advisory Committee, a subcommittee of the WHS Council, which also met during the reporting period.

## Labour Hire Licensing Advisory Committee

The LHLAC is established under the LHL Act to advise the Minister for Industrial Relations and Workplace Safety on matters relating to the LHL Act and the ACT labour hire industry.

Jacqueline Agius, the LHL Commissioner, has been appointed by the Minister for Industrial Relations and Workplace Safety as the Chair of the Advisory Committee.

The committee meets quarterly and includes representatives from government, industry and unions. In 2021–22, the LHLAC met twice, in March and May 2022.



## Key stakeholder events

WorkSafe ACT worked closely with stakeholders and social partners during 2021–22 to better understand and respond to current and emerging WHS issues. While in-person events were severely impacted by COVID-19 restrictions, WorkSafe ACT was able to effectively transition to largely virtual events until restrictions eased. Key events and activities during 2021–22 included:

- + The WHS Commissioner participated in a forum as part of a panel of experts on Managing the Mental Health of Your Workforce in July 2021. The forum was organised by NSCA Foundation, which is a not-for-profit association that aims to help organisations protect their workforce.
- + In August 2021, the WHS Commissioner and Senior Director, Investigations and Operations, presented at SAFEFEST 2021, a virtual event hosted by the Australian Institute of Health and Safety. The theme for the event was Health and Safety in a Changing World, and WorkSafe ACT presented its regulatory approach to work-related violence and aggression.
- + In Australia, October marks National Safe Work Month, a time for workplaces across the country to engage with topics to improve workplace health and safety. The month aims to encourage the creation of a strong safety culture and support all workers to return home safely at the end of each shift. In October 2021, WorkSafe ACT promoted the theme *Work Safe Home Safe* through a variety of activities, including presentations to:
  - National Women in Construction Association (NAWIC) mental health event
  - the ACT Government Strategic Board meeting
  - first year plumbing apprentices at the Master Plumbers Association Industry Forum
  - the Master Builders Association Excellence Awards, and
  - participants observing Airport Safety Week about the People at Work (PAW) psychosocial risk assessment tool.
- + On 6 October 2021, as part of National Safe Work Month, the WHS Commissioner launched the [\*Strategy for Managing Work-Related Psychosocial Hazards 2021–23\*](#) at a live virtual event. The event featured insights into the workings of the WorkSafe ACT team of specialist psychosocial Inspectors, including 'what to expect when a psychosocial Inspector visits' and the first Australian approach to digitising compliance with managing psychosocial hazards. Dr Peta Miller shared preliminary findings from her project examining the barriers and enablers duty holders experience when trying to effectively manage psychosocial hazards.

- + In May 2022, WorkSafe ACT supported the Women's Return to Work Expo at the Theo Notaras Multicultural Centre, hosted by the ACT Office for Women. The event was aimed at connecting women who have taken time out of the workforce, who are looking to upskill, or who are looking for a career change. The WHS Commissioner addressed the audience, speaking about her passion for workplace safety and her own experiences at work. WorkSafe ACT also hosted a stand at the event, where Inspectors spoke with attendees about career opportunities at WorkSafe ACT.
- + In June 2022, WorkSafe ACT launched its updated [Residential Construction Strategy 2022-24](#) at a breakfast event at the Denman Village Community Centre. At the event, the WHS Commissioner spoke of WorkSafe ACT continuing its strong presence in the residential construction sector, and of looking forward to partnering with all stakeholders to embed real and sustainable change in the sector. Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction, Rebecca Vassarotti MLA, members of the WHS Council, and representatives from industry associations, union groups and media outlets attended the event.





# HIGHLIGHT

## Have Your Say Survey— Mental Health in the ACT

During March and April 2022, Dr Peta Miller conducted a survey on behalf of WorkSafe ACT on mental health. The Have your say about Mental Health at Work in the ACT survey was targeted at duty holders, workers, advocates and labour hire licensees.

The survey heard from 38 advocates, 74 labour hire licensees, 117 PCBUs, and 885 workers.

The research questions focused on psychosocial hazards and risks found in ACT workplaces, such as organisational culture, and measured its outcomes including stress and burnout, physical

discomfort, bullying, sexual harassment, and work-related violence.

It asked questions about consultation and perception of WHS management systems.

The research aims to report on if there are key differences by worker age, gender industry and organisational size and if there are predictors of stress, burnout, fatigue, aches and pains, and bullying.

The outcomes were provided to WorkSafe ACT in June and will be unveiled in National Safe Work Month in October 2022.



## Collaborating with stakeholders

WorkSafe ACT understands the vastness of its responsibilities to raise awareness across the Canberra community and acknowledges that it cannot be done without collaborating with its stakeholders. Some examples of WorkSafe ACT collaboration with stakeholders during 2021–22 include:

- + **Working with social partners:** On 28 April each year, it is Workers' Memorial Day. The theme for 2022 was 'Make safe and healthy work a fundamental right. It's a no-brainer'. It is also World Day for Safety and Health at Work. The day provides an opportunity to reflect and remember those workers who have lost their lives due to work. In 2022, UnionsACT held a ceremony at the National Workers Memorial to pay homage to the workers who have died at work. WorkSafe ACT was honoured to work alongside UnionsACT to support this meaningful event. In addition to providing support, the WHS Commissioner, together with WorkSafe ACT staff, attended the UnionsACT service. Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA, and representatives from industry associations and union groups also attended.
- + **Working with other WHS regulators:** WorkSafe ACT was a key event sponsor for the Comcare National Conference on 'creating a safer workplace together' held at the National Convention Centre on 7–8 June 2022. Attended by 700 delegates, the conference offered a great platform to engage with stakeholders from different industries, across a variety of WHS and workers' compensation topics.
- + **Working with researchers:** WorkSafe ACT actively supports and participates in the online PAW risk assessment tool. PAW is a free and evidence-based psychosocial risk assessment tool. The survey is specifically designed to help workplaces better identify and manage work-related risks to psychosocial health and benchmark themselves against other workplaces. Inspectors promote the survey to workplaces during workplace visits, and it is also a way for PCBUs to contribute to their duties by monitoring their workplace. The psychosocial hazards measured by the PAW survey are based on decades of research that have highlighted the factors which can influence a worker's psychological health and safety. It is also based on guidance from Safe Work Australia.

## Stakeholder sponsorships

During 2021–22, WorkSafe ACT supported a range of stakeholder events and activities through sponsorship:

- + Master Plumbers Association ACT Industry Awards
- + Master Builders Association ACT Awards
- + Construction Industry Training Council Graduating Apprentice and Industry Encouragement Awards
- + Asbestos Safety and Management Conference 2022, and
- + the 2022 Comcare National Conference.

## Media engagement

Throughout the reporting period, WorkSafe ACT actively engaged with ACT and national media through a range of mechanisms.



When compared with the previous financial year, there was an increase in nearly all areas of WorkSafe ACT media engagement activities in 2021–22.

In 2021–22, WorkSafe ACT received 81 media enquiries, compared with 30 enquiries received in 2020–21. This increase is likely influenced by the additional six media releases that were issued over the period, but also due to the increase in number of safety alerts issued. WorkSafe ACT issued 15 safety alerts in 2021–22, up from four in the previous period.

The safety alerts, combined with the additional 15 emails sent to our 13,569 subscribers during 2021–22, helped raise awareness and encourage conversation about vital WHS, workers' compensation and LHL issues and topics.

Into 2022–23, the focus will remain on quality engagement and awareness raising activities, targeted to WorkSafe ACT priority industries and demographics. The creation of a specialist media team in 2022 will help target awareness improvement activities in future media engagement.

## Social media

During National Safe Work Month in October 2021, WorkSafe ACT launched its own LinkedIn page. By the end of 2021–22, the WorkSafe ACT LinkedIn page had reached 488 followers and registered 13,474 unique impressions.

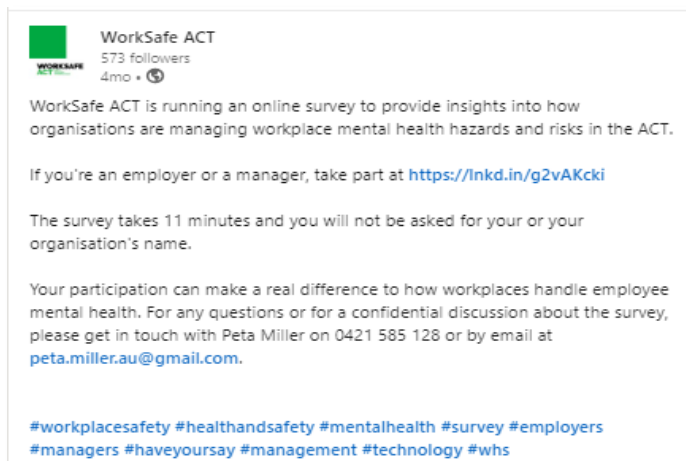
The channel is used to reach a variety of audiences on a range of topics, including:

- + workers and employers on the release of Safety Alerts
- + peak bodies and major employers in the ACT to provide updates aligned to their professions, including compliance and enforcement data snapshots
- + WHS professionals for recruitment purposes, and
- + the ACT community and media to showcase WorkSafe ACT work.

Of its 97 LinkedIn posts for 2021–22, the top three performing WorkSafe ACT posts were:

### Have your say survey:

- Total impressions: 15,456



**WorkSafe ACT**  
573 followers  
4mo • 🌐

WorkSafe ACT is running an online survey to provide insights into how organisations are managing workplace mental health hazards and risks in the ACT.

If you're an employer or a manager, take part at <https://lnkd.in/g2vAKcki>

The survey takes 11 minutes and you will not be asked for your or your organisation's name.

Your participation can make a real difference to how workplaces handle employee mental health. For any questions or for a confidential discussion about the survey, please get in touch with Peta Miller on 0421 585 128 or by email at [peta.miller.au@gmail.com](mailto:peta.miller.au@gmail.com).

[#workplacesafety](#) [#healthandsafety](#) [#mentalhealth](#) [#survey](#) [#employers](#)  
[#managers](#) [#haveyoursay](#) [#management](#) [#technology](#) [#whs](#)



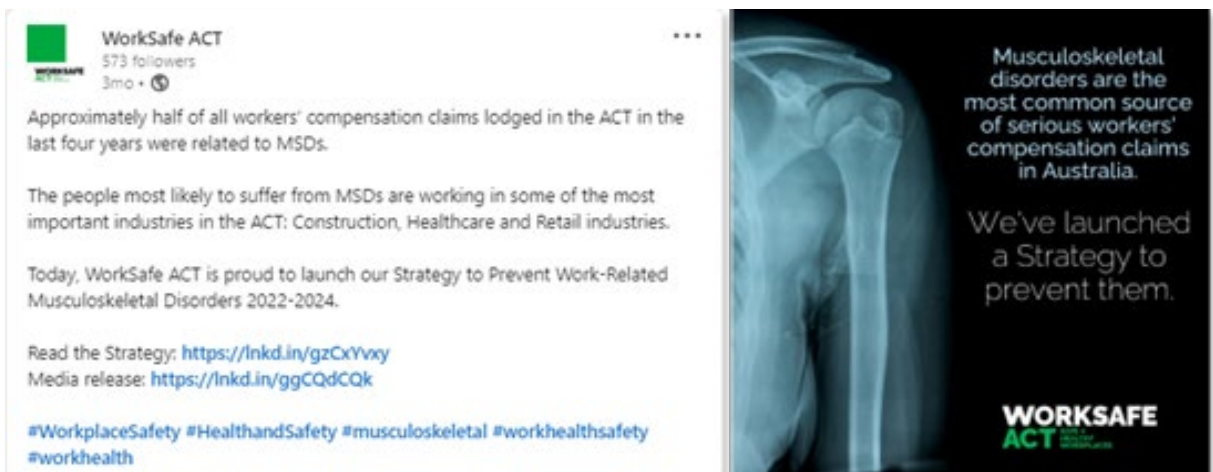
## Workers' Memorial Day:

- Total impressions: 13,443



## Strategy to Prevent Work-Related Musculoskeletal Disorders:

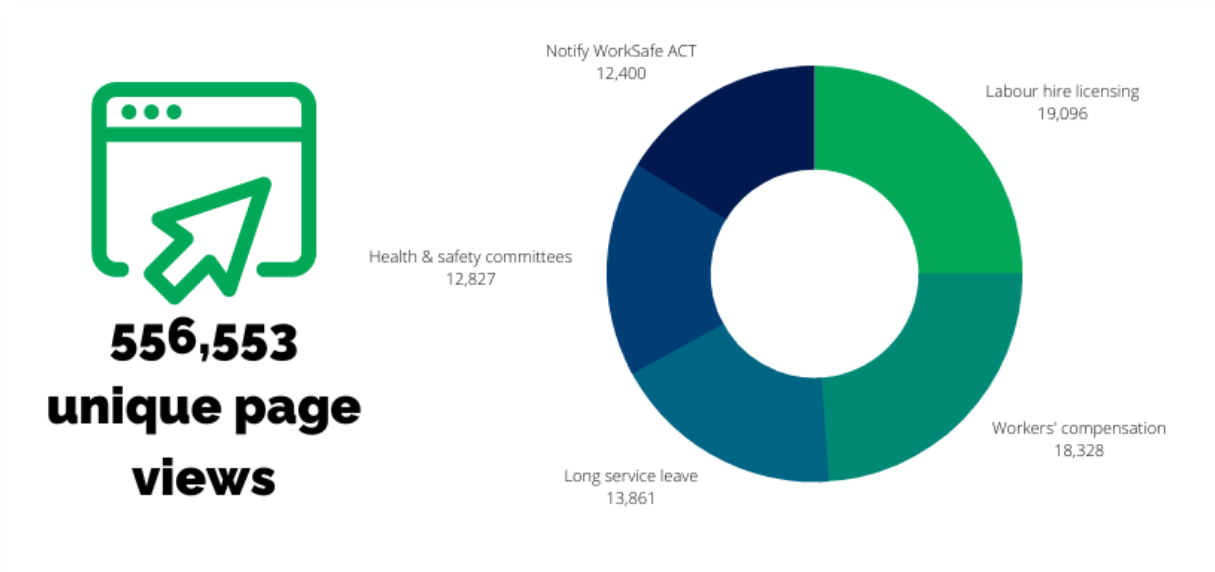
- Total impressions: 3,729



## Website

The WorkSafe ACT website continues to be one of its strongest communication channels. The website allows WorkSafe ACT to provide information to its many audiences, including duty holders, workers, and the Canberra community. As well as being a host for guidance material, safety alerts and media releases, the website provides the ability for people to contact WorkSafe ACT to report a workplace concern or issue, as well as reporting notifiable incidents.

In 2021–22, the WorkSafe ACT website achieved the following unique page views:



## Community engagement and support

### COVID-19 response

The COVID-19 Public Health Emergency continued to present WHS challenges for all workplaces during 2021–22.

During this reporting period, WorkSafe ACT Inspectors were authorised under the *Public Health Act 1997* to assist with compliance of ACT Public Health Emergency Directions. The primary focus was the construction industry and retail sector.

Inspectors monitored workplaces to ensure safe systems of work, including COVID-19 Safe Plans, appropriate risk assessments using the hierarchy of controls, and the effective implementation of these controls.

**Coronavirus COVID-19**

**Industry information on COVID-19**

Information for your industry about work health and safety and COVID-19.

# HIGHLIGHT

## Young Worker Engagement

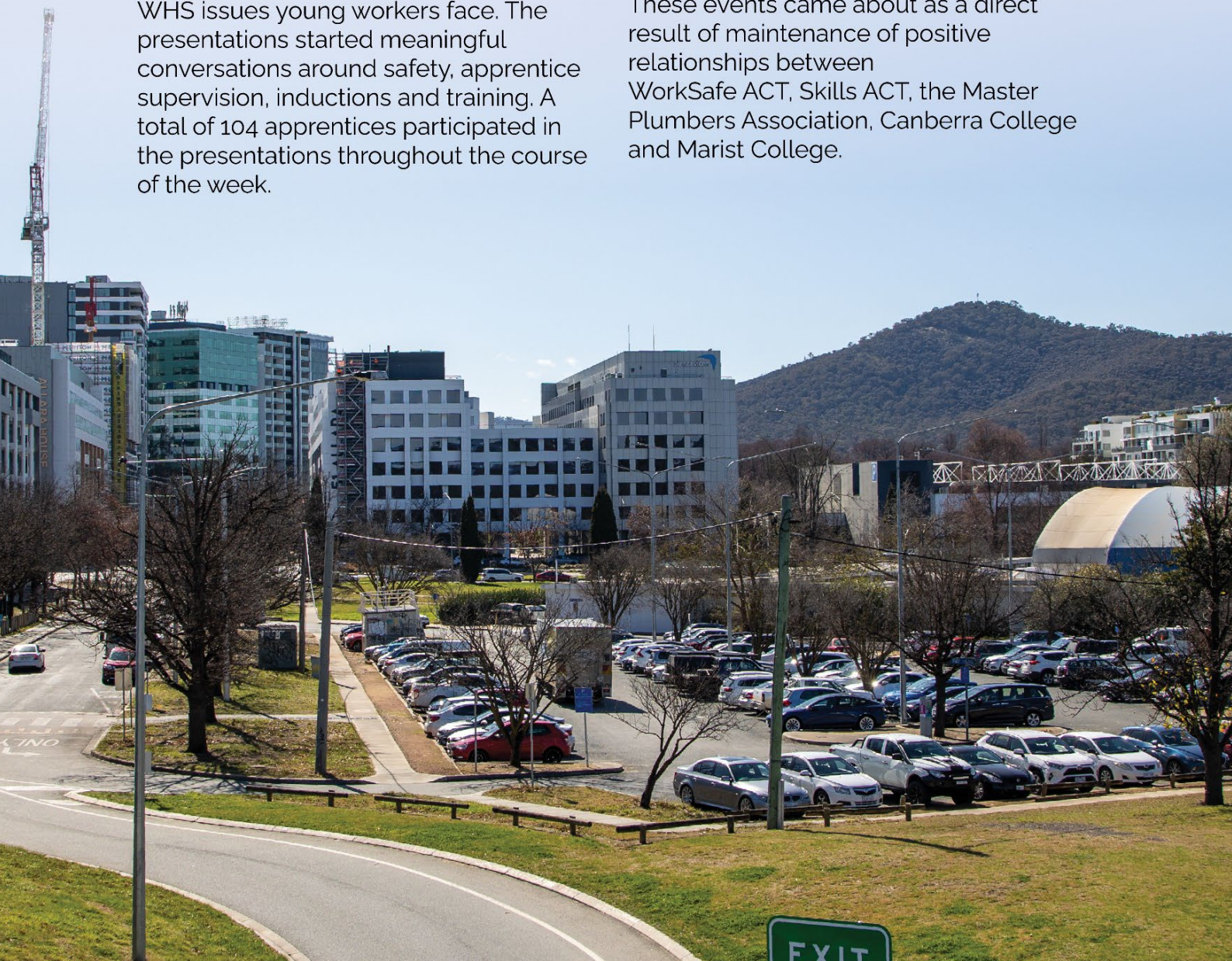
In November 2021, WorkSafe ACT launched the [Young Workers Strategy 2021–2023](#). The first objective of the strategy involves increasing young worker awareness of their WHS rights and responsibilities. To support this, WorkSafe ACT undertook several stakeholder engagement activities to educate and empower young workers.

