



WORKSAFEACT

**2020
2021**

Office of the
Work Health
and Safety
Commissioner



WORKSAFEACT

**2020
2021**

Office of the
Work Health
and Safety
Commissioner

The Office of the Work Health and Safety Commissioner acknowledges the Ngunnawal people as the traditional owners and custodians of the Canberra region. The region is also an important meeting place and significant to other Aboriginal groups.

We respect the Aboriginal and Torres Strait Islander people and their continuing culture and the contribution they make to the Canberra region and the life of our city.

Contact for this report

General enquiries about this report should be directed to:

Ms Dawn Nixon

Executive Officer

02 6205 4373

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ISBN: 978 0 642 60726 3

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First published December 2021

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.

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Transmittal certificate

WORKSAFE ACT SAFE + HEALTHY WORKPLACES	MAIL PO Box 158 Canberra ACT 2601	PHONE 02 6207 3000
	EMAIL worksafe@act.gov.au	FAX 02 6206 0336



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

Dear Minister,

2020-21 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 2021*.

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 the information in the attached 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 2020 to 30 June 2021.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006*, 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. However, under section 14, the Chief Minister has granted an extension of the time when the report must be presented by you to the Legislative Assembly. The Chief Minister has granted the extension to the Legislative Assembly sitting day on 2 December 2021.

Yours sincerely,



Jacqueline Agius
Work Health and Safety Commissioner

8 November 2021

WORKSAFE.ACT.GOV.AU



Compliance statement

The Office of the Work Health and Safety Commissioner 2020-21 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.

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 2020-21 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 2020-21 Annual Report* to provide readers with the opportunity to provide feedback.

For further information, contact:

Amanda Grey

Deputy Work Health and Safety Commissioner

02 6207 2718

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 2020-21 Annual Report* as follows:

- A. Transmittal Certificate, see page 1
- B. Organisational Overview and Performance, inclusive of all subsections, see page 6, and
- C. Financial Management Reporting, inclusive of all subsections, see page 57.

Part 3 Reporting by Exception – Dangerous Substances

The Office of the Work Health and Safety Commissioner has nil information to report by exception under Part 3 of the Directions for the 2020-21 reporting year.

Part 4 Annual Report Requirements for Specific Reporting Entities

The following subsections of Part 4 of the 2021 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 2020-21 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 2020-21
- 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 \(act.gov.au\)](https://act.gov.au/annual-reports).

Performance statement

WORK HEALTH AND SAFETY COUNCIL



Ms Jacqueline Agius
Work Health and Safety (WHS) Commissioner

Via email: Jacqueline.Agius@act.gov.au

Dear WHS Commissioner

I am writing to you in my capacity as Chair of the ACT Work Health and Safety Council (the Council) to provide you with a statement for inclusion in the Annual Report of the Office of the WHS Commissioner for 2020-21.

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

- 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.

On behalf of the Council I would like to thank you for your ongoing participation at Council meetings and regular updates to Members on regulatory activity, organisational capability, stakeholder engagement and initiatives, and the delivery of the Statement of Operational Intent.

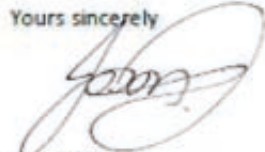
In particular, the Council notes the delivery of identified programs of work to address occupational and work-related violence; residential construction safety issues; and psychosocial hazards, and the engagement of a recognised expert to assist in the delivery of these programs.

The Council is pleased to see the increased compliance efforts of the regulator in the 2020-21 financial year, in particular a higher proportion of proactive workplace visits. It is noted by Council Members that 2496 workplace visits took place, with 1581 PCBU's visited, 1840 improvement notices issued, 459 prohibition notices issued, and 117 infringement notices issued, which is a significant increase on the previous reporting period. Of particular importance is also the improved governance processes that allow for the management of unpaid infringement notices.

Council Members are also pleased to see that the regulator has also increased its compliance efforts in the area of workers' compensation, with workplace visits for workers' compensation compliance up 8 per cent.

The Council looks forward to continuing to be updated during the 2021-22 financial year on the regulatory activities being undertaken by the Office, as it continues to operate as a respected regulator in the Territory.

Yours sincerely



Jason O'Mara

Chair, ACT Work Health and Safety Council

22 September 2021

Organisational overview and performance

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, the ACT's first WHS Commissioner, was appointed in April 2020. Ms Agius is also the Commissioner of the Territory's Labour Hire Licensing (LHL) scheme which commenced on 27 May 2021. Ms Agius is an experienced leader, admitted as a Barrister and Solicitor in the ACT. Ms Agius' areas of speciality cover criminal, employment and WHS law.