Between 9 and 13 May 2022, WorkSafe ACT Inspectors and the Young Worker Strategy Coordinator gave five presentations to plumbing apprentices at the Master Plumbers Association First Year Apprentice Intake. The purpose of the event was to spread awareness of the Young Workers Strategy and common WHS issues young workers face. The presentations started meaningful conversations around safety, apprentice supervision, inductions and training. A total of 104 apprentices participated in the presentations throughout the course of the week.

The Canberra College Careers Market was held on 17 May 2022 and the Young Workers Inspector and Young Workers Strategy Coordinator attended. The event was a valuable opportunity for engagement with students before they enter the workforce. Over 600 students attended the expo and WorkSafe ACT directly engaged in safety conversations with over 80 students.

On Monday 23 May 2022, WorkSafe ACT attended the Marist Careers Expo. In doing so WorkSafe ACT was able to discuss WHS with 40 students who are commencing their working lives.

These events came about as a direct result of maintenance of positive relationships between WorkSafe ACT, Skills ACT, the Master Plumbers Association, Canberra College and Marist College.



# **STRATEGY FOUR**

Creating an exemplary regulator





## Strategy four: An exemplary regulator

### Progress with implementation of the 2018 Independent Review

The Independent Review of the ACT's *Work Safety Compliance Infrastructure, Policies and Procedures* (the 2018 Independent Review) considered the Territory's WHS compliance and enforcement arrangements:

- + the approach to safety compliance and enforcement detailed in the WorkSafe ACT Compliance Framework
- + the appropriateness and effectiveness of the WorkSafe ACT governance structure, including the roles, legislative responsibilities and functions of the Work Safety Commissioner, the regulator and relevant Ministers
- + the appropriateness and effectiveness of the WorkSafe ACT organisational structure, including consideration of its independence and operational effectiveness in its current status as a business unit within Access Canberra, and
- + the ACT's collection, use and analysis of data, and the impact and effectiveness of information sharing within Access Canberra and across government to drive work safety compliance and enforcement activities.

The recommendations of the 2018 Independent Review were given in-principle support by the ACT Government and amendments to the WHS Act in 2019 were directly responsive to the 2018 Independent Review's recommendations.

In 2020–21, 22 of the 27 recommendations were completed with, among other work, the establishment of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) as an independent entity from 1 July 2020, and the finalisation of the *WorkSafe ACT Strategic Plan 2020–2024* and Compliance and Enforcement Policy 2020–2024.

As at 30 June 2022, 27 out of 27 recommendations were complete with the WorkSafe ACT Capability Framework also complete and implementation underway.

**Recommendation 4:** *Review and update policies and procedures to ensure they align with the Compliance Framework and establish a process and assign responsibility for keeping all documents current.*

A review and update of all Standard Operating Procedures (SOPs) has been undertaken by WorkSafe ACT. Where relevant, these SOPs have been aligned with the Compliance and Enforcement Policy. The Nous Group has subsequently been engaged to undertake a systemic review of the SOPs to ensure completeness, readability and consistency.

**Recommendations 8, 18, 24 and 25:** The WorkSafe ACT Capability Framework approved by the WHS Commissioner on 14 December 2021 directly addresses these recommendations and seeks to address concerns raised in the 2018 Independent Review to improve organisational capability by increasing individual skill levels and competency across the agency, but particularly Inspectors and investigators. In short, this is to mitigate the regulatory risks of either under-trained Inspectors, or an inability to demonstrate appropriate training in an enforcement or prosecutorial capacity. The relevant recommendations are:

- + ensure WorkSafe ACT has the capability and knowledge to effectively use the current systems and the data analytics services available to them (*Recommendation 8*)
- + continue to improve procedures and expand investigative skills to support successful enforcement outcomes (*Recommendation 18*)
- + consider developing a formal and comprehensive internal training and development program, leveraging similar programs developed in other jurisdictions (*Recommendation 24*), and
- + consider developing a formal succession planning process to ensure knowledge, skills, and experience of the current workforce is captured and able to be transferred to new recruits (*Recommendation 25*).

WorkSafe ACT is implementing the capability framework through a comprehensive training program which covers both existing and new employees. WorkSafe ACT has established a Quality, Coaching and Systems Team to deliver the regulatory training program through internal and external sources. This team is also responsible for managing the final review of the SOPs and manuals, ensuring these SOPs and manuals are available to all staff via a SharePoint site, that the content of the SOPs and manuals are incorporated in the training program, maintained through programmed review, and ensuring any changes as a result of legislative or other amendment are included in the training program.

WorkSafe ACT will prepare a closure report for the consideration of the WHS Council early in 2022–23.



# Review of the Conduct of WHS Prosecutions in the ACT

In February 2022, after a request from the WHS Council, WorkSafe ACT engaged Marie Boland to undertake a review of how WHS prosecutions are undertaken in the ACT.

This project included multiple levels of consultation, both with organisations and associations, individuals and the public, in discrete interviews and as a broader call for public submissions. Ms Boland investigated the experiences of many who both worked within and had been impacted by the framework that progresses prosecutions for breaches of the WHS laws.

The terms of reference, which guided Ms Boland's considerations of the ACT's prosecution decision-making processes and procedures, and the legislative and policy frameworks surrounding them, support four key criteria:

- + the object of the WHS Act to secure compliance through effective and appropriate compliance and enforcement measures
- + the independence and accountability of the WHS Commissioner
- + the principles underpinning the WorkSafe ACT Compliance and Enforcement Policy 2020–2024 to ensure the highest standard of integrity (including consistency and transparency) in prosecutorial decision making, and
- + the delivery of the *WorkSafe ACT Strategic Plan 2020–2024* to create an exemplary regulator and ensure firm and fair enforcement against non-compliance.

The final report was delivered to WorkSafe ACT on 30 June 2022, with the recommendations due for release on 21 July 2022. As the review examined the entire framework and processes in the ACT Government, the WHS Commissioner will provide the report and its recommendations to the WHS Council for consideration to provide the report to the Minister and to the public.

## Governance, technological and cultural change

Throughout 2021–22, WorkSafe ACT continued to build on the framework established within its first year of independent operation. A range of corporate and regulatory governance, technological and cultural changes have been implemented including:

- + the establishment of an Audit and Risk Committee, chaired by Finn Pratt
- + the development of SOPs for revenue recognition, debt collection and evidence collection and management
- + moving from Customs House to activity-based working in the newly renovated Nara Centre

- + implementing an iAuditor checklist for psychosocial inspections to measure the maturity of PCBUs to manage psychosocial hazards at the workplace
- + the development of a work program for the Family Liaison Officer, including the development of a service charter for affected families
- + the establishment of an internal WorkSafe ACT SharePoint site
- + the transition of the Women's Committee to an inclusive Diversity Committee, and the establishment of a Staff Consultative Committee, and
- + the continued improvement of SalesForce as the WorkSafe ACT case management system to further increase efficiencies in the recording of inspections and delivery of regulatory tools and to incorporate a LHL function.

In 2022–23, WorkSafe ACT will further enhance its brand and reputation with a stakeholder engagement strategy, young workers brand and portal, and by incorporating the WorkSafe ACT indigenous artwork into its uniform. On a technological front, the agency will be further improving SalesForce and implementing the use of iAuditor for a range of strategic priorities for all inspections.



# Internal accountability

## Human resources management

WorkSafe ACT has developed a capability framework and commenced induction and targeted training for the inspectorate to address skills gaps.

A number of new staff were engaged during 2021–22 through targeted recruitment to assist in addressing the missing skill sets required to continue to create an exemplary regulator. These staff were engaged on both a temporary and permanent basis through formal recruitment processes and arrangements with other ACT Government directorates. This has allowed the cultural transformation of the organisation to continue on from the momentum of 2020–21.

The increase in the number of Full Time Equivalent (FTE) staff from 57.6 in 2020–21 to 59.9 in 2021–22 reflects this effort, made possible by an increased budget in 2021–22. Further to this, a comparison of the recruitment rate shows an increase from 29.6% in 2020–21 to 47.8% in 2021–22 with the separation rate decreasing from 33.9% in 2020–21 to 14.5% in 2021–22.

The split of female/male Inspectors has increased from 10/28 in 2020–21 to 12/28 in 2021–22. Through targeted recruitment in 2022–23, made possible with a higher budget, it is expected the split of female/male Inspectors will further increase to 20/30 by 30 June 2023.

WorkSafe ACT received additional budget funding to allow it to provide learning and development opportunities for its staff. This included a wide range of training and study assistance during 2021–22, which will continue into 2022–23. In the reporting period one application for formal study assistance was received and supported for Certificate IV in Government Investigations. This equated to an investment of \$3,200.

## WorkSafe ACT staffing profile 2021–22

Table 2: FTE and headcount for WorkSafe ACT

| FTE  | Headcount |
|------|-----------|
| 59.9 | 63        |

Table 3: FTE and headcount by gender

|                     | Female | Male  | Total  |
|---------------------|--------|-------|--------|
| FTE by gender       | 30.3   | 29.7  | 59.9   |
| Headcount by gender | 32     | 31    | 63     |
| % of workforce      | 50.8%  | 49.2% | 100.0% |

Table 4: Headcount by classification and gender

| Classification Group     | Female | Male | Total |
|--------------------------|--------|------|-------|
| Administrative Officers  | 20     | 18   | 38    |
| Executive Officers       | 1      | 0    | 1     |
| Senior Officers          | 10     | 13   | 23    |
| Statutory Office Holders | 1      | 0    | 1     |
| TOTAL                    | 32     | 31   | 63    |

Table 5: Headcount by employment category and gender

| Employment Category | Female | Male | Total |
|---------------------|--------|------|-------|
| Casual              | 0      | 0    | 0     |
| Permanent full-time | 22     | 26   | 48    |
| Permanent part-time | 3      | 2    | 5     |
| Temporary full-time | 7      | 2    | 9     |
| Temporary part-time | 0      | 1    | 1     |
| TOTAL               | 32     | 31   | 63    |

Table 6: Headcount by diversity group

|  | Headcount | % of Total Staff |
|--|-----------|------------------|
| Aboriginal and/or Torres Strait Islander | 4         | 6.3%             |
| Culturally and linguistically diverse    | 10        | 15.9%            |
| People with disability                   | 4         | 6.3%             |

Table 7: Headcount by age group and gender

| Age Group   | Female | Male | Total |
|-------------|--------|------|-------|
| Under 25    | 1      | 0    | 1     |
| 25-34       | 13     | 8    | 21    |
| 35-44       | 9      | 8    | 17    |
| 45-54       | 7      | 10   | 17    |
| 55 and over | 2      | 5    | 7     |

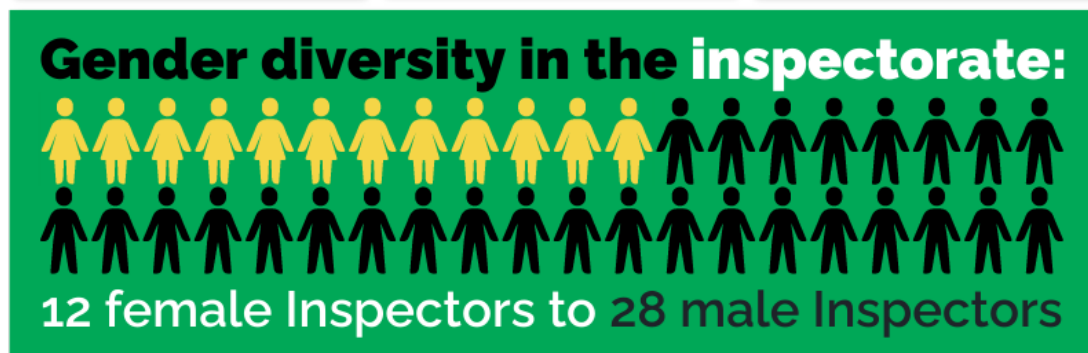
Table 8: Headcount by average length of service and gender

| Gender                   | Female | Male | Total |
|--------------------------|--------|------|-------|
| Average years of service | 4.7    | 4.0  | 4.4   |

Table 9: Recruitment and separation rates

| Classification Group | Recruitment Rate | Separation Rate |
|----------------------|------------------|-----------------|
| Total                | 47.8%            | 14.5%           |

WorkSafe ACT at a glance:



## Senior Executives and their responsibilities

As at 30 June 2022, WorkSafe ACT has one Senior Executive, the Deputy WHS Commissioner.

In accordance with Schedule 2.31 of the WHS Act, the WHS Commissioner must appoint a public servant to be the Deputy WHS Commissioner. The primary function of the Deputy WHS Commissioner is to support the WHS Commissioner, provide oversight and advice on the regulator's operations, engage in strategic leadership to ensure the effective management of the agency's operations and act as the WHS Commissioner in her absence.

## Executive remuneration

All Executives employed by WorkSafe ACT were paid in accordance with the determinations of the ACT Remuneration Tribunal and relevant laws and instruments including the *Public Sector Management Act 1994* and the *Public Sector Management Standards 2016*.

## Risk management, internal audit and fraud prevention

WorkSafe ACT is committed to ensuring that the delivery of its services at the strategic, business and operational levels is underpinned by effective risk management practices. The approach to risk management taken by WorkSafe ACT is based on the *Australian Risk Management Standard AS ISO 31000:2018* and is consistent with the ACT Government Risk Management Policy 2019.

The WorkSafe ACT Audit and Risk Committee with Mr Finn Pratt AO PSM as its external, independent chair, was established in 2021–22. Its composition, authorities and responsibilities are set out in its charter, with its main purpose to assist the WHS Commissioner in fulfilling her oversight and governance responsibilities. The committee does this by providing independent assurance and assistance on WorkSafe ACT risk, control and compliance frameworks and its external accountability responsibilities. The committee will review the 2021–22 annual financial statements at its meeting in July 2022 and provide advice on significant risks, audit outcomes and the implementation of appropriate mitigation strategies.

In conjunction with the establishment of the committee, an arrangement with BellchambersBarrett for the provision of internal audit services was put in place for 2021–22. An internal audit charter was developed, agreed by the committee and approved by the WHS Commissioner. An internal audit program was considered by the Senior Leadership Team, agreed by the committee and approved by the WHS Commissioner. The program recommended that two audits be conducted in 2021–22: the first on the administration of the use and recording of leave and flex, and the second on recruitment practices. The results



of both audits will be available in 2022–23 and tabled at the relevant committee meeting by the internal auditor.

The financial delegations for the agency, put in place when WorkSafe ACT was created as an independent prescribed Territory authority on 1 July 2020, were deliberately kept at a high level. These were maintained in 2021–22 and will be revisited in 2022–23 as the agency matures. A formal risk register for corporate and strategic risks was developed in 2021–22 to complement the existing register of operational risks.

There were two known instances of potential fraud during 2021–22, which were appropriately referred to relevant bodies for consideration:

- + one matter was discontinued due to retirement, and
- + the second was still being investigated as at 30 June 2022.

WorkSafe ACT has put in place its own corporate fraud and risk management plans in 2021–22, previously relying on CMTEDD plans. The areas of risk of potential fraud in the agency are:

- + finance-related matters
- + the use of work vehicles, and
- + the falsification of flex sheets, on-call allowances and claims for overtime.

All WorkSafe ACT staff must complete fraud awareness training every 12 months as part of the whole of ACT Government Fraud Prevention Framework.

The human resource delegations were adapted from CMTEDD in 2021–22 and are currently under review. These delegations will be introduced to align with the release of the new Human Resource Information Management System and the use of iDelegate.

The additional budget to improve capability development through training and continued professional development will form part of the measures being implemented to mitigate the risks identified by WorkSafe ACT. These will be complemented by clear policies and procedures that are regularly communicated to staff and included in the induction process.

Business continuity management is a risk control that supports the WorkSafe ACT commitment to the ongoing delivery of critical business functions. This was evidenced during 2021–22 with the enactment of the WorkSafe ACT COVID-19 Safe Plan, a document which aims to identify and manage known and new risks as far as is reasonably practicable. Ongoing COVID-19 risk assessments are regularly undertaken, as circumstances change and for specific events. The risk of transmission of COVID-19 has been managed by using:

- + flexible and remote work arrangements as necessary
- + physical distancing
- + hygiene measures

- + work design and support systems, and
- + mechanisms to support a positive organisational culture while working remotely.

The plan is regularly updated and consulted on to take account of changing conditions and is consistent with the whole of ACT Government approach.

## Aboriginal and Torres Strait Islander reporting

WorkSafe ACT recognises that we deliver our services on Ngunnawal Country and that the Ngunnawal People have a meaningful and ongoing relationship to this land and the safety of country.

The CMTEDD [Stretch Reconciliation Action Plan \(RAP\) 2020–2023](#) covers WorkSafe ACT and guides our priorities and actions. The Stretch RAP centres on *working with* Aboriginal and Torres Strait Islander people instead of *doing for* or *to*. The key themes are relationships, respect, opportunities and governance.

The focus areas in 2021–22 for WorkSafe ACT were:

- + Improving employment outcomes for Aboriginal and Torres Strait Islander people by increasing recruitment, retention and professional development. WorkSafe ACT maintained its representation of Aboriginal and Torres Strait Islander staff in the reporting period with a view to increasing this in 2022–23.
- + Increasing Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes. In all procurement, Aboriginal and Torres Strait Islander providers are considered. In 2021–22, an Aboriginal and Torres Strait Islander artist was commissioned to produce artwork for the new WorkSafe ACT premises, and designs to be used as part of collateral and livery.
- + Building relationships through celebrating NAIDOC Week. All staff were actively encouraged to attend events throughout the week.
- + Increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, history, knowledge and rights through cultural learning. Mandatory sessions were run in November 2021 as cultural learning is considered a key foundation skill and has been included in the WorkSafe ACT induction program.