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

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).



Jacqueline Agius, Work Health and Safety Commissioner & Labour Hire Licensing Commissioner

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)
- *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* (the 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, and 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 licenses 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 licenses 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 to 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.

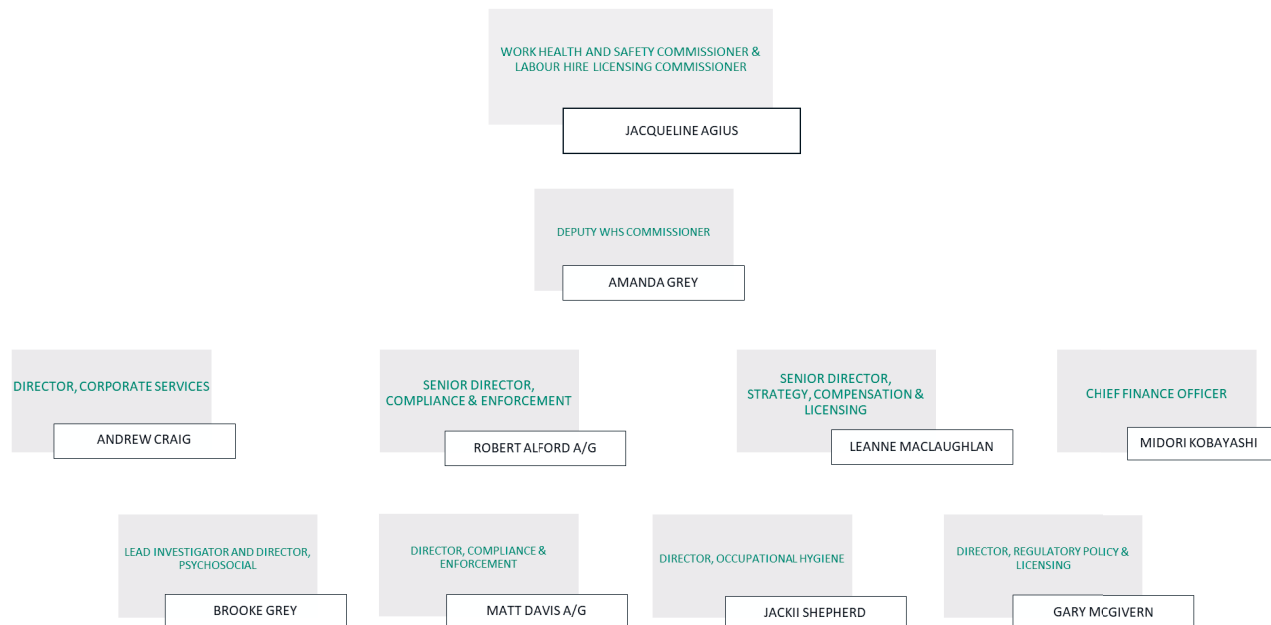
Further amendments to the Workers Compensation Act were also introduced to align the regulatory licensing functions with the new independent regulatory role of WorkSafe ACT. The WHS Commissioner (as the regulator) is now directly responsible for issuing and compliance oversight for both approved insurer 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 to 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 LHL 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's organisational structure as at 30 June 2021



Performance analysis

WorkSafe ACT's objectives, deliverables and accountability indicators are published in the 2020-2021 ACT Budget Statements on the [ACT Government Budget 2020-21 website](#) and are used to monitor and assess WorkSafe ACT's performance.

During the 2020-21 financial year, WorkSafe ACT continued its compliance and enforcement activities across the Territory. Due to COVID-19 and the resulting Public Health Emergency Directions, operational adjustments were made to ensure the wellbeing of WorkSafe ACT inspectors, as well as the safety of workers and other members of the community.

A detailed overview of WorkSafe ACT's performance over 2020-21 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 of the annual report discusses and explains WorkSafe ACT's performance during 2020-21 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 2020-21 Budget Statement. There are seven accountability indicators used to measure WorkSafe ACT's 2020-21 performance against its goals:

WorkSafe ACT **met or exceeded 7** of 7 accountability indicators for 2020-21.

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 work health and safety compliance and enforcement arrangements. **The target for 2020-21 was implementation of 20 of the 27 recommendations.**

WorkSafe ACT has implemented 22 of the 27 recommendations.