WorkSafe ACT established a Diversity Committee in 2021–22 and plans to develop its own RAP 2022–25 in 2022–23.

## Work health and safety

The legislated regulatory functions of WorkSafe ACT give the agency a unique understanding of the importance of WHS, something which it ensures is enforced in its own workplace. In relation to WHS, during the reporting period:

- + a Health and Safety Representative (HSR) and a Deputy HSR were elected, and
- + the Staff Consultative Committee, established in July 2021, met regularly and discussed a large number of issues of relevance to staff.

WHS is a standing agenda item at the weekly Senior Leadership Team meetings. The agency continues to use the whole of ACT Government online tool RiskMan to report incidents and allow formal notification and investigation to be conducted as necessary. Deidentified RiskMan incidents are reported and considered weekly by the Senior Leadership Team.

There were no serious injuries or illnesses to WorkSafe ACT employees in 2021–22. The top three risks were from:

- + potential site hazards (risk of slips, trips and falls)
- + psychosocial hazards (poor work design, client aggression and/or staff conflict), and
- + body stressors (musculoskeletal disorders).

The induction process for new staff includes a WHS component and this was strengthened during 2021–22 and complemented by training, both formal and on the job.

## Ecologically sustainable development

WorkSafe ACT supports the *ACT Climate Change Strategy 2019–25* and the *ACT Zero Emission Vehicles Action Plan*.

During 2021–22, WorkSafe ACT moved from 5 Constitution Avenue to the Nara Centre (3 Constitution Avenue), which is a 4.5-star National Australian built environment rating system (NABERS) rated building. This has allowed WorkSafe ACT to fully embrace ecologically sustainable development by continuing to promote recycling and waste reduction through centrally placed bins for cardboard, food scraps and batteries. Their use is encouraged by promoting events such as the United Nations' International Day of Awareness on Food Loss and Waste Reduction as well as regular correspondence highlighting the importance of ecological sustainability.

WorkSafe ACT has continued to reduce its paper usage through multi-function devices with print on demand capabilities and digitising its records where possible. It makes use of the Shared Services Customer Portal and the Shared Services accounts payable invoice automation system (APIAS) to process human resource-related and finance-related documentation.

WorkSafe ACT reviewed its vehicle fleet requirements and kept it at 11 during 2021–22. The fleet will increase with the addition of three hybrid vehicles in 2022–23 in line with an increase in staff numbers. There are also plans to replace the two remaining non-hybrid vehicles during 2022–23 and make use of the large number of charging stations in the basement of the Nara Centre. This, along with

a continuation of minimising the home garaging of vehicles, will continue to reduce fleet emissions.

During 2021–22, WorkSafe ACT was not subject to any investigations, requests or recommendations from the Commissioner for Sustainability and the Environment.

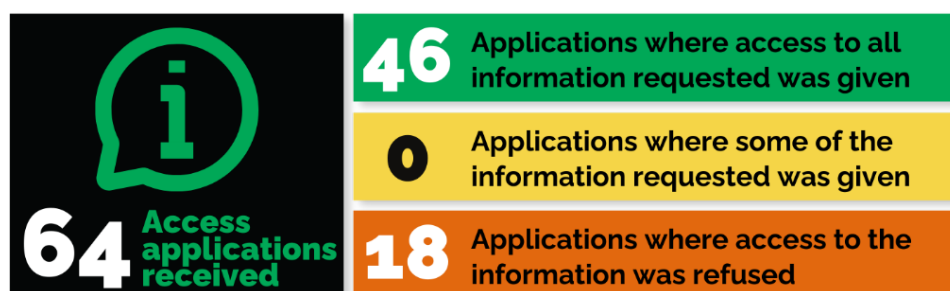
*Table 10: Sustainable development performance 2021–22 financial year*

| Indicator as at 30 June                               | Unit                      | 2021–22                                      |
|---|---------------------------|--|
| <b>Stationary energy usage</b>                        |                           |  |
| Electricity use                                       | Kilowatt hours            | This data is unavailable at a tenancy level. |
| Natural gas (non-transport)                           | Megajoules                | 0  |
| Diesel use (non-transport)                            | Kilolitres                | 0  |
| <b>Transport fuel usage</b>                           |                           |  |
| Electric vehicles                                     | Number                    | 0  |
| Hybrid vehicles                                       | Number                    | 9  |
| Hydrogen vehicles                                     | Number                    | 0  |
| Total number of vehicles                              | Number                    | 11   |
| Fuel use – petrol                                     | Kilolitres                | 3  |
| Fuel use – Diesel                                     | Kilolitres                | 0  |
| Fuel use – LPG  | Kilolitres                | 0  |
| Fuel use – CNG  | Gigajoules                | 0  |
| <b>Water usage</b>                                    |                           |  |
| Water use   | Kilolitres                | This data is unavailable at a tenancy level. |
| <b>Resource efficiency and waste</b>                  |                           |  |
| Reams of paper purchased                              | Reams                     | 60   |
| Recycled content of paper purchased                   | Percentage                | 100  |
| Waste to landfill                                     | Litres                    | This data is unavailable at a tenancy level. |
| Co-mingled material recycled                          | Litres                    |  |
| Paper and cardboard recycled (including secure paper) | Litres                    |  |
| Organic material recycled                             | Litres                    |  |
| <b>Greenhouse gas emissions</b>                       |                           |  |
| Emissions from natural gas use (non-transport)        | Tonnes CO <sub>2</sub> -e | 0  |
| Emissions diesel use (non-transport)                  | Tonnes CO <sub>2</sub> -e | 0  |

| Indicator as at 30 June      | Unit                      | 2021–22                |
|------------------------------|---------------------------|------------------------|
| Emissions transport fuel use | Tonnes CO <sub>2</sub> -e | Unknown (not measured) |
| Emissions from refrigerants  | Tonnes CO <sub>2</sub> -e | Unknown (not measured) |
| Total emissions              | Tonnes CO <sub>2</sub> -e | 0                      |

## Freedom of information (FOI) reporting

In 2021–22, WorkSafe ACT received:



These figures reflect FOI requests either transferred, withdrawn, completed outside of the *Freedom of Information Act 2016* (FOI Act) or still pending a decision at 30 June 2022.

Further information in relation to requests made under the FOI Act related to the business of WorkSafe ACT can be sourced from the 2021–22 annual report of CMTEDD.

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Contacts for further information:

**Senior Director/Information Officer, Information Access, CMTEDD**

02 6207 3153

**ACT Ombudsman**

1300 362 072

[actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

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## Scrutiny

### Auditor-General's Report No. 1 of 2017

In March 2017, Standing Committee on Public Accounts resolved to inquire into the matters in the [Auditor-General's Report 1 of 2017](#): WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses. The Standing Committee on Public Accounts issued its final report in July 2019, which contained seven recommendations.

The ACT Government agreed to the seven recommendations and the government response was tabled in the ACT Legislative Assembly on 28 November 2019.

There were two outstanding recommendations for WorkSafe ACT for the reporting period.

### Recommendation 1

The Committee recommends that the ACT Government directs and ensures that WorkSafe ACT follows documentary processes consistent with those envisaged in the Auditor-General's Report No. 1 of 2017: WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses. Status and action in reporting year.

#### Status and action in reporting year—Complete

WorkSafe ACT became an independent entity on 1 July 2020. This recommendation aligns with the findings of the 2018 Independent Review to improve organisational capability by increasing individual skill levels and competency across the agency, but particularly Inspectors and investigators.

The relevant documentary processes are in place and followed, including all reporting requirements, the Compliance and Enforcement Policy, Strategic Plan and Statement of Operational Intent. The agency has implemented standard operating procedures and a capability framework. In addition to this, WorkSafe ACT has engaged Nous Group to review and revise the suite of operational procedures and manuals to ensure consistency and regulatory suitability.

### Recommendation 3

The Committee recommends that the ACT Government ensures that reliable documentary guidance for WorkSafe ACT Inspectors is provided to support the discretion accorded them under the *Work Health and Safety Act 2011*.

#### Status and action in reporting year—Complete

This recommendation aligns with the findings of the 2018 Independent Review to improve organisational capability by increasing individual skill levels and competency across the agency.

The WorkSafe ACT Capability Framework was approved by the WHS Commissioner on 14 December 2021.

### Auditor-General's Report No. 3 of 2021

In July 2021, Inquiry into the [Auditor-General's Report No. 3 of 2021](#): Court Transport Unit Vehicle – Romeo 5 by the Standing Committee on Public Accounts was released. Recommendation 7 was assigned to WorkSafe ACT.

## Recommendation 7

The Committee recommends that, by December 2022, WorkSafe ACT:

- + review and revise its policies to provide greater clarity on its issuance of prohibition notices, and
- + prepare better practice guidance for entities after a prohibition notice has been issued.

### Status and action in reporting year—Complete

WorkSafe ACT has included the recommendations of the Auditor-General's Report No. 3 within the implementation of its capability framework and in its engagement of Nous Group to review and ensure consistency of the suite of WorkSafe ACT SOPs. The work by Nous Group is expected to be completed by October 2022.

The training and development schedule includes instruction for all Inspectors on:

- + the issue of prohibition notices including their content
- + interactions with duty holders about regulatory actions, and
- + recording of actions and evidence in Objective and SalesForce.

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Further information:

**Jacqueline Agius, Work Health and Safety Commissioner**

02 6207 0360

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# OUTLOOK FOR

# 2022-23





# Outlook for 2022–23

The key strategic and operational focus areas for WorkSafe ACT in 2022–23 include:

## Revision of key foundation documents

During 2022–23, Safe Work Australia will release a new Australian Work Health and Safety Strategy and an updated National Compliance and Enforcement Policy.

Consequently, WorkSafe ACT will undertake reviews of its *Strategic Plan 2020–2024* and *Compliance and Enforcement Policy 2020–2024* to ensure WorkSafe ACT foundation documents remain contemporary and reflect national priorities and targets.

## Implementing and evaluating the strategies

In 2021–22, WorkSafe ACT launched five new strategies. Ongoing implementation and evaluation of these strategies and plans will be a priority in 2022–23 and beyond.

The focus of the updated [\*Residential Construction Strategy\*](#) is on improving safety behaviours and compliance in the residential construction sector. Planned implementation activities to support the strategy in 2022–23 will include:

- + improved training and information for inspections, particularly in relation to Operation Safe Prospect
- + improved data granularity through reporting mechanisms, including the use of iAuditor checklists to tie residential construction with other WorkSafe ACT priorities and strategies
- + development of resources for PCBUs in the residential construction industry, and
- + continuing stakeholder engagement through workplace visits, education activities and industry events.

Planned implementation activities to support the [\*Strategy for Managing Work-Related Psychosocial Hazards\*](#) in 2022–23 include:

- + increasing awareness of existing and new psychosocial resources through the development of a communications plan
- + developing resources for employers and workers to assist with improving psychosocial hazard identification and management
- + improved capability for WorkSafe ACT Inspectors to target psychosocial hazards at workplace inspections
- + developing and fostering relationships with general and industry-specific subject matter experts, and

- + developing targeted resources for sexual harassment and work-related violence.

Planned implementation activities for the [Young Workers Strategy 2021–2023](#) include:

- + development of presentations and information sessions for secondary and tertiary institutions
- + development of resources for young workers and PCBUs around supporting young workers, including new web pages, presentations, communication materials and guidance materials
- + development of information and training for Inspectors on issues facing young workers
- + development of specific resources for small businesses to assist them to support young workers.

The [Strategy to Prevent Musculoskeletal Disorders 2022–2024](#) captures the WorkSafe ACT approach to preventing MSDs in ACT workplaces. The following will be implemented in 2022–23 to support the strategy:

- + targeted engagement with duty holders about managing the risks that lead to MSDs
- + developing and promoting resources that will support PCBUs in managing MSD hazards, and
- + broad inspectorate training to improve technical knowledge and skills about the prevention of MSDs.

The following activities will be implemented in 2022–23 to support the [Strategy for Preventing Occupational Lung Diseases 2021–2023](#):

- + developing and promoting a risk assessment process for exposures that lead to occupational lung diseases
- + developing and promoting prevention-focused materials for welding fumes
- + targeted engagement with duty holders, and experts on occupational lung disease, to identify risk factors and hazard management practices, and
- + general and targeted awareness to improve PCBU and worker understanding of workplace exposures.

## Strategy evaluation

WorkSafe ACT is committed to evaluating and reporting activities in support of its strategies. Each of the strategies will undergo evaluation at 12 and 24 months.

The evaluations will use data and statistics from injuries, claims and workplace visits, along with information gathered from Inspectors and stakeholders, to measure the overall success of each strategy.

The evaluations will also look at the effectiveness of the implementation activities to identify strengths and weaknesses, including lessons learnt. This information will be used to inform subsequent resources and priorities going forward.

## Strategy development

A priority for 2022–23 will be the finalisation of a Commercial and Civil Construction Strategy. Consistent with the strategies of the 2021–22 reporting period, this strategy will be evidence based and target priority hazards and management systems.

With the ACTPS representing the largest PCBU regulated by WorkSafe ACT, WorkSafe ACT will also develop a strategy that will target compliance and enforcement of the WHS laws and improving workers' health and safety outcomes for ACT Government directorates.

WorkSafe ACT will develop a strategy to raise awareness of identifying the hazards and managing the risks of hazardous chemicals. This strategy will build on the work already underway relating to asbestos, lead, silica and occupational lung diseases.

## Implementing the WHS prosecutions review

In 2022, Ms Marie Boland undertook a comprehensive review of the current legislative and policy framework to initiate, conduct and manage WHS prosecutions in the ACT.

Following stakeholder and public consultations, comparisons between other WHS regulators and previous reviews conducted on the WorkSafe ACT prosecution approach, the report made [12 recommendations](#).

The WHS Commissioner has agreed, in-principle, to the implementation of all recommendations falling within the scope of WorkSafe ACT. These are:

### Data collection and reporting

**Recommendation 3:** Collect investigation and prosecution timeline data and provide regular report to the WHS Council on the length of time from notification of an incident to filing of charges and on the outcomes of prosecutions.

WorkSafe ACT provides this information in its monthly report to the WHS Council and the Minister.

**Recommendation 4:** Publish detailed prosecution reports, court summaries and data on the WorkSafe ACT website like the reports and data currently provided by the Office of the WHS Prosecutor in Queensland.

WorkSafe ACT is currently exploring how to best implement this recommendation.

## Transparency and consistency

**Recommendation 5:** Develop a prosecution policy which states clearly how prosecution decisions are made and highlights the breaches expected to result in prosecution action.

WorkSafe ACT has commenced the development of a prosecution policy which will be finalised in 2022–23.

**Recommendation 6:** Incorporate prosecution priorities into the Statement of Operational Intent.

WorkSafe ACT will incorporate prosecution priorities in its Statement of Operational Intent for 2022–23.

The remaining recommendations and the full review report will be provided to the WHS Council for consideration and action in August 2022.

## Increased labour hire licensing and workers' compensation compliance activities

In 2022–23, WorkSafe ACT will focus on increasing compliance and enforcement activities to ensure labour hire providers are licensed, and Territory employers are meeting their workers' compensation insurance obligations.

For LHL, this will be supported by:

- + a finalised LHL compliance and enforcement policy
- + enhanced operational compliance and enforcement planning
- + building capability and expertise within the inspectorate
- + improved web content and communication activities, and
- + a streamlined licence and renewal process.

For workers' compensation, this will be supported by:

- + a finalised workers' compensation compliance and enforcement policy
- + improved web content and communication activities
- + targeted, data informed workplace visits, and
- + monitoring licence compliance for insurers and self-insurers.

## Engaging with the Labour Hire Licence Advisory Committee

In accordance with the LHL Act, the WHS Commissioner is also the LHL Commissioner. The LHL Commissioner has been appointed as Chair of the LHLAC by the Minister for Industrial Relations and Workplace Safety. In undertaking this role, the Commissioner is supported by the Workplace Safety and Industrial Relations Division (as part of CMTEDD), which provides the LHLAC secretariat support.

In 2022–23, WorkSafe ACT will continue its active engagement with the committee by providing quarterly reports on LHL scheme performance and through consultation on the LHL scheme's compliance and enforcement policy, including the Minister's complaint handling guidelines.

## **Implementation of changes to notification requirements for sexual assault**

The WHS Commissioner was a member of the WHS Council's Work-Related Violence Advisory Committee. The committee's report on *Preventing and Managing Work-Related Violence in the Workplace* made the recommendation to include sexual assault in workplace WHS reporting requirements under notifiable incidents.

Amendments to the WHS laws were introduced into the Legislative Assembly on 8 June 2022 to expand incident notification provisions under section 35 of WHS Act to include workplace sexual assault.

To support these amendments if they are passed, in 2022–23, WorkSafe ACT will:

- + implement these changes into its SOP to ensure a consistent approach to notifications and enforcement of the amendments, and
- + build and formalise the relevant cross-directorate and cross-jurisdictional relationships required to ensure reporting and enforcement expectations are met.

## **Preventing silica dust exposure in the workplace**

WorkSafe ACT will prioritise its response to the changing regulatory environment for managing silica dust at the workplace.

The ACT Government has committed to implementing a ban on dry cutting of silica-containing materials, mandating silica training, and prescribing requirements for control measures, air monitoring and health monitoring. WorkSafe ACT will implement these changes and support industry with the appropriate communications and resources to support the protection of workers from the effects of exposure.

## **Embedding capability**

WorkSafe ACT has established a new team to deliver and embed a 12- to 24-month training program aimed at improving and embedding capability according to the capability framework. The team will be led by a qualified Assistant Director for Capability and Training, supported by a Training Officer.

The WHS Inspector training will be a combination of internal training and external training with a registered training organisation, leading to a Diploma of Government Inspections. The WorkSafe ACT-specific and WHS induction training

has been developed and tested with the current Inspectors to ensure it is fit for purpose before being delivered to new Inspectors in October/November 2022.

The suite of SOPs will provide a reference point for quality assurance and be used to support training. This activity has consolidated 109 separate documents into 10 documents aligned to the functional areas of WorkSafe ACT.