2. The second 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 and improvement, prevention, enforcement — ratio: 65:25:10.**

WorkSafe ACT achieved a ratio of 76:19:5, reflecting the move to a pro-enforcement model from an engage and educate model.

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. **WorkSafe ACT's target was a 90% compliance rate.**

Employers in the ACT achieved a 95% compliance rate. The target of a 90% compliance rate was achieved; however, a range of factors prevented the achievement of a 100% compliance rate. Greater education of employers is required to improve compliance, and this will be a focus for 2021-22.

4. WorkSafe ACT was aiming for **100% 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.

WorkSafe ACT met this target.

5. 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 2020-21 financial year.

WorkSafe ACT achieved a result of 70%, reflecting the improvement in WorkSafe ACT's capability to progress investigations and finalise them within 12 months.

6. WorkSafe ACT has a target of **100% of Enforceable Undertaking (EU)-sanctioned entities meeting their EU obligations**.

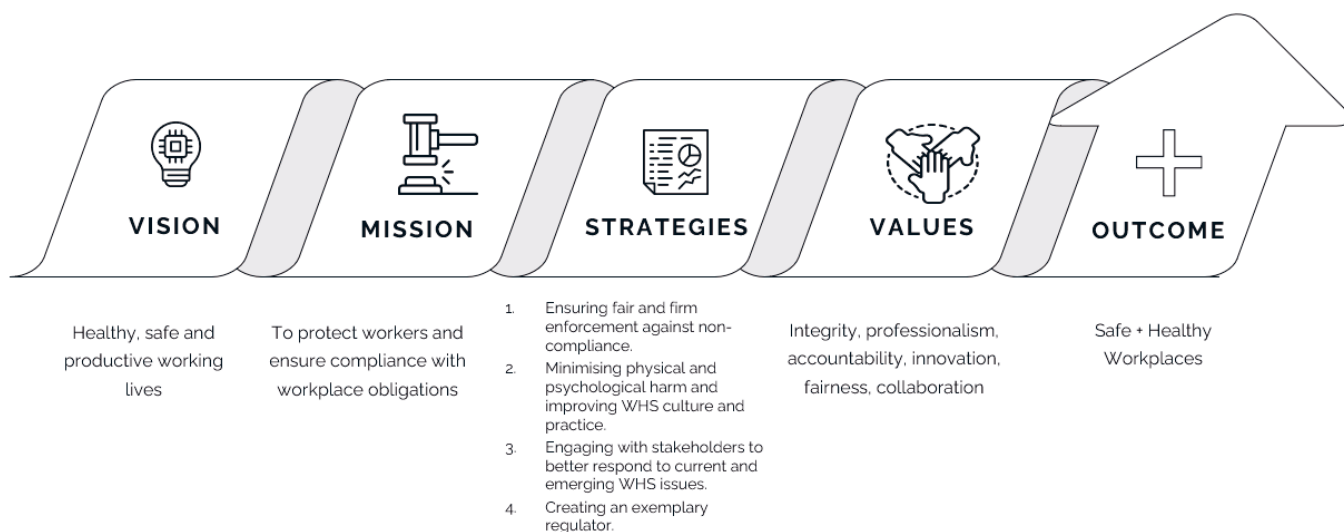
WorkSafe ACT actively monitors compliance with EU obligations and met this target. The result reflects strong operational compliance activities and improved oversight of EU sanctioned entities.

7. WorkSafe ACT set a target of **20 scheduled interviews** between WorkSafe ACT's leadership and registered media entities for 2020-21.

WorkSafe ACT's proactive engagement with media entities and increased communication of campaigns and priority activities resulted in 41 scheduled interviews, in addition, three unscheduled interviews were also conducted.



WorkSafe ACT's value statement



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.

Compliance and Enforcement Policy

WorkSafe ACT published its first [*Compliance and Enforcement Policy 2020-2024*](#) (Compliance and Enforcement Policy) in October 2020. To fully realise the benefits of harmonised WHS laws, the Commonwealth, State and Territory governments recognised the need for the laws to be complemented by a nationally consistent enforcement approach, achieved through the National Compliance and Enforcement Policy (NCEP). In developing its Compliance and Enforcement Policy, WorkSafe ACT has been guided by the 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 Compliance and Enforcement Policy is to secure, to the highest degree possible, legislative compliance and prevent work-related deaths, injuries, and diseases. As the Compliance and Enforcement 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.