A Quality Assurance Framework will be developed focusing on improving the standard of inspections and the quality of associated documentation and notices. It will also assist in identifying capability gaps and areas for further training and improvement.

SalesForce is undergoing constant improvement focused on two key areas:

- + ensuring any notices are legislatively compliant, and
- + enhancing the useability for Inspectors.

A user guide will also be developed that aligns to field-based activities.

## **Engaging with the WHS Council**

As an ex-officio member of the WHS Council, the WHS Commissioner will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act.

# FINANCIAL MANAGEMENT REPORTING



# Management Discussion and Analysis for Office of the Work Health and Safety Commissioner for the Financial Year Ended 30 June 2022

## GENERAL OVERVIEW

The Office of the Work Health and Safety Commissioner (WorkSafe ACT) was established on 1 July 2020. It is an independent prescribed Territory authority headed by the Work Health and Safety (WHS) Commissioner. The WHS Commissioner is the Territory's Regulator for WHS, dangerous substances and workers' compensation. The WHS Commissioner is also the Labour Hire Licence Commissioner. WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, audit, inspection and investigation.

The functions of WorkSafe ACT are set out in the *Work Health and Safety Act 2011* (WHS Act). The principal objective of WorkSafe ACT is to provide and enforce a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. WorkSafe ACT is also responsible for ensuring compliance with other related legislation, including the *Workers Compensation Act 1951*, *Dangerous Substances Act 2004*, *Dangerous Goods (Road Transport Act) 2009* and *Labour Hire Licensing Act 2020* (LHL Act).

## RISK MANAGEMENT

WorkSafe ACT is committed to ensuring that the delivery of its services at the strategic, business and operational levels is underpinned by effective risk management practices. The approach to risk management taken by WorkSafe ACT is based on the Australian Risk Management Standard AS ISO 31000:2018 and is consistent with the ACT Government Risk Management Policy 2019.

## FINANCIAL PERFORMANCE

The following financial information is based on audited annual financial statements for 2020-21 and 2021-22, the budget in the 2021-22 Statement of Intent and the 2022-23 Statement of Intent for the forward estimates.

### Total Net Cost of Services

**Table 1: Total Net Cost of Services**

|                             | Actual<br>2020-21<br>\$'000 | Budget<br>2021-22<br>\$'000 | Actual<br>2021-22<br>\$'000 | Forward<br>Estimate<br>2022-23<br>\$'000 | Forward<br>Estimate<br>2023-24<br>\$'000 | Forward<br>Estimate<br>2024-25<br>\$'000 |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|--|--|
| -                           |                             |                             |                             |  |  |  |
| Total Expenditure           | 8,911                       | 11,700                      | 12,613                      | 14,209                                   | 15,687                                   | 15,831                                   |
| Total Own Source Revenue    | 389                         | 261                         | 208                         | 25                                       | 0  | 0  |
| <b>Net cost of Services</b> | <b>8,522</b>                | <b>11,439</b>               | <b>12,405</b>               | <b>14,184</b>                            | <b>15,687</b>                            | <b>15,831</b>                            |



### **Comparison to Budget**

Total 2021-22 Net Cost of Services of \$12.405 million was \$0.966 million or 8.4 per cent higher than the 2021-22 Budget. The variance is explained in the *Total Expenses* and *Total Own Source Revenue* below.

### **Comparison to 2020-21 Actual Net Cost of Services**

Total 2021-22 Net Cost of Services of \$12.405 million were \$3.883 million or 45.6 per cent higher than the 2020-21 Net Cost of Services. The variance is explained in the *Total Expenses* and *Total Own Source Revenue* below.

## **Total Expenses**

### **Components of Expenses**

Figure 1 below identifies the components of WorkSafe ACT's expenses for the year ended 30 June 2022.

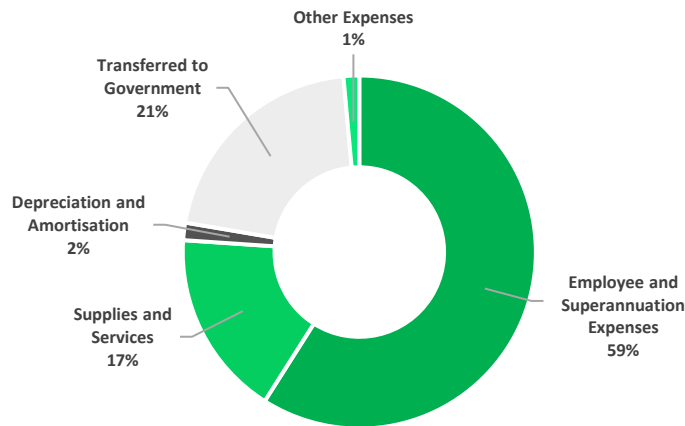


Figure 7: Components of Expenses

### **Comparison to Budget**

Total expenses of \$12.613 million was \$0.913 million or 7.8 per cent higher than the 2021-22 Budget of \$11.7 million. This relates to higher than estimated revenue received from Labour Hire Licence applications which subsequently transferred to the Territory Banking Account.

### **Comparison to 2020-21 Actual Expenditure**

Total expenses of \$12.613 million was \$3.702 million or 41.5 per cent higher than the 2020-21 total expenses of \$8.911 million. This primarily resulted from:

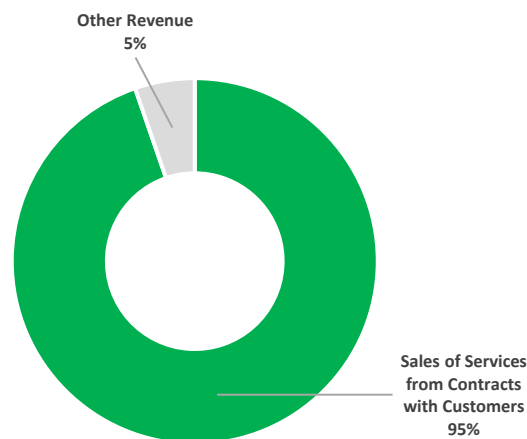
- higher Transfer Payments to the Government of \$2.388 million resulting from higher licence application receipts under the Labour Hire Licence scheme. The scheme was operational for a full year in 2021-22 compared to only one month in 2020-21, given it commenced in late May 2021; and
- higher Supplies and Services of \$0.968 million mainly due to:

- higher contractors and consultancy expenses for services engaged during the year including an independent review of prosecutions, developing a capability framework and research on psychosocial hazards and occupational violence in workplaces; and
- higher legal expenses for a secondment arrangement for a Senior Legal Officer from the ACT Government Solicitor’s Office (GSO) and free of charge legal services provided by the GSO on various WHS and workers’ compensation related matters.

**Total Own Source Revenue**

***Component of Own Source Revenue***

Figure 2 below identifies the components of WorkSafe ACT’s own source revenue for the year ended 30 June 2022. Most own source revenue derived from a service level agreement to provide compliance and reporting support to the Asbestos Response Taskforce.



*Figure 8: Components of Own Source Revenue*

***Comparison to Budget***

Total Own Source Revenue for 2021-22 of \$0.208 million was \$0.053 million or 20.3 per cent lower than the 2021-22 Budget of \$0.261 million. This mostly related to an inability to undertake enforcement activities in the Jervis Bay Territory due to New South Wales’ COVID-19 restrictions.

***Comparison to 2020-21 Actual Own Source Revenue***

Total Own Source Revenue for the 2021-22 of \$0.208 million was \$0.181 million or 46.5 per cent lower than the 2020-21 revenue of \$0.389 million. This largely resulted from the cessation of a service level agreement with Skills Canberra relating to improving safety for young works under Australian Apprenticeships. WorkSafe ACT has funding to engage young workers, including apprentices, from 2021-22.

**FINANCIAL POSITION**

**Total Assets**

**Component of Total Assets**

Total Assets at 30 June 2022 were \$1.618 million. Figure 3 below shows major components of Total Assets relate to Cash (\$0.743 million), Intangible Assets (\$0.363 million) and Plant and Equipment (\$0.265 million).

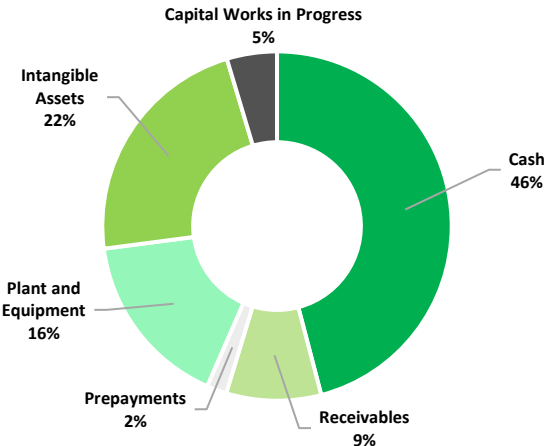


Figure 9: Total Assets

**Comparison to Budget**

Total Assets of \$1.618 million were \$0.187 million or 10.4 per cent lower than the 2021-22 Budget of \$1.805 million. The decrease is primarily from:

- lower Receivables due to lower than expected infringement notices issued during the year; and
- lower Intangible assets due to delays in procurement processes associated with the enhancement of the existing case management system.

These were partially offset by higher than budgeted Cash balances due to less payments required at the end of financial year.

**Comparison to 2020-21 Total Assets**

Total Assets of \$1.618 million were \$1.090 million or 40.3 per cent lower than the previous year’s total of \$2.708 million. Higher cash holding in 2020-21 mainly related to a one-off repayment to Access Canberra. WorkSafe ACT’s operational costs incurred during the first quarter of 2020-21 were paid by Access Canberra due to delays in setting up payment functions.

## Total Liabilities

### Component to Total Liabilities

Total Liabilities at 30 June 2022 were \$2.433 million. Figure 4 illustrates that 93 per cent of Total Liabilities consist of Employee Benefits (\$1.926 million) and Payables (\$0.0345 million).

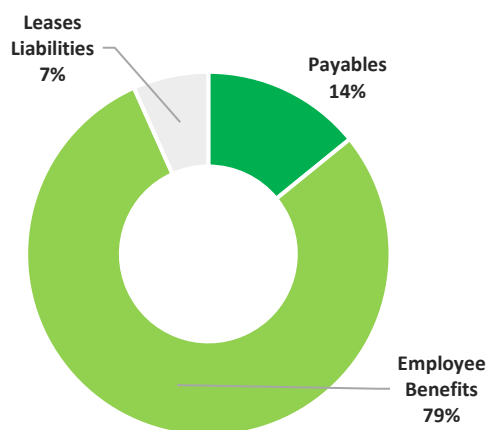


Figure 10: Total Liabilities

### Comparison to Budget

Total Liabilities at 30 June 2022 were consistent with the 2021-22 Budget of \$2.434 million.

### Comparison to 2020-21 Total Liabilities

Total Liabilities of \$2.433 million were \$1.185 million or 32.8 per cent lower than the previous year's total of \$3.618 million. This decrease is related to a reduction in payables compared to 2020-21 which was associated with a one-off repayment to Access Canberra.

## Liquidity

Liquidity is a measure of WorkSafe ACT's ability to meet its short-term financial obligations when they fall due. The current ratio compares the ability to fund current liabilities from current assets. Table 2 shows the actual and forecast current ratios to pay debts as and when due.

Table 11: Current Ratios – Actual, Budget and Future Trends

| Liquidity           | Actual  | Budget  | Actual  | Forward  | Forward  | Forward  |
|---------------------|---------|---------|---------|----------|----------|----------|
|                     | 2020-21 | 2021-22 | 2021-22 | Estimate | Estimate | Estimate |
|                     | \$'000  | \$'000  | \$'000  | \$'000   | \$'000   | \$'000   |
| Current Assets      | 2,051   | 964     | 915     | 1,184    | 1,350    | 1,516    |
| Current Liabilities | 3,351   | 2,172   | 2,218   | 2,364    | 2,446    | 2,530    |
| Current Ratio       | 0.61:1  | 0.44:1  | 0.41:1  | 0.5:1    | 0.55:1   | 0.6:1    |

The current ratio of 0.41:1 for the year ended 30 June 2022 is lower than the budget ratio of 0.44:1 due to a combination of factors. These include lower than budgeted Receivables (as explained above) partially offsetting higher than budgeted Payables.

The lower current ratio of 0.41:1 compared to the previous year's ratio of 0.61:1 reflects a reduction of Cash and Payables associated with a one-off repayment to Access Canberra (as explained above).

At 30 June 2022, WorkSafe ACT'S current assets (\$0.915 million) were less than the total current liabilities (\$2.218 million) by \$1.303 million. This is not considered a liquidity risk as cash needs are funded through Controlled Recurrent Payment appropriation from the ACT Government on a cash-needs basis.

**Office of the Work Health and Safety  
Commissioner**

**Financial Statements**

**For the Year Ended  
30 June 2022**

## INDEPENDENT AUDITOR'S REPORT

### To the Members of the ACT Legislative Assembly

#### Opinion

I have audited the financial statements of the Office of the Work Health and Safety Commissioner for the year ended 30 June 2022 which comprise the operating statement, balance sheet, statement of changes in equity, statement of cash flows, statement of appropriation and notes to the financial statements, including a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements:

- (i) present fairly, in all material respects, the Office of the Work Health and Safety Commissioner's financial position as at 30 June 2022, and its financial performance and cash flows for the period then ended; and
- (ii) are presented in accordance with the *Financial Management Act 1996* and comply with Australian Accounting Standards.

#### Basis for opinion

I conducted the audit in accordance with the Australian Auditing Standards. My responsibilities under the standards are further described in the 'Auditor's responsibilities for the audit of the financial statements' section of this report.

I am independent of the Office of the Work Health and Safety Commissioner in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (Code). I have also fulfilled my other ethical responsibilities in accordance with the Code.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my opinion.

#### Responsibilities of the Commissioner for the financial statements

The Work Health and Safety Commissioner is responsible for:

- preparing and fairly presenting the financial statements in accordance with the *Financial Management Act 1996*, and relevant Australian Accounting Standards;
- determining the internal controls necessary for the preparation and fair presentation of the financial statements so that they are free from material misstatements, whether due to error or fraud; and
- assessing the ability of the Office of the Work Health and Safety Commissioner to continue as a going concern and disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting in preparing the financial statements.

### **Auditor's responsibilities for the audit of the financial statements**

Under the *Financial Management Act 1996*, the Auditor-General is responsible for issuing an audit report that includes an independent opinion on the financial statements of the Office of the Work Health and Safety Commissioner.

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal controls relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the Office of the Work Health and Safety Commissioner's internal controls;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Office of the Work Health and Safety Commissioner;
- conclude on the appropriateness of the Office of the Work Health and Safety Commissioner's use of the going concern basis of accounting and, based on audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office of the Work Health and Safety Commissioner's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in this report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of this report. However, future events or conditions may cause the Office of the Work Health and Safety Commissioner to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether they represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Work Health and Safety Commissioner regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Ajay Sharma  
Assistant Auditor-General, Financial Audit  
7 September 2022



**Office of the Work Health and Safety Commissioner**  
**Financial Statements**  
**For the Year Ended 30 June 2022**

**Statement of Responsibility**

In my opinion, the Office of Work Health and Safety Commissioner (WorkSafe ACT)'s financial statements fairly reflect the financial operations for the year ended 30 June 2022 and its financial position on that date.

A handwritten signature in black ink, appearing to read 'JAgius', is positioned above the printed name.

Jacqueline Agius  
Work Health and Safety Commissioner  
6 September 2022

**Office of the Work Health and Safety Commissioner**  
**Financial Statements**  
**For the Year Ended 30 June 2022**

**Statement by the Chief Finance Officer**

In my opinion, the Office of the Work Health and Safety Commissioner (WorkSafe ACT)'s financial statements have been prepared in accordance with the Australian Accounting Standards, are in agreement with its accounts and records and fairly reflect its financial operations for the year ended 30 June 2022 and the financial position on that date.



Midori Kobayashi  
Chief Finance Officer  
Office of the Work Health and Safety Commissioner  
5 September 2022

# Office of the Work Health and Safety Commissioner

## Content of Financial Statements

### Financial Statements

Operating Statement

Balance Sheet

Statement of Changes in Equity

Statement of Cash Flows

Statement of Appropriation

### Overview Notes

|        |   |
|--------|---|
| Note 1 | Objectives of WorkSafe ACT                                  |
| Note 2 | Basis of Preparation of the Financial Statements            |
| Note 3 | Impact of Accounting Standards Issued But Yet to Be Applied |
| Note 4 | Change in Accounting Policy                                 |

### Income Notes

|        |                        |
|--------|------------------------|
| Note 5 | Licence Fees and Fines |
|--------|------------------------|

### Expense Notes

|        |                                      |
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|         |                     |
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**Office of the Work Health and Safety Commissioner**  
**Operating Statement**  
**For the Year Ended 30 June 2022**

|   | Note<br>No. | Actual<br>2022<br>\$'000 | Original<br>Budget<br>2022<br>\$'000 | Actual<br>2021<br>\$'000 |
|---|-------------|--------------------------|--------------------------------------|--------------------------|
| <b>Income</b>                                   |             |                          |                                      |                          |
| <i>Revenue</i>                                  |             |                          |                                      |                          |
| Controlled Recurrent Payments <sup>a</sup>      |             | 9 427                    | 9 427                                | 7 948                    |
| Licence Fees and Fines                          | 5           | 2 649                    | 1 812                                | 446                      |
| Sales of Services from Contracts with Customers |             | 197                      | 261                                  | 327                      |
| Grants and Contributions Revenue                |             | 219                      | 131                                  | 542                      |
| Other Revenue                                   |             | 11                       | -                                    | 62                       |
| <b>Total Revenue</b>                            |             | <b>12 503</b>            | <b>11 631</b>                        | <b>9 325</b>             |
| <i>Gains</i>                                    |             |                          |                                      |                          |
| Other Gains                                     |             | 13                       | -                                    | 13                       |
| <b>Total Gains</b>                              |             | <b>13</b>                | <b>-</b>                             | <b>13</b>                |
| <b>Total Income</b>                             |             | <b>12 516</b>            | <b>11 631</b>                        | <b>9 338</b>             |
| <b>Expenses</b>                                 |             |                          |                                      |                          |
| Employee Expenses                               | 6           | 6 479                    | 6 684                                | 6 420                    |
| Superannuation Expenses                         | 6           | 962                      | 1 101                                | 888                      |
| Supplies and Services                           | 7           | 2 154                    | 2 077                                | 1 186                    |
| Depreciation and Amortisation                   |             | 202                      | 166                                  | 137                      |
| Transfer Payments to Government <sup>b</sup>    |             | 2 635                    | 1 672                                | 247                      |
| Other Expenses                                  |             | 181                      | -                                    | 33                       |
| <b>Total Expenses</b>                           |             | <b>12 613</b>            | <b>11 700</b>                        | <b>8 911</b>             |
| <b>Operating Result</b>                         |             | <b>(97)</b>              | <b>(69)</b>                          | <b>427</b>               |
| <b>Total Comprehensive Result</b>               |             | <b>(97)</b>              | <b>(69)</b>                          | <b>427</b>               |

The above Operating Statement should be read in conjunction with the accompanying notes.

WorkSafe ACT only has one output class and therefore the above Operating Statement is also WorkSafe ACT's Operating Statement for the WorkSafe ACT Output Class.

The WorkSafe ACT output class included compliance monitoring and enforcement as detailed in its Compliance and Enforcement Policies. WorkSafe ACT determines the most appropriate tool to be used in accordance with the policies' decision-making processes on behalf of the Work Health and Safety (WHS) Commissioner and Labour Hire Licence (LHL) Commissioner.

- a. Refer to the Statement of Appropriation
- b. The increase of \$2.388 million in Transfer Payments to Government compared to 2020-21 mainly relates to higher revenue received from Labour Hire Licence applications.

**Office of the Work Health and Safety Commissioner**  
**Balance Sheet**  
**As at 30 June 2022**

|                                      | Note<br>No. | Actual<br>2022<br>\$'000 | Original<br>Budget<br>2022<br>\$'000 | Actual<br>2021<br>\$'000 |
|--------------------------------------|-------------|--------------------------|--------------------------------------|--------------------------|
| <b>Current Assets</b>                |             |                          |                                      |                          |
| Cash                                 | 8           | 743                      | 377                                  | 1 666                    |
| Receivables                          | 9           | 142                      | 587                                  | 385                      |
| Prepayments                          |             | 30                       | -                                    | -                        |
| <b>Total Current Assets</b>          |             | <b>915</b>               | <b>964</b>                           | <b>2 051</b>             |
| <b>Non-Current Assets</b>            |             |                          |                                      |                          |
| Plant and Equipment                  | 10          | 265                      | 118                                  | 204                      |
| Intangible Assets                    | 11          | 363                      | 723                                  | 453                      |
| Capital Works in Progress            |             | 75                       | -                                    | -                        |
| <b>Total Non-Current Assets</b>      |             | <b>703</b>               | <b>841</b>                           | <b>657</b>               |
| <b>Total Assets</b>                  |             | <b>1 618</b>             | <b>1 805</b>                         | <b>2 708</b>             |
| <b>Current Liabilities</b>           |             |                          |                                      |                          |
| Payables                             | 12          | 345                      | 293                                  | 1 530                    |
| Employee Benefits                    | 13          | 1 772                    | 1 807                                | 1 749                    |
| Leases Liabilities                   |             | 101                      | 72                                   | 72                       |
| <b>Total Current Liabilities</b>     |             | <b>2 218</b>             | <b>2 172</b>                         | <b>3 351</b>             |
| <b>Non-Current Liabilities</b>       |             |                          |                                      |                          |
| Employee Benefits                    | 13          | 154                      | 140                                  | 145                      |
| Lease Liabilities                    |             | 61                       | 122                                  | 122                      |
| <b>Total Non-Current Liabilities</b> |             | <b>215</b>               | <b>262</b>                           | <b>267</b>               |
| <b>Total Liabilities</b>             |             | <b>2 433</b>             | <b>2 434</b>                         | <b>3 618</b>             |
| <b>Net Assets</b>                    |             | <b>(815)</b>             | <b>(629)</b>                         | <b>(910)</b>             |
| <b>Equity</b>                        |             |                          |                                      |                          |
| Accumulated Funds                    |             | (815)                    | (629)                                | (910)                    |
| <b>Total Equity</b>                  |             | <b>(815)</b>             | <b>(629)</b>                         | <b>(910)</b>             |

The above Balance Sheet should be read in conjunction with the accompanying notes.

WorkSafe ACT only has one output class and therefore the above Balance Sheet is also the Balance Sheet for the WorkSafe ACT Output Class.

**Office of the Work Health and Safety Commissioner**  
**Statement of Changes in Equity**  
**For the Year Ended 30 June 2022**

|  | <b>Actual<br/>2022<br/>\$'000</b> | <b>Original<br/>Budget<br/>2022<br/>\$'000</b> |
|--|-----------------------------------|--|
| <b>Balance at 1 July 2021</b>  | <b>(910)</b>                      | <b>(910)</b>                                   |
| <b>Comprehensive Income</b>  |                                   |  |
| Operating Result   | (97)                              | (69)   |
| <b>Total Comprehensive Income</b>  | <u><b>(97)</b></u>                | <u><b>(69)</b></u>                             |
| <br>   |                                   |  |
| <b>Transactions Involving Owners Affecting<br/>Accumulated Funds</b>       |                                   |  |
| Capital Injections   | 192                               | 350  |
| <b>Total Transactions Involving Owners Affecting<br/>Accumulated Funds</b> | <u><b>192</b></u>                 | <u><b>350</b></u>                              |
| <br>   |                                   |  |
| <b>Balance at 30 June 2022</b>   | <u><u><b>(815)</b></u></u>        | <u><u><b>(629)</b></u></u>                     |

|  |  | <b>Actual<br/>2021<br/>\$'000</b> |
|--|--|-----------------------------------|
| <b>Balance at 1 July 2020</b>  |  | -                                 |
| <b>Comprehensive Income</b>  |  |                                   |
| Operating Result   |  | 427                               |
| <b>Total Comprehensive Income</b>  |  | <u><b>427</b></u>                 |
| <br>   |  |                                   |
| <b>Transactions Involving Owners Affecting<br/>Accumulated Funds</b>   |  |                                   |
| Capital Injections   |  | 541                               |
| Net (Liabilities) Transferred from Chief Minister, Treasury and Economic<br>Development Directorate (CMTEDD) |  | (1 878)                           |
| <b>Total Transactions Involving Owners Affecting<br/>Accumulated Funds</b>                                   |  | <u><b>(1 337)</b></u>             |
| <br>   |  |                                   |
| <b>Balance at 30 June 2021</b>   |  | <u><u><b>(910)</b></u></u>        |

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

**Office of the Work Health and Safety Commissioner**  
**Statement of Cash Flows**  
**For the Year Ended 30 June 2022**

|  | Note<br>No. | Actual<br>2022<br>\$'000 | Original<br>Budget<br>2022<br>\$'000 | Actual<br>2021<br>\$'000 |
|--|-------------|--------------------------|--------------------------------------|--------------------------|
| <b>Cash Flows from Operating Activities</b>                                  |             |                          |                                      |                          |
| <b>Receipts</b>  |             |                          |                                      |                          |
| Controlled Recurrent Payments  |             | 9 427                    | 9 427                                | 7 948                    |
| Licence Fees and Fines   |             | 2 649                    | 1 662                                | 273                      |
| Sales of Services from Contracts with Customers                              |             | 206                      | 261                                  | 201                      |
| Goods and Services Tax Input Tax Credits from the Australian Taxation Office |             | 200                      | -                                    | 74                       |
| Grants and Contributions Receipts  |             | -                        | -                                    | 432                      |
| Other  |             | 445                      | 155                                  | -                        |
| Other - Receipts from CMTEDD   |             | -                        | -                                    | 6 996                    |
| <b>Total Receipts from Operating Activities</b>                              |             | <b>12 927</b>            | <b>11 505</b>                        | <b>15 924</b>            |
| <b>Payments</b>  |             |                          |                                      |                          |
| Employee   |             | 6 453                    | 6 632                                | 5 678                    |
| Superannuation   |             | 957                      | 1 101                                | 721                      |
| Supplies and Services  |             | 3 347                    | 3 182                                | 473                      |
| Goods and Services Tax Paid to Suppliers                                     |             | 182                      | -                                    | 99                       |
| Transfer of Payments to the ACT Government                                   |             | 2 635                    | 1 672                                | 247                      |
| Other  |             | 175                      | 207                                  | -                        |
| Other - Payments to CMTEDD   |             | -                        | -                                    | 6 996                    |
| <b>Total Payments from Operating Activities</b>                              |             | <b>13 749</b>            | <b>12 794</b>                        | <b>14 214</b>            |
| <b>Net Cash (Outflows)/Inflows from Operating Activities</b>                 | 8           | <b>(822)</b>             | <b>(1 289)</b>                       | <b>1 710</b>             |
| <b>Cash Flows from Investing Activities</b>                                  |             |                          |                                      |                          |
| <b>Receipts</b>  |             |                          |                                      |                          |
| Proceeds from Sale of Plant and Equipment                                    |             | 13                       | -                                    | 13                       |
| <b>Total Receipts from Investing Activities</b>                              |             | <b>13</b>                | <b>-</b>                             | <b>13</b>                |
| <b>Payments</b>  |             |                          |                                      |                          |
| Purchase of Plant and Equipment  |             | 103                      | 350                                  | 502                      |
| Capital Works - Payment  |             | 75                       | -                                    | -                        |
| <b>Total Payment from Investing Activities</b>                               |             | <b>178</b>               | <b>350</b>                           | <b>502</b>               |
| <b>Net Cash (Outflows) from Investing Activities</b>                         |             | <b>(165)</b>             | <b>(350)</b>                         | <b>(489)</b>             |
| <b>Cash Flows from Financing Activities</b>                                  |             |                          |                                      |                          |
| <b>Receipts</b>  |             |                          |                                      |                          |
| Capital Injections   |             | 192                      | 350                                  | 541                      |
| <b>Total Receipts from Financing Activities</b>                              |             | <b>192</b>               | <b>350</b>                           | <b>541</b>               |
| <b>Payments</b>  |             |                          |                                      |                          |
| Repayment of Lease Liabilities   |             | 128                      | -                                    | 96                       |
| <b>Total Payments from Financing Activities</b>                              |             | <b>128</b>               | <b>-</b>                             | <b>96</b>                |
| <b>Net Cash Inflows from Financing Activities</b>                            |             | <b>64</b>                | <b>350</b>                           | <b>445</b>               |
| <b>Net (Decrease)/Increase in Cash</b>                                       |             | <b>(923)</b>             | <b>(1 289)</b>                       | <b>1 666</b>             |
| Cash at the Beginning of the Reporting Period                                |             | 1 666                    | 1 666                                | -                        |
| <b>Cash at the End of the Reporting Period</b>                               | 8           | <b>743</b>               | <b>377</b>                           | <b>1 666</b>             |

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**Description and Material Accounting Policies relating to Controlled Recurrent Payments**

Controlled Recurrent Payments (CRP) are revenue received from the ACT Government to fund the costs of delivering outputs.

CRP is recognised when WorkSafe ACT gains control over the funding which is obtained upon the receipt of cash, given it does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15.

Capital injection appropriations are not recognised as income, but instead are recognised as equity injections and cash inflows which are used to purchase or build an asset(s).

**Column Heading Explanations**

The *Original Budget* column shows the amounts that appear in the Statement of Cash Flows in WorkSafe ACT 2021-22 Statement of Intent. These amounts also appear in the Statement of Cash Flows.

The *Total Appropriated* column is inclusive of all appropriation variations occurring after the Original Budget.

The *Appropriation Drawn* is the total amount of appropriation received by WorkSafe ACT during the year. These amounts also appear in the Statement of Cash Flow.

|  | <b>Original<br/>Budget<br/>2022<br/>\$'000</b> | <b>Total<br/>Appropriated<br/>2022<br/>\$'000</b> | <b>Appropriation<br/>Drawn<br/>2022<br/>\$'000</b> | <b>Appropriation<br/>Drawn<br/>2021<br/>\$'000</b> |
|--|--|---|--|--|
| <b>Appropriation</b>                       |  |   |  |  |
| Controlled Recurrent Payments <sup>a</sup> | 9 427  | 9 427   | 9 427  | 7 948  |
| Capital Injections                         | 350  | 350   | 192  | 541  |
| <b>Total Appropriation</b>                 | <b>9 777</b>                                   | <b>9 777</b>                                      | <b>9 619</b>                                       | <b>8 489</b>                                       |

The above Statement of Appropriation should be read in conjunction with the accompanying notes.

- a. The increase of \$1.479 million in 2021-22 compared to 2020-21 is largely due to additional funding for the new initiative to increase the operational capability of WorkSafe ACT to ensure compliance with WHS regulations across the Territory.

| <b>Reconciliation of Appropriation for 2021-22</b> | <b>Controlled Recurrent<br/>Payments (CRP)<br/>\$'000</b> | <b>Capital<br/>Injections (CI)<br/>\$'000</b> |
|--|---|---|
| Original Appropriation                             | 9 427   | 350   |
| <b>Total Appropriated</b>                          | <b>9 427</b>  | <b>350</b>                                    |
| Budget Rollover <sup>b</sup>                       | -   | (158)   |
| <b>Appropriation Drawn</b>                         | <b>9 427</b>  | <b>192</b>                                    |

**Variances between 'Total Appropriated' and 'Appropriation Drawn'**

- b. The difference between the *Total Appropriated* and the *Appropriation Drawn* is due to a transfer of capital injection from 2021-22 to 2022-23. This was related to delays in procurement processes for software enhancements.



**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 1. OBJECTIVES OF WORKSAFE ACT**

The Office of the Work Health and Safety Commissioner (WorkSafe ACT) was established on 1 July 2020 as an independent prescribed territory authority headed by the Work Health and Safety (WHS) Commissioner who is the Territory's regulator. The Commissioner is also the Labour Hire Licence Commissioner for the Territory.

The functions of WorkSafe ACT are set out in the *Work Health and Safety Act 2011* (WHS Act). The principal objective of WorkSafe ACT is to provide and enforce a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. WorkSafe ACT is also responsible for ensuring compliance with other, related legislation including the *Workers Compensation Act 1951*, *Dangerous Substances Act 2004*, *Dangerous Goods (Road Transport Act) 2009* and *Labour Hire Licensing Act 2020* (LHL Act).

WorkSafe ACT's primary operations are compliance with, and enforcement of, the WHS Act and related laws through licensing, inspection, investigation and prosecution referrals. The organisation also conducts activities around the promotion, education and awareness raising of both the LHL Act and the WHS framework for duty holders, workers and the general public. WorkSafe ACT, works closely with the ACT Government, to ensure Territory workers enjoy healthy and safe workplaces and regulated entities meet their compliance obligations.

In response to the Minister's Statement of Expectations, WorkSafe ACT developed its Statement of Operational Intent which sets out the key priorities for the 12-month period from July 2021 to June 2022. This includes addressing present and emerging WHS risks such as psychosocial risks, occupational violence, economic exploitation, and silica dust as well as improving the safety culture across the construction sector. The key priorities aim to protect all workers and ensure workplace obligations are met.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 2. BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS**

**Legislative Requirement**

The *Financial Management Act 1996* (FMA) requires the preparation of annual financial statements for ACT Government territory authorities. The FMA and the *Financial Management Guidelines* issued under the Act, requires territory authority's financial statements to include:

- (a) an Operating Statement for the year;
- (b) a Balance Sheet at the end of the year;
- (c) a Statement of Changes in Equity for the year;
- (d) a Statement of Cash Flows for the year;
- (e) a Statement of Appropriation for the year;
- (f) the material accounting policies adopted for the year; and
- (g) other statements as necessary to fairly reflect the financial operations of WorkSafe ACT during the year and its financial position at the end of the year.

These general purpose financial statements have been prepared in accordance with:

- (a) Australian Accounting Standards (as required by the FMA); and
- (b) ACT Accounting and Disclosure Policies.

**Accrual Accounting**

The financial statements have been prepared using the accrual basis of accounting. The financial statements are prepared according to the historical cost convention.

**Currency**

These financial statements are presented in Australian dollars, which is WorkSafe ACT's functional currency.

**Individual Not-For-Profit Reporting Entity**

WorkSafe ACT is an individual not-for-profit reporting entity.

**Reporting Period**

These financial statements state the financial performance, changes in equity and cash flows of WorkSafe ACT for the year ended 30 June 2022 together with the financial position of WorkSafe ACT as at 30 June 2022.

**Comparative Figures**

*Budget Figures*

To facilitate a comparison with the Budget Papers, as required by the FMA, the budget information for 2021-22 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Statement of Intent.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 2. BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS - CONTINUED**

*Prior Year Comparatives*

Comparative information has been disclosed in respect of the previous period for amounts reported in the financial statements, except where an Australian Accounting Standard does not require comparative information to be disclosed.

Where the presentation or classification of items in the financial statements is amended, the comparative amounts have been reclassified where practical. Where a reclassification has occurred, the nature, amount and reason for the reclassification are provided.

*Rounding*

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000). Use of "-" represents zero amounts or amounts rounded down to zero.

**Going Concern**

The 2021-22 financial statements have been prepared on a going concern basis as WorkSafe ACT has been funded in the ACT Government 2022-23 Budget and the Statement of Intent includes forward estimates for WorkSafe ACT.

**NOTE 3. IMPACT OF ACCOUNTING STANDARDS ISSUED BUT YET TO BE APPLIED**

All Australian Accounting Standards and Interpretations issued but yet to be applied are either not relevant to WorkSafe ACT or have been assessed as having an immaterial financial impact on WorkSafe ACT.

These standards and interpretations are applicable to future reporting periods. WorkSafe ACT does not intend to adopt these standards and interpretations early, with the exception of the change to AASB 101 resulting from AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*. This change requires WorkSafe ACT to disclose its material accounting policy information rather than its significant accounting policies. For all other Australian Accounting Standards issued but yet to be applied, they will be adopted from their application date.

**NOTE 4. CHANGE IN ACCOUNTING POLICY**

**Change In Accounting Policy**

WorkSafe ACT has early adopted changes to AASB 101 resulting from AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*. References are now to 'material' accounting policies rather than 'significant' accounting policies in these financial statements.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**INCOME NOTES**

**Material Accounting Policies – Income**

**Income Recognition**

The following material accounting policies relate to each income note unless stated otherwise in the individual note.

Revenue is recognised in accordance with AASB 15 *Revenue from Contracts with Customers* where the contract is enforceable and contains sufficiently specific performance obligations, otherwise revenue is in the scope of AASB 1058 *Income of not-for-Profit Entities*.

**AASB 15**

The core principle of AASB 15 is that revenue is recognised on a basis that reflects the transfer of promised goods or services to customers at an amount that reflects the consideration the entity expects to receive in exchange for those goods or services. Revenue is recognised by applying a five-step model as follows:

1. identify the contract with the customer;
2. identify the performance obligations;
3. determine the transaction price;
4. allocate the transaction price; and
5. recognise revenue as or when control of the performance obligation is transferred to the customer.

Generally, the timing of the payment for sale of goods and rendering of services corresponds closely to the timing of satisfaction of the performance obligations, however where there is a difference, it will result in the recognition of a receivable, contract asset or contract liability.

None of the revenue streams of WorkSafe ACT have any significant financing terms as there is less than 12 months between receipt of funds and satisfaction of performance obligations.

**AASB 1058**

Where revenue streams are in the scope of AASB 1058, WorkSafe ACT recognises the asset received (generally cash or other financial asset) at fair value, recognises any related amount (e.g. liability or equity) in accordance with an accounting standard and recognises revenue as the residual between the fair value of the asset and the related amount on receipt of the asset.

Where a service concession unearned revenue liability is recognised, revenue will be recognised as the liability unwinds.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 5. LICENCE FEES AND FINES**

**Description and Material Accounting Policies relating to Licence Fees and Fines**

*Licence Fees*

Application fees received for issuing licences are recognised as Licence Fees revenue under AASB 15 which applies to statutory required licences issued by not-for-profit public sector licensors.

Licence Fees are recognised as revenue at the time of application fee receipt as these licence fees are low value for periods of no more than 12 months.

Licence Fees include application fees received by WorkSafe ACT under the *Labour Hire Licensing Act 2020*, the *Dangerous Goods (Road Transport) Act 2009* and the *Dangerous Substances Act 2004*.

*Fines*

Fines are recorded as income arising from statutory requirements in accordance with AASB 1058.

Fine revenue is recognised on the issue of infringement notice under the *Work Health and Safety Act 2011* and *Workers Compensation Act 1951*.

Serving a reminder notice for an overdue fine payment attracts a small administrative fee which is recognised as other revenue when the reminder notice is issued.

|  | <b>2022</b>   | <b>2021</b>   |
|--|---------------|---------------|
|  | <b>\$'000</b> | <b>\$'000</b> |
| <b>Licence Fees</b>  |               |               |
| Labour Hire Licences <sup>a</sup>                          | 2 477         | 148           |
| Dangerous Goods/ Dangerous Substance Licences <sup>b</sup> | 25            | 27            |
| <b>Total Licences</b>                                      | <b>2 502</b>  | <b>175</b>    |
| <b>Fines</b>   |               |               |
| Infringement Notices                                       | 147           | 298           |
| <b>Total Fines</b>   | <b>147</b>    | <b>298</b>    |
| <b>Total Licence Fees and Fines</b>                        | <b>2 649</b>  | <b>473</b>    |

a. The increase in Labour Hire Licence Fees of \$2.239 million was due to higher than anticipated applications received for labour hire licences.

b. The application fees received for Dangerous Goods and Substances Licences were recorded under Other Revenue in 2020-21. However, these fees are recognised as Licence Fees in 2021-22 in accordance with AASB 15.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 6. EMPLOYEE AND SUPERANNUATION EXPENSES**

**Description and Material Accounting Policies relating to Employee and Superannuation Expenses**

Employee benefits include:

1. short-term employee benefits such as salaries and wages, annual leave loading, and applicable on-cost if expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related services;
2. other long-term benefits such as long service leave and annual leave; and
3. termination benefits.

On-costs include annual leave, long service leave, superannuation and other costs that are incurred when employees take annual leave and long service leave.

Employees of WorkSafe ACT will have different superannuation arrangements due to the type of superannuation schemes available at the time of commencing employment, including both defined benefit and defined contribution superannuation scheme arrangements.

For employees who are members of the defined benefit Commonwealth Superannuation Scheme (CSS) and Public Sector Superannuation Scheme (PSS) WorkSafe ACT makes employer superannuation contribution payments to the Territory Banking Account at a rate determined by CMTEDD. WorkSafe ACT also makes productivity superannuation contribution payments on behalf of these employees to the Commonwealth Superannuation Corporation, which is responsible for administration of the schemes.

For employees who are members of defined contribution superannuation schemes (the Public Sector Superannuation Scheme Accumulation Plan (PSSAP) and schemes of employee choice) WorkSafe ACT makes employer superannuation contribution payments directly to the employees' relevant superannuation fund.

All defined benefit employer superannuation contributions are recognised as expenses on the same basis as the employer superannuation contributions made to defined contribution schemes. The accruing superannuation liability obligations are expensed as they are incurred and extinguished as they are paid.

**Office of the Work Health and Safety Commissioner**  
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**NOTE 6. EMPLOYEE AND SUPERANNUATION EXPENSES – CONTINUED**

|   | <b>2022</b>   | <b>2021</b>   |
|---|---------------|---------------|
|   | <b>\$'000</b> | <b>\$'000</b> |
| Salaries and Wages <sup>a</sup>                               | 6 105         | 5 503         |
| Annual Leave Expense  | 273           | 250           |
| Long Service Leave Expense <sup>b</sup>                       | (85)          | 93            |
| Workers' Compensation Insurance Premium                       | 125           | 79            |
| Termination Expense   | 61            | 495           |
| Superannuation Contributions to the Territory Banking Account | 359           | 374           |
| Productivity Benefit  | 35            | 32            |
| Superannuation to External Providers                          | 568           | 482           |
| <b>Total Employee Expenses and Superannuation Expenses</b>    | <b>7 441</b>  | <b>7 308</b>  |
| <br>  |               |               |
| <b>Split of Employee and Superannuation Expenses</b>          |               |               |
| Total Employee Expenses                                       | 6 479         | 6 420         |
| Total Superannuation Expenses                                 | 962           | 888           |
| <b>Total Employee and Superannuation Expenses</b>             | <b>7 441</b>  | <b>7 308</b>  |

- a. The increase in Salaries and Wages reflects an increase of 2021-22 Budget initiative funding to support additional resources.
- b. The reduction and negative balance in Long Service Leave Expense is mainly due to the change in the rate used to calculate the present value of long service leave liabilities from 108.7% in 2020-21 to 95.3% in 2021-22. This has resulted in the decrease in the long service leave liability and a corresponding negative movement in the long service leave expense.

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**NOTE 7. SUPPLIES AND SERVICES**

**Description and Material Accounting Policies Relating to Supplies and Services**

*General - Supplies and Services*

Purchases of Supplies and Services generally represent the day-to-day running costs incurred in normal operations, recognised in the reporting period in which these expenses are incurred.

*Auditor Service Fees*

Auditor Service Fees consists of financial audit services provided to WorkSafe ACT by the ACT Audit Office. WorkSafe ACT audit fees for the audit of its 2021-22 financial statements were \$40,000 (\$35,000 in 2020-21). No other services were provided by the ACT Audit Office.

*Computing, Software Licences and Telecommunications*

Computing, Software Licences and Telecommunications includes payments for various software licence fees, data analysis services and telecommunication usages.

*Finance, Human Resources and Information Technology*

Finance, Human Resources and Information Technology includes costs for services provided by CMTEDD to manage finance, human resources and IT supports.

*Insurance*

Major risks are insured through the ACT Insurance Authority. The excess payable, under this arrangement, varies depending on each class of insurance held.

*Legal Expenses*

WorkSafe ACT has recognised legal expenses related to legal services received free of charge and costs of a legal consultant on secondment from the ACT Government Solicitor's Office (GSO). The GSO provided WorkSafe ACT with the fair value of the services provided.



**Office of the Work Health and Safety Commissioner**  
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**For the Year Ended 30 June 2022**

**NOTE 7. SUPPLIES AND SERVICES – CONTINUED**

|  | <b>2022</b>   | <b>2021</b>   |
|--|---------------|---------------|
|  | <b>\$'000</b> | <b>\$'000</b> |
| Advertising/ Promotions  | 100           | 103           |
| Auditor Service Fees   | 40            | 35            |
| Computing, Software Licences and Telecommunications <sup>a</sup> | 379           | 185           |
| Contractors and Consultants <sup>b</sup>                         | 368           | 143           |
| Finance, Human Resources and Information Technology <sup>c</sup> | 467           | 357           |
| Insurance Expenses   | 48            | 40            |
| Legal Expenses <sup>d</sup>                                      | 201           | -             |
| Office Rent  | 231           | 157           |
| Staff Development and Recruitment <sup>e</sup>                   | 145           | 30            |
| Other  | 175           | 136           |
| <b>Total Supplies and Services</b>                               | <b>2 154</b>  | <b>1 186</b>  |

- a. The increase of \$0.194 million from 2020-21 relates to cost increases in various software licences and payments associated with data analysis services relating to Workers' Compensation claims provided by Workplace Safety and Industrial Relations in CMTEDD.
- b. The increase of \$0.225 million compared to 2020-21 is mainly due to consultancy services engaged during the year including an independent review of prosecutions, developing a capability framework and research on psychosocial hazards and occupational violence in workplaces.
- c. The increase of \$0.110 million from 2020-21 is due to higher ICT related expenses charged by Digital, Data and Technology Solutions in CMTEDD.
- d. The total increase of \$0.201 million relates to a secondment arrangement for a Senior Legal Officer from the ACT Government Solicitor Office (GSO) and free of charge legal services provided by the GSO on various Work Health and Safety (WHS) and workers' compensation related matters.
- e. The increase of \$0.115 million is largely attributed to the development and implementation of WorkSafe ACT Capability Framework during the financial year. This resulted in providing various WHS related training and workshops to staff to improve their skills and capabilities.

**Office of the Work Health and Safety Commissioner**  
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**ASSET NOTES**

**Material Accounting Policies – Assets**

**Assets – Current and Non-Current**

Assets are classified as current where they are expected to be realised within 12 months after the reporting date. Assets, which do not fall within the current classification, are classified as non-current.

**NOTE 8. CASH**

**Description and Material Accounting Policies Relating to Cash**

WorkSafe ACT holds two bank accounts with the Westpac Banking Corporation as part of the whole of government banking arrangements. As part of these arrangements, WorkSafe ACT does not receive interest on these accounts, as all the accounts held are Set-Off Accounts. Cash includes cash at bank and cash on hand.

**(a) Cash Balances**

|                           | <b>2022</b>   | <b>2021</b>   |
|---------------------------|---------------|---------------|
|                           | <b>\$'000</b> | <b>\$'000</b> |
| Cash at Bank <sup>a</sup> | 742           | 1 665         |
| Cash on Hand              | 1             | 1             |
| <b>Total Cash</b>         | <b>743</b>    | <b>1 666</b>  |

a. The decrease of \$0.923 million is mainly due to a payment, relating to 2020-21, made to Access Canberra during the year.

**(b) Reconciliation of Cash at the End of the Reporting Period in the Statement of Cash Flows to Cash in the Balance Sheet.**

|   | <b>2022</b>   | <b>2021</b>   |
|---|---------------|---------------|
|   | <b>\$'000</b> | <b>\$'000</b> |
| Cash  | 743           | 1 666         |
| <b>Cash at the End of the Reporting Period as Recorded in the Statement of Cash Flows</b> | <b>743</b>    | <b>1 666</b>  |

**Office of the Work Health and Safety Commissioner**  
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**For the Year Ended 30 June 2022**

**NOTE 8. CASH - CONTINUED**

**(c) Reconciliation of the Operating Result to Net Cash Inflows from Operating Activities**

|  |              |                |
|--|--------------|----------------|
| Operating Result   | (97)         | 427            |
| <b>Add/(Less) Non-Cash Items</b>                               |              |                |
| Depreciation and Amortisation                                  | 202          | 137            |
| Net Transfer from CMTEDD (Non-Cash)                            | -            | (1 881)        |
| Net Loss/(Gain) on Disposal of Non-Current Assets              | 14           | (13)           |
| <b>Cash Before Changes in Operating Assets and Liabilities</b> | <b>119</b>   | <b>(1 330)</b> |
| <b>Changes in Operating Assets and Liabilities</b>             |              |                |
| Decrease/(Increase) in Receivables                             | 243          | (385)          |
| (Increase) in Prepayments                                      | (30)         | -              |
| (Decrease)/ Increase in Payables                               | (1 185)      | 1 530          |
| Increase in Employee Benefits                                  | 31           | 1 894          |
| <b>Net Changes in Operating Assets and Liabilities</b>         | <b>(941)</b> | <b>3 039</b>   |
| <b>Net Cash (Outflows)/Inflows from Operating Activities</b>   | <b>(822)</b> | <b>1 710</b>   |

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 9. RECEIVABLES**

**Description and Material Accounting Policies Relating to Receivables**

Accounts receivables are measured at amortised cost, with any adjustments to the carrying amount being recorded in the Operating Statement.

*Impairment loss*

The allowance for expected credit losses represents the amount of accounts receivables WorkSafe ACT estimates will not be repaid. The allowance for impairment losses is based on objective evidence and a review of overdue balances. WorkSafe ACT measured expected credit losses of accounts receivables in a way that reflects:

- (a) an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes;
- (b) the time value of money; and
- (c) reasonable and supportable information that is available without undue cost or effort at the reporting date about past events, current conditions and forecasts of future economic conditions.

The amount of the expected credit loss is recognised in the Operating Statement under *Other Expenses*. Where WorkSafe ACT has no reasonable expectation of recovering an amount owed by a debtor and ceases action to collect the debt, as the cost to recover the debt is more than the debt is worth or the debt is not legally recoverable, the debt is written-off by directly reducing the receivable against the loss allowance.

The allowance for expected credit losses of accounts receivables is measured at the lifetime expected credit losses at each reporting date. WorkSafe ACT has made a significant estimate in the calculation of the allowance for impairment losses for receivables in the Financial Statements. A provision matrix was established based on its past due receivables, adjusted for forward-looking factors specific to the debtors and the economic environment. Loss rates are calculated separately for groupings of customers with similar loss patterns. The calculations reflect historical observed default rates using past fine transactions during the last two years preceding 30 June 2022. The historical default rates are then adjusted by reasonable and supportable forward-looking information for expected changes that affect the future recovery of those receivables.

Inter-agency loans and receivables between ACT Government agencies are expected to have low credit risks. Consequently, the ACT Government's policy is that directorates, territory authorities and territory-owned corporations consolidated into the Whole-of-Government financial statements will generally not measure any loss allowance for receivables collectible from other ACT Government agencies consolidated into the Whole of Government financial statements.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 9. RECEIVABLES – CONTINUED**

|  | <b>2022</b>       | <b>2021</b>       |
|--|-------------------|-------------------|
|  | <b>\$'000</b>     | <b>\$'000</b>     |
| <b>Current Receivables</b>                 |                   |                   |
| Trade Receivables                          | 28                | 188               |
| Less: Allowance for Expected Credit Losses | -                 | -                 |
| Fines Receivables                          | 196               | 173               |
| Less: Allowance for Expected Credit Losses | (88)              | -                 |
| Good and Services Tax (GST) Receivable     | 6                 | 24                |
| <b>Total Current Receivables</b>           | <b><u>142</u></b> | <b><u>385</u></b> |

**Office of the Work Health and Safety Commissioner  
Notes to and Forming Part of the Financial Statements  
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**NOTE 9. RECEIVABLES – CONTINUED**

**Expected Credit Loss Allowance Provision Matrix**

Ageing of Fine Receivables

|                     | Estimated Total<br>Gross Carrying<br>Amount at Default<br>\$'000 | Expected<br>Credit Loss<br>Allowance<br>\$'000 | Accounts Receivable<br>Expected<br>Credit Loss<br>Rate<br>% |
|---------------------|--|--|---|
| <b>30 June 2022</b> |  |  |   |
| Not Overdue         | 6  | -  | 3.3%  |
| 1-30 Days Past Due  | 26   | 7  | 26.4%   |
| 31-60 Days Past Due | 11   | 4  | 36.0%   |
| 61-90 Days Past Due | 24   | 9  | 38.2%   |
| >91 Days Past Due   | 129  | 68   | 52.6%   |
| <b>Total</b>        | <b>196</b>   | <b>88</b>                                      | <b>45.0%</b>  |
| <b>30 June 2021</b> |  |  |   |
| Not Overdue         | 293  | -  | 0.0%  |
| 1-30 Days Past Due  | -  | -  | 0.0%  |
| 31-60 Days Past Due | -  | -  | 0.0%  |
| 61-90 Days Past Due | 11   | -  | 0.0%  |
| >91 Days Past Due   | 81   | -  | 0.0%  |
| <b>Total</b>        | <b>385</b>   | <b>-</b>                                       | <b>0.0%</b>   |

**Office of the Work Health and Safety Commissioner  
Notes to and Forming Part of the Financial Statements  
For the Year Ended 30 June 2022**

**NOTE 9. RECEIVABLES – CONTINUED**

|   | <b>2022</b>   | <b>2021</b>   |
|---|---------------|---------------|
|   | <b>\$'000</b> | <b>\$'000</b> |
| <b>Reconciliation of the Loss Allowance for Receivables</b>                 |               |               |
| Allowance at the Beginning of the Reporting Period                          | -             | -             |
| Reduction in Allowance from Amounts Recovered during the Reporting Period   | -             | -             |
| Reduction in Allowance from Amounts Written off during the Reporting Period | -             | -             |
| Expected Credit Loss Expense  | 88            | -             |
| <b>Allowance for Impairment Losses at the End of the Reporting Period</b>   | <b>88</b>     | <b>-</b>      |

**Office of the Work Health and Safety Commissioner**  
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**NOTE 10. PLANT AND EQUIPMENT**

**Description and Material Accounting Policies relating to Plant and Equipment**

Plant and Equipment includes the following three classes of assets.

- **Plant and equipment** includes mechanical and electronic equipment.
- **Motor vehicles – Right-of-use Assets** include long-term leased motor vehicles.
- **Heritage assets** refer to assets that have unique cultural, historical, geographical, scientific, and/or environmental attributes and that the Government intends to preserve indefinitely because of those attributes. Heritage assets held by WorkSafe ACT are Aboriginal artworks.

*Acquisition and Recognition of Plant and Equipment*

Plant and equipment is initially recorded at cost.

*Value Measurement*

Where plant and equipment is acquired at no cost, or minimal cost, cost is its fair value as at the date of acquisition. However, plant and equipment acquired at no cost or minimal cost is measured at the transferor's book value.

Plant and equipment with a minimum value of \$5,000 is capitalised.

*Measurement of Plant and Equipment After Initial Recognition*

Plant and equipment is valued at cost. However, if at any time WorkSafe ACT considers that the carrying amount of an asset materially differs from its fair value, then the asset will be revalued.

After the lease commitment date, right-of-use assets are measured at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of the lease liability. Right-of-use assets recognised under AASB 16 *Leases* are disclosed under the motor vehicle asset class.

*Impairment of Assets*

WorkSafe ACT assesses at each reporting date whether there is any indication that an asset may be impaired. Assets are also reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable.

Impairment losses for plant and equipment and heritage assets are also recognised in the Operating Statement as these asset classes are carried at cost. The carrying amount of the asset is also reduced to its recoverable amount.

Non-financial assets that have previously been impaired are reviewed for possible reversal of impairment at each reporting date.



**Office of the Work Health and Safety Commissioner**  
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**For the Year Ended 30 June 2022**

**NOTE 10. PLANT AND EQUIPMENT - CONTINUED**

*Depreciation and Useful Life*

Depreciation is the systematic allocation of the cost of an asset less its residual value over its useful life.

Depreciation is applied to physical assets such as plant and equipment. Right-of use assets are depreciated over the estimated useful life of the asset, or the unexpired period of the relevant lease, whichever is shorter.

All depreciation is calculated after first deducting the residual value for each asset.

Depreciation for non-current assets is determined as follows:

| <b>Class of Asset</b>                | <b>Depreciation Method</b> | <b>Useful Life (Years)</b> |
|--------------------------------------|----------------------------|----------------------------|
| Plant and Equipment                  | Straight Line              | 5                          |
| Motor Vehicles – Right-of-use Assets | Straight Line              | 3 – 5                      |

WorkSafe ACT has made a significant estimate in determining the useful lives of its plant and equipment. The estimation of useful lives of plant and equipment is based on the historical experience of similar assets. The useful lives are assessed on an annual basis and any adjustments made when necessary.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
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**NOTE 10. PLANT AND EQUIPMENT - CONTINUED**

**Reconciliation of Plant and Equipment – 2021-22**

|  | Plant and<br>Equipment<br>\$'000 | Motor<br>Vehicles<br>\$'000 | Heritage<br>Assets<br>\$'000 | Total<br>\$'000 |
|--|----------------------------------|-----------------------------|------------------------------|-----------------|
| <b>Carrying Amount at the Beginning of the Reporting Period</b>              | 29                               | 175                         | -                            | 204             |
| Additions  | 90                               | 94                          | 7                            | 191             |
| Disposals  | (28)                             | -                           | -                            | (28)            |
| Depreciation   | (1)                              | (101)                       | -                            | (102)           |
| <b>Carrying Amount at the End of the Reporting Period</b>                    | <b>90</b>                        | <b>168</b>                  | <b>7</b>                     | <b>265</b>      |
| <b>Carrying Amount at the End of the Reporting Period is represented by:</b> |                                  |                             |                              |                 |
| Gross Book Value   | 90                               | 373                         | 7                            | 470             |
| Accumulated Depreciation   | -                                | (205)                       | -                            | (205)           |
| <b>Total Carrying Amount</b>   | <b>90</b>                        | <b>168</b>                  | <b>7</b>                     | <b>265</b>      |

**Office of the Work Health and Safety Commissioner  
Notes to and Forming Part of the Financial Statements  
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**NOTE 10. PLANT AND EQUIPMENT - CONTINUED**

**Reconciliation of Plant and Equipment – 2020-21**

|  | <b>Plant and<br/>Equipment<br/>\$'000</b> | <b>Motor<br/>Vehicles<br/>\$'000</b> | <b>Total<br/>\$'000</b> |
|--|---|--------------------------------------|-------------------------|
| <b>Carrying Amount at the Beginning of the Reporting Period</b>              | -   | -                                    | -                       |
| Acquisition through transfer from CMTEDD                                     | 30  | 274                                  | <b>304</b>              |
| Disposals  | -   | (13)                                 | <b>(13)</b>             |
| Depreciation   | (1)                                       | (86)                                 | <b>(87)</b>             |
| <b>Carrying Amount at the End of the Reporting Period</b>                    | <b>29</b>                                 | <b>175</b>                           | <b>204</b>              |
| <b>Carrying Amount at the End of the Reporting Period is represented by:</b> |   |                                      |                         |
| Gross Book Value   | 32  | 302                                  | <b>334</b>              |
| Accumulated Depreciation   | (3)                                       | (127)                                | <b>(130)</b>            |
| <b>Total Carrying Amount</b>   | <b>29</b>                                 | <b>175</b>                           | <b>204</b>              |

**Office of the Work Health and Safety Commissioner  
Notes to and Forming Part of the Financial Statements  
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**NOTE 11. INTANGIBLE ASSETS**

**Description and Material Accounting Policies Relating to Intangible Assets**

WorkSafe ACT has customised software applications to manage and record compliance activities.

*Recognition*

WorkSafe ACT's intangible assets comprise computer software for internal use. Computer software is recognised and capitalised when:

- it is probable that the expected future economic benefits attributable to the software will flow to WorkSafe ACT;
- WorkSafe ACT has a contractual right to take possession of software at any time during the hosting period without significant penalty;
- it is feasible for WorkSafe ACT to either run the software on its own hardware or contract with another party unrelated to the vendor to host the software; and
- the cost of the software can be measured reliably, and the acquisition cost is equal to or exceeds \$50,000.

*Measurement*

Intangible Assets are measured at cost.

*Impairment*

WorkSafe ACT assesses, at each reporting date, whether there is any indication that an intangible asset may be impaired. Intangible assets are also reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. The carrying amount of the intangible asset is reduced to its recoverable amount.

*Amortisation*

Capitalised software has a finite useful life. Software is amortised on a straight-line basis over its useful life, over a period of five years.

|   | <b>Computer Software</b> |               |
|---|--------------------------|---------------|
|   | <b>2022</b>              | <b>2021</b>   |
| <b>Reconciliation of Intangible Assets</b>                      | <b>\$'000</b>            | <b>\$'000</b> |
| <b>Carrying Amount at the Beginning of the Reporting Period</b> | <b>453</b>               | <b>-</b>      |
| Addition  | 9                        | 503           |
| Amortisation  | (99)                     | (50)          |
| <b>Carrying Amount at the End of the Reporting Period</b>       | <b>363</b>               | <b>453</b>    |

**Carrying Amount at the End of the Reporting Period is represented**

|                              |            |            |
|------------------------------|------------|------------|
| Gross Book Value             | 512        | 503        |
| Accumulated Amortisation     | (149)      | (50)       |
| <b>Total Carrying Amount</b> | <b>363</b> | <b>453</b> |

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**LIABILITY NOTES**

**Material Accounting Policies – Liability**

**Liabilities – Current and Non-Current**

Liabilities are classified as current when they are due to be settled within 12 months after the reporting date or when WorkSafe ACT does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date. Liabilities, which do not fall within the current classification, are classified as non-current.

**NOTE 12. PAYABLES**

**Description and Material Accounting Policies Relating to Payables**

Payables include Trade Payables and Accrued Expenses.

Payables are initially recognised at fair value based on the transaction cost and subsequent to initial recognition at amortised cost, with any adjustments to the carrying amount being recorded in the Operating Statement. All amounts are now normally settled within 14 days after the invoice date given the ACT Government accelerated the payments of invoices for local enterprises recognising the importance of cash flow to small and medium enterprises given the COVID-19 pandemic.

|  | <b>2022</b>   | <b>2021</b>   |
|--|---------------|---------------|
|  | <b>\$'000</b> | <b>\$'000</b> |
| <b>Current Payables</b>                    |               |               |
| Trade Payables                             | 27            | 9             |
| Accrued Expenses <sup>a</sup>              | 318           | 1 521         |
| <b>Total Current Payables</b>              | <b>345</b>    | <b>1 530</b>  |
| <br><b>Payables are aged as follows:</b>   |               |               |
| Not Overdue                                | 321           | 1 530         |
| Overdue for More than 60 Days <sup>b</sup> | 24            | -             |
| <b>Total Payables</b>                      | <b>345</b>    | <b>1 530</b>  |

- a. The decrease of \$1.203 million in Accrued Expenses relates to a one-off payment to Access Canberra which was accrued in 2020-21 and paid during the year.
- b. This payment relates to Workers' Compensation insurance premium recovery to the Default Insurance Fund (DI Fund). The payment takes longer than other payments as WorkSafe ACT transfers money to the DI Fund when it's received from the relevant businesses.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 13. EMPLOYEE BENEFITS**

**Description and Material Accounting Policies Relating to Employee Benefits Liabilities**

*Accrued Salaries and Wages*

Accrued salaries and wages are measured at the amount that remains unpaid to employees at the end of the reporting period.

*Annual and Long Service Leave*

Annual and long service leave, including applicable on-costs, that are not expected to be wholly settled before 12 months after the end of the reporting period when the employees render the related service are measured at the present value of estimated future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to the future wage and salary levels, experience of employee departures and periods of service. At the end of each reporting period end, the present value of future annual leave and long service leave payments is estimated using market yields on Commonwealth Government bonds with terms to maturity that match, as closely as possible, the estimated future cash flows.

Annual leave liabilities have been estimated on the assumption that they will be wholly settled within three years. This financial year the rate used to estimate the present value of future:

- annual leave payments is 101.8% (100.2% in the previous financial year); and
- payments for long service leave is 95.3% (108.7% in the previous financial year).

The long service leave liability is estimated with reference to the minimum period of qualifying service. For employees with less than the required minimum period of seven years qualifying service, the probability that employees will reach the required minimum period has been taken into account in estimating the provision for long service leave and applicable on-costs.

The provision for annual leave and long service leave includes estimated on-costs. As these on-costs only become payable if the employee takes annual and long service leave while in-service, the probability that employees will take annual and long service leave while in service has been taken into account in estimating the liability for on-costs.

Significant judgements have been applied in estimating the liability for employee benefits, given that WorkSafe ACT uses the Whole-of-Government present value, probability and on-cost factor. These factors are issued by ACT Treasury and apply to all ACT Government Agencies. ACT Treasury organises an actuarial review to be undertaken every three years by the Australian Government Actuary to estimate each of these factors. The latest assessment was undertaken in December 2021, with the next review expected to be undertaken by early 2025.

Annual and long service leave liabilities are classified as current liabilities in the Balance Sheet where there are no unconditional rights to defer the settlement of the liability for at least 12 months. Conditional long service leave liabilities are classified as non-current because WorkSafe ACT has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

*Superannuation Liability*

The employer superannuation benefits payable to WorkSafe ACT employees, who are members of the defined benefit CSS or PSS Schemes, are recognised in the financial statement of the Superannuation Provision Account.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 13. EMPLOYEE BENEFITS – CONTINUED**

|   | <b>2022</b>   | <b>2021</b>   |
|---|---------------|---------------|
|   | <b>\$'000</b> | <b>\$'000</b> |
| <b>Current Employee Benefits</b>                        |               |               |
| Annual Leave  | 847           | 717           |
| Long Service Leave                                      | 639           | 793           |
| Accrued Salaries  | 245           | 206           |
| Other Benefits  | 41            | 33            |
| <b>Total Current Employee Benefits</b>                  | <b>1 772</b>  | <b>1 749</b>  |
| <b>Non-Current Employee Benefits</b>                    |               |               |
| Long Service Leave                                      | 154           | 145           |
| <b>Total Non-Current Employee Benefits</b>              | <b>154</b>    | <b>145</b>    |
| <b>Total Employee Benefits</b>                          | <b>1 926</b>  | <b>1 894</b>  |
| <br><b>Estimate of when Leave is Payable</b>            |               |               |
| <b>Estimated Amount Payable within 12 months</b>        |               |               |
| Annual Leave  | 500           | 583           |
| Long Service Leave                                      | 147           | 122           |
| Accrued Salaries  | 245           | 206           |
| <b>Total Employee Benefits Payable within 12 months</b> | <b>892</b>    | <b>911</b>    |
| <br><b>Estimated Amount Payable after 12 months</b>     |               |               |
| Annual Leave  | 347           | 134           |
| Long Service Leave                                      | 646           | 816           |
| Other Benefits  | 41            | 33            |
| <b>Total Employee Benefits Payable after 12 months</b>  | <b>1 034</b>  | <b>983</b>    |
| <b>Total Employee Benefits</b>                          | <b>1 926</b>  | <b>1 894</b>  |

As at 30 June 2022, WorkSafe ACT employed 59.9 full time equivalent (FTE) staff. There were 57.6 FTE staff at 30 June 2021.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 14. FINANCIAL INSTRUMENTS**

**Material Accounting Policies Relating to Financial Instruments**

Details of the material accounting policies and methods adopted, including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised, with respect to each class of financial asset and financial liability are disclosed in the note to which they relate. In addition to these policies, the following are also accounting policies relating to financial assets and liabilities.

Financial assets are classified as subsequently measured at amortised cost, fair value through other comprehensive income or fair value through profit or loss on the basis of both:

- the business model for managing the financial assets; and
- the contractual cash flow characteristics of the financial assets.

The following are the classification of WorkSafe ACT's financial assets under AASB 9:

| Items       | Business Model<br>Held to collect<br>principal and<br>interest/sell | Solely for payment<br>of Principal and<br>Interest SPPI Test<br>(basic lending<br>characteristics) | Classification |
|-------------|---|--|----------------|
| Cash        | Held to collect   | Yes  | Amortised cost |
| Receivables | Held to collect   | Yes  | Amortised cost |

Financial liabilities are measured at amortised cost.

**Credit Risk**

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss.

Financial assets consist of cash and receivables. WorkSafe ACT credit risk is limited to the carrying amount of the financial assets it holds net of any allowance made for impairment. WorkSafe ACT manages the credit risk for trade receivables by undertaking an assessment of the credit worthiness of larger debtors as well as an analysis of the concentration of credit risk to ensure that it is not too high. No concentration of credit risk was identified in this analysis.

Fine Receivables are unpaid infringement notices issued under the *Work Health and Safety Act 2011* and the *Workers Compensation Act 1951*. WorkSafe ACT manages the credit risk for these receivables by issuing a reminder notice if payment is not made within 28 days. When a payment associated with an infringement notice has not occurred within 28 days after a reminder notice is issued, WorkSafe ACT may undertake prosecution actions to bring the matter to the Magistrates Court in accordance with the *Magistrates Court Act 1930*.

Fine receivables consist of infringement notices issued to various individuals/companies for which there is no concentration of credit risk.



**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED**

**Liquidity Risk**

Liquidity risk is the risk that WorkSafe ACT will encounter difficulties in meeting its financial obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

To limit its exposure to liquidity risk, WorkSafe ACT is able to draw down Controlled Recurrent Payments in the next reporting or a fortnightly basis over the period to cover its financial liabilities when they fall due. This ensures WorkSafe ACT has enough liquidity to meet its emerging financial liabilities. See the maturity analysis below for further details of when financial liabilities mature.

WorkSafe ACT's exposure to liquidity risk and the management of this risk have not changed since the previous reporting period.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED**

The following tables set out WorkSafe ACT’s maturity analysis for financial liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2021 and 30 June 2022. All amounts appearing in the following maturity analysis are shown on an undiscounted cash flow basis.

| 2022                               | Note No. | Weighted Average Interest Rate | Fixed Interest Maturing In: |                               | Non-Interest Bearing \$'000 | Total \$'000 |
|------------------------------------|----------|--------------------------------|-----------------------------|-------------------------------|-----------------------------|--------------|
|                                    |          |                                | 1 Year or Less \$'000       | Over 1 Year to 5 Years \$'000 |                             |              |
| <b>Financial Liabilities</b>       |          |                                |                             |                               |                             |              |
| Payables                           | 12       |                                | -                           | -                             | 345                         | 345          |
| Lease Liabilities                  |          | 3.23%                          | 101                         | 61                            | -                           | 162          |
| <b>Total Financial Liabilities</b> |          |                                | <b>101</b>                  | <b>61</b>                     | <b>345</b>                  | <b>507</b>   |

All Financial Liabilities are measured at amortised cost and their carrying amount reflect their fair value.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED**

| 2021                               | Note No. | Weighted Average Interest Rate | Fixed Interest Maturing In: |                               | Non-Interest Bearing \$'000 | Total \$'000 |
|------------------------------------|----------|--------------------------------|-----------------------------|-------------------------------|-----------------------------|--------------|
|                                    |          |                                | 1 Year or Less \$'000       | Over 1 Year to 5 Years \$'000 |                             |              |
| <b>Financial Liabilities</b>       |          |                                |                             |                               |                             |              |
| Payables                           | 12       |                                | -                           | -                             | 1 530                       | 1 530        |
| Lease Liabilities                  |          | 2.96%                          | 72                          | 122                           | -                           | 194          |
| <b>Total Financial Liabilities</b> |          |                                | <b>72</b>                   | <b>122</b>                    | <b>1 530</b>                | <b>1 724</b> |

All Financial Liabilities are measured at amortised cost and their carrying amount reflect their fair value

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 15. OTHER EXPENDITURE COMMITMENTS**

Other expenditure commitments that have not been recognised as liabilities are contracts for ICT equipment with Digital, Data and Technologies Solutions.

Other expenditure commitments contracted at reporting date but not recognised as liabilities, are payable as follows:

|   | <b>2022</b>   | <b>2021</b>   |
|---|---------------|---------------|
|   | <b>\$'000</b> | <b>\$'000</b> |
| Within One Year                                   | 39            | 97            |
| Later than One Year but not later than Five Years | 66            | 42            |
| Later than Five Years                             | 7             | 10            |
| <b>Total Other Expenditure Commitments</b>        | <b>112</b>    | <b>149</b>    |

All amounts shown in the commitment note are inclusive of GST.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 16. RELATED PARTY DISCLOSURES**

**Description and Material Accounting Policies Relating to Related Party Disclosures**

A related party is a person that controls or has significant influence over the reporting entity, or is a member of the Key Management Personnel (KMP) of the reporting entity or its parent entity, and includes their close family members and entities in which the KMP and/or their close family members individually or jointly have controlling interests.

KMP are those persons having authority and responsibility for planning, directing and controlling the activities of WorkSafe ACT, directly or indirectly.

KMP of WorkSafe ACT are the Portfolio Minister, the WHS Commissioner and the Deputy WHS Commissioner. The Head of Service and the ACT Executive comprising the Cabinet Ministers are KMP of the ACT Government and therefore related parties of WorkSafe ACT.

This note does not include typical citizen transactions between the KMP and WorkSafe ACT that occur on terms and conditions no different to those applying to the general public.

**(a) Controlling Entity**

WorkSafe ACT is an ACT Government controlled entity.

**(b) Key Management Personnel**

**1) Compensation of Key Management Personnel**

Compensation of all Cabinet Ministers, including the Portfolio Minister, is disclosed in the note on related party disclosures included in the ACT Executive's financial statements for the year ended 30 June 2022.

Compensation of the Head of Service is included in the note on related party disclosures included in the CMTEDD's financial statements for the year ended 30 June 2022.

Compensation by WorkSafe ACT to KMP is set out below.

|  | <b>2022</b>   | <b>2021</b>   |
|--|---------------|---------------|
|  | <b>\$'000</b> | <b>\$'000</b> |
| Short-term employee benefits                     | 533           | 485           |
| Post-employment benefits                         | 94            | 77            |
| Other long-term benefits                         | 13            | 11            |
| <b>Total Compensation by WorkSafe ACT to KMP</b> | <b>640</b>    | <b>573</b>    |

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 16. RELATED PARTY DISCLOSURES - CONTINUED**

**2) Transactions with Key Management Personnel**

There was no transaction with KMP that were material to the Financial Statements.

**3) Transactions with Parties Related to Key Management Personnel**

There was no transaction with parties related to KMP, including transaction with KMP close family members or other related entities that were material to the Financial Statements.

**(c) Transactions with other ACT Government Controlled Entities**

WorkSafe ACT has entered into transactions with other ACT Government entities in 2022 consistent with day-to-day business operations provided under varying terms and conditions. The following provides the details of material transactions with other ACT Government Entities.

- Appropriation (Statement of Appropriation) – WorkSafe ACT’s main ongoing source of funding is received from the ACT Government through the Territory Banking Account. This funding is in the form of Controlled Recurrent Payment appropriation and Capital Injection appropriation.
- Transfer Payments to Government – licence fees and fines received by WorkSafe ACT were transferred to the ACT Government through the Territory Banking Account.

**Office of the Work Health and Safety Commissioner**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2022**

**NOTE 17. BUDGETARY REPORTING**

**Significant Accounting Judgements and Estimates – Budgetary Reporting**

Significant judgements have been applied in determining what variances are considered “major variances”. Variances are considered major if both of the following criteria are met:

- The line item is a significant line item: where either the line item actual amount accounts for more than 10% of the relevant associated category (Income, Expenses, Assets, Liabilities and Equity totals) or more than 10% of sub-element (e.g. Current Liabilities and Receipts from Operating Activities totals) of the financial statements; and
- The variances (original budget to actual) are greater than plus (+) or minus (-) 10% and \$500,000 of the budget for the financial statement line item.

Original Budget refers to the amounts presented to the Legislative Assembly in the original budgeted financial statements in respect of the reporting period Budget Statements. These amounts have not been adjusted to reflect supplementary appropriation or appropriation instruments.

| Operating Statement Line Item   | Variance<br>Explanation | Actual<br>2022<br>\$'000 | Original<br>Budget<br>2022<br>\$'000 | Variance<br>\$'000 | Variance <sup>1</sup><br>% |
|---------------------------------|-------------------------|--------------------------|--------------------------------------|--------------------|----------------------------|
| Licence Fees and Fines          | 1                       | 2,649                    | 1,812                                | 837                | 46                         |
| Transfer Payments to Government | 2                       | 2,635                    | 1,672                                | 963                | 58                         |

Variance Explanations

1. The higher than budgeted Licence Fees and Fines is due to higher than estimated applications received for Labour Hire Licences.
2. The higher than budgeted Transfer Payments to Government relates to higher than anticipated revenue collected from Labour Hire Licence applications.

**Balance Sheet Line Items** – no variances that met the criteria above were identified in the Balance Sheet.

**Statement of Cash Flows Line Items** - these line item is covered in Operating Statement Variance Explanation.

<sup>1</sup> A “#” in the ‘Variance %’ column represents a variation that is greater than 999 per cent or less than -999 per cent.

## Capital Works

In 2021–22, WorkSafe ACT received capital funding of \$350,000 to enhance the case management system, Salesforce. The enhancement improves data collection and reporting efficiency and business processes.

A part of the 2021–22 capital funding was transferred to 2022–23 due to delays in the procurement processes. The project is expected to be completed in the 2022–23 financial year.

## Asset Management

In accordance with the ACT Government Asset Management Strategy and *Financial Management Act 1996*, the WorkSafe ACT managed assets have a total value of \$0.628 million as at 30 June 2021. A breakdown is provided in Tables 12, 13 and 14.

*Table 12: Assets managed*

| Asset Class                         | Net Book Value | Appropriate Measure           | Total Units |
|-------------------------------------|----------------|-------------------------------|-------------|
| Computer Software                   | 363            | Number of Assets              | 1           |
| Motor Vehicles – Right-of-use Asset | 168            | Number of Motor Vehicles      | 11          |
| Plant and Equipment                 | 90             | Number of Plant and Equipment | 5           |
| Heritage and Community              | 7              | Number of Assets              | 1           |

*Table 13: Additions to WorkSafe ACT's Asset Register during 2021–22*

| Asset Class                         | No. of Assets | Asset Details   |
|-------------------------------------|---------------|---|
| Plant and Equipment                 | 5             | Includes: <ul style="list-style-type: none"> <li>- 2 operational equipment</li> <li>- 1 digital camera</li> <li>- 2 Cisco office Webex board</li> </ul> |
| Motor Vehicles – Right-of-use Asset | 3             | Leased motor vehicles   |
| Heritage and Community              | 1             | Winanga-li Original Aboriginal Painting   |

*Table 14: Removals from WorkSafe ACT's Asset Register during 2021–22*

| Asset Class         | No. of Assets | Asset Details                        |
|---------------------|---------------|--------------------------------------|
| Plant and Equipment | 17            | Retirement of 17 sit and stand desks |



## Asset Maintenance and Upgrade

No WorkSafe ACT assets required maintenance or upgrade during 2021–22.

## Office Accommodation

WorkSafe ACT had 59.9 FTE at 30 June 2022, occupying 683 m<sup>2</sup> on Level 4, 3 Constitution Avenue, City 2601. The average area occupied by each employee is 11.4 m<sup>2</sup>.

Further information regarding financial matters can be obtained from:

---

### Midori Kobayashi

Chief Finance Officer

02 6205 3943

[Midori.Kobayashi@worksafe.act.gov.au](mailto:Midori.Kobayashi@worksafe.act.gov.au)

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## Government contracting

**Basis of requirement:** *Government Procurement Act 2001*; and Government Procurement Regulation 2007.

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The online ACT Government Contracts Register records contracts with suppliers of goods, services and works, with a value of \$25,000 or more.

A full search of WorkSafe ACT contracts notified with an execution date from 1 July 2021 to 30 June 2022 can be made at <https://www.tenders.act.gov.au/contract/search>.

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## Secure Local Jobs Code

WorkSafe ACT did not seek any exemptions from the secure local jobs code requirements under section 22G of the *Government Procurement Act 2001*.

## Aboriginal and Torres Strait Islander Procurement Policy

WorkSafe ACT followed the Aboriginal and Torres Strait Islander Procurement Policy (ATSIPP) in conducting its procurements. There were no procurements exceeding \$25,000 made under the ATSIPP during 2021–22.

## Creative Services Panel

Under the Creative Services Panel (from 1 July 2021 to 30 September 2021) WorkSafe ACT spent \$8,399 (including GST).

Under the Communication and Engagement Panel (from 1 October 2021 to 30 June 2022) WorkSafe ACT spent \$35,982 (including GST).

Further information regarding government contracting and corporate matters can be obtained from:

---

### Andrew Craig

Director, Corporate and Human Resources

0434 563 568

[Andrew.Craig@worksafe.act.gov.au](mailto:Andrew.Craig@worksafe.act.gov.au)

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**Office of the Work Health and  
Safety Commissioner**

**Statement of Performance**

**For the Year Ended  
30 June 2022**

# Office of the Work Health and Safety Commissioner

## Statement of Performance

### For the Year Ended 30 June 2022



AUDITOR-GENERAL AN OFFICER  
OF THE ACT LEGISLATIVE ASSEMBLY 

#### INDEPENDENT LIMITED ASSURANCE REPORT

To the Members of the ACT Legislative Assembly

##### Conclusion

I have undertaken a limited assurance engagement on the statement of performance of the Office of the Work Health and Safety Commissioner for the year ended 30 June 2022.

Based on the procedures performed and evidence obtained, nothing has come to my attention to indicate the results of the accountability indicators reported in the statement of performance for the year ended 30 June 2022 are not in agreement with the Office of the Work Health and Safety Commissioner's records or do not fairly reflect, in all material respects, the performance of the Office of the Work Health and Safety Commissioner, in accordance with the *Financial Management Act 1996*.

##### Basis for conclusion

I have conducted the engagement in accordance with the Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*. My responsibilities under the standard and legislation are described in the 'Auditor-General's responsibilities' section of this report.

I have complied with the independence and other relevant ethical requirements relating to assurance engagements, and the ACT Audit Office applies Australian Auditing Standard ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, Other Assurance Engagements and Related Services Engagements*.

I believe that sufficient and appropriate evidence was obtained to provide a basis for my conclusion.

##### Commissioner's responsibilities for the statement of performance

The Work Health and Safety Commissioner is responsible for:

- preparing and fairly presenting the statement of performance in accordance with the *Financial Management Act 1996* and *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*; and
- determining the internal controls necessary for the preparation and fair presentation of the statement of performance so that the results of accountability indicators and accompanying information are free from material misstatements, whether due to error or fraud.

##### Auditor-General's responsibilities

Under the *Financial Management Act 1996* and *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*, the Auditor-General is responsible for issuing a limited assurance report on the statement of performance of the Office of the Work Health and Safety Commissioner.

My objective is to provide limited assurance on whether anything has come to my attention that indicates the results of the accountability indicators reported in the statement of performance are not in agreement with the Office of the Work Health and Safety Commissioner's records or do not fairly reflect, in all material respects, the performance of the Office of the Work Health and Safety Commissioner, in accordance with the *Financial Management Act 1996*.

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**Office of the Work Health and Safety Commissioner**  
**Statement of Performance**  
**For the Year Ended 30 June 2022**

In a limited assurance engagement, I perform procedures such as making inquiries with representatives of the Office of the Work Health and Safety Commissioner, performing analytical review procedures and examining selected evidence supporting the results of accountability indicators. The procedures used depend on my judgement, including the assessment of the risks of material misstatement of the results reported for the accountability indicators.

**Limitations on the scope**

The procedures performed in a limited assurance engagement are less in extent than those required in a reasonable assurance engagement and consequently the level of assurance obtained is substantially lower than the assurance that would have been obtained had a reasonable assurance engagement been performed. Accordingly, I do not express a reasonable assurance opinion on the statement of performance.

This limited assurance engagement does not provide assurance on the:

- relevance or appropriateness of the accountability indicators reported in the statement of performance or the related performance targets;
- accuracy of explanations provided for variations between actual and targeted performance due to the often subjective nature of such explanations; or
- adequacy of controls implemented by the Office of the Work Health and Safety Commissioner.



Ajay Sharma  
Assistant Auditor-General, Financial Audit  
26 September 2022

**Office of the Work Health and Safety Commissioner**  
**Statement of Performance**  
**For the Year Ended 30 June 2022**

**Statement of Responsibility**

In my opinion, the Statement of Performance is in agreement with the records of the Office of Work Health and Safety Commissioner (WorkSafe ACT). It fairly reflects the service performance of WorkSafe ACT for the year ended 30 June 2022 and also fairly reflects the judgements exercised in preparing it.

A handwritten signature in black ink, appearing to read 'JA 15', is positioned above the printed name of the commissioner.

Jacqueline Agius

Work Health and Safety Commissioner

16 September 2022

**Office of the Work Health and Safety Commissioner**  
**Statement of Performance**  
**For the Year Ended 30 June 2022**

**Output Class 1 (Output 1.1) Regulatory Compliance and Enforcement**

**Description**            Ensure fair and firm enforcement against non-compliance; minimise physical and psychological harm and improve work health and safety (WHS) practice and culture; engage with stakeholders to better understand and respond to current and emerging WHS issues; and create an exemplary Regulator.

| <i>Accountability Indicators</i>   | <b>2021-22 Target</b> | <b>2021-22 Actual</b> | <b>Variance %</b> | <b>Note</b> |
|--|-----------------------|-----------------------|-------------------|-------------|
| <b>a.</b> Number of 2018 independent review recommendations implemented  | 25 out of 27          | 27 out of 27          | 8                 | <b>1</b>    |
| <b>b.</b> WHS compliance activities in line with the Compliance and Enforcement Policy: education and improvement, prevention, enforcement           | Ratio 65:25:10        | Ratio: 84:15:1        | 29:(40):(90)      | <b>2</b>    |
| <b>c.</b> Compliance rate during workers' compensation inspections   | 90%                   | 93%                   | 3                 | -           |
| <b>d.</b> Compliance rate during inspections of labour hire providers and hosts are appropriately licensed and compliant with the licence conditions | 90%                   | 100%                  | 11                | <b>3</b>    |
| <b>e.</b> Investigations commenced within 14 days of notification of incident  | 100%                  | 100%                  | -                 | -           |
| <b>f.</b> Major investigations completed within 12 months of commencing investigation, with the exception of fatalities.                             | 60%                   | 71%                   | 18                | <b>4</b>    |
| <b>g.</b> All EU sanctioned entities meet EU obligations for the financial year  | 100%                  | 100%                  | -                 | -           |
| <b>h.</b> Media engagement to improve awareness  | 100%                  | 92%                   | (8)               | <b>5</b>    |

The above Accountability Indicators should be read in conjunction with the accompanying notes.

The above Accountability Indicators were examined in accordance with the Financial Management Act 1996.

**Office of the Work Health and Safety Commissioner**  
**Statement of Performance**  
**For the Year Ended 30 June 2022**

**Explanation of Accountability Indicators**

- a. The 2018 Independent review of the ACT's work safety compliance infrastructure, policies and procedures by the Nous Group offered recommendations for improving ACT's work health and safety (WHS) compliance and enforcement arrangements.

The phased implementation of recommendations is being overseen by the WHS Council and will continue into the next financial year.

This indicator is considered complete when all 27 recommendations have been implemented.

22 of the 27 recommendations were implemented in the 2020-21 financial year, leaving 5 outstanding recommendations in 2021-22. These 5 recommendations have now been implemented.

- b. This indicator sets a ratio for the activities which WorkSafe ACT employs to achieve its goal of preventing work-related deaths, injuries and diseases and protecting property and the environment. Education activities principally involve the issuing of improvement notices. Prevention activities involve the issuing of prohibition notices, along with proactive audits and targeted campaigns. Enforcement activities include the issuing of infringement notices and other sanctions.
- c. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy.
- d. New accountability indicator. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a labour hire licence as well as host employers only using licensed providers.
- e. This accountability indicator measures the percentage of investigations opened within 14 days of WorkSafe ACT being notified of a serious WHS incident within WorkSafe ACT's jurisdiction which the Regulator considers requires investigation.
- f. This accountability indicator measures the percentage of major investigations completed (referred for enforcement/regulatory action) within 12 months of the investigation's commencement. The major investigations relevant to this indicator are those completed (not commenced) in a financial year.
- g. This accountability indicator concerns ongoing Enforceable Undertakings (EUs) in a financial year. PCBUs subject to EUs have a period of 2-3 years to complete their obligations. WorkSafe ACT provides general monitoring through the Case Management Panel as EUs may be varied or withdrawn during their life span. WorkSafe ACT assesses evidence of compliance within 3-6 months of the completion date. If the PCBU has complied with its obligations on the due the EU is discharged. If an entity fails to meet its obligations, WorkSafe ACT refers the entity to the Director of Public Prosecutions (DPP). A decision about whether to prosecute is taken by the DPP. This decision is not reviewable by WorkSafe ACT.
- h. This accountability indicator measures coverage because of media releases.



# Office of the Work Health and Safety Commissioner

## Statement of Performance

### For the Year Ended 30 June 2022

#### Notes – explanation of material variances ( $\geq \pm 5\%$ )

1. The result reflects implementation of the five outstanding recommendations from the 2018 Independent Review during the 2021-22 reporting period, two more than the target.

All recommendations have now been implemented and a closure report will be provided to the WHS Council during 2022-23.

2. The result achieved against accountability indicator (b) is an example of increased educative engagement with Territory businesses during the COVID-19 pandemic and in a period of drastically altered working arrangements – WorkSafe ACT issued 29% more improvement notices in 2021-22 compared to the 2021-22 target.

Although the intent of indicator (b) is to set, and achieve, a proportional approach to work health and safety regulation, an outcome which shows increased education is viewed as a positive result for WorkSafe ACT.

3. WorkSafe ACT identified no breaches under the Labour Hire Licence (LHL) Act. WorkSafe ACT dedicated resources to making stakeholders aware of the need to acquire a LHL licence prior to the commencement of its inspection activities.
4. The result reflects WorkSafe ACT's capability to progress investigations and finalise within 12 months through the work of its Senior Investigator, Senior Legal Officer, and investigations team, including an enhanced evidence collection and storage function. This team is supported by a regulatory governance structure for referral, review and evaluation of the conduct of investigations through the Case Management Panel.
5. Of the 26 media releases, two (2) did not result in media coverage:
  - a. One (1) of these releases was made during the COVID-19 lock-down period and was not sent through a dedicated media channel, as one did not exist at the time.
  - b. The other was for Workers' Memorial Day. The media release was supported by a social media post that generated 13,441 impressions, 26 reactions and 6 shares. While this release was not formally picked up by traditional media, it had great success on WorkSafe ACT's single social media platform.

WorkSafe ACT has recently created a specialist media team with a media inbox and subscriber list. The formation of this team will target awareness improvement activities in future media engagement.

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