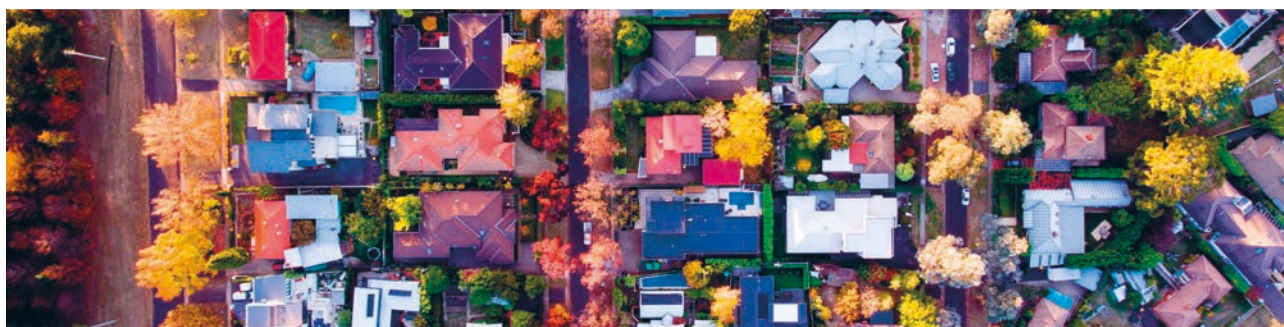
Strategic Plan 2020-2024

WorkSafe ACT delivered its [Strategic Plan 2020-2024](#) in October 2020. In setting the strategic priorities for WorkSafe ACT, the WHS Commissioner sought input and feedback widely across government, industry, unions, and non-government organisations to ensure a balanced and appropriately focussed approach. In addition, the Minister and the WHS Council were consulted.

The Strategic Plan acknowledges that while WorkSafe ACT is accountable for achieving its outcomes, all stakeholders share responsibility for supporting the overall success of the plan and in achieving improved outcomes for the Territory's workers. Active collaboration has therefore been a hallmark of the WHS Commissioner's approach and a priority during her first year has been the establishment of durable partnerships within government, with other jurisdictions, with workers and their representatives, and persons conducting a business or undertaking (PCBUs) and their representatives.

WorkSafe ACT's strategic enforcement priorities have therefore been developed using data analysis; emerging trends; community, industry, and union consultation; as well as priorities agreed in the [Australian Work Health and Safety Strategy 2012-2022](#).

To ensure WorkSafe ACT works collaboratively with other regulators, the planned activities of other WHS regulators are also used to frame strategic enforcement priorities. Industries, conditions, mechanisms, and substances that present a significant risk of injury or illness to workers are prioritised:

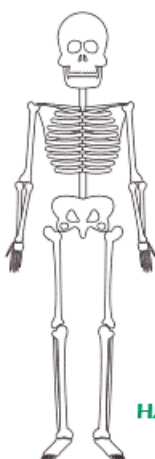


PRIORITY CONDITIONS AND SUBSTANCES



MENTAL HEALTH
CONDITIONS

OCCUPATIONAL LUNG
DISEASES



MUSCULOSKELETAL
DISORDERS



ASBESTOS
CRYSTALLINE SILICA
HAZARDOUS CHEMICALS

PRIORITY INDUSTRIES



HEALTH &
COMMUNITY
SERVICES



CONSTRUCTION



RETAIL,
ACCOMMODATION
& FOOD SERVICES

EDUCATION &
TRAINING



MANUFACTURING

Statement of Operational Intent

In September 2020, WorkSafe ACT prepared and published its first [Statement of Operational Intent](#) in response to the Minister's [Statement of Expectations](#) for the 12-month period from 3 July 2020. In its activities and initiatives, the Minister expected WorkSafe ACT to address:

1. present and emerging WHS risks including psychosocial risks, occupational violence, climate change, economic exploitation, and silica dust
2. cultural issues in the residential and commercial Construction sectors
3. the operation of the Office, including implementation of outstanding recommendations of the 2018 Independent Review, and
4. engagement with the WHS Council.

WorkSafe ACT's strategic priorities

WorkSafe ACT's accountability indicators, activities, and initiatives for 2020-21 were developed in the context of WorkSafe ACT's 2020-2024 Strategic Plan 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 Labour Hire Licensing scheme.





Strategy 1

**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 expectations, guided WorkSafe ACT's WHS compliance monitoring and enforcement activities during 2020-21. While COVID-19 affected many workplaces, including their working arrangements and operational practices, the PCBU's duty of care to workers remained unchanged.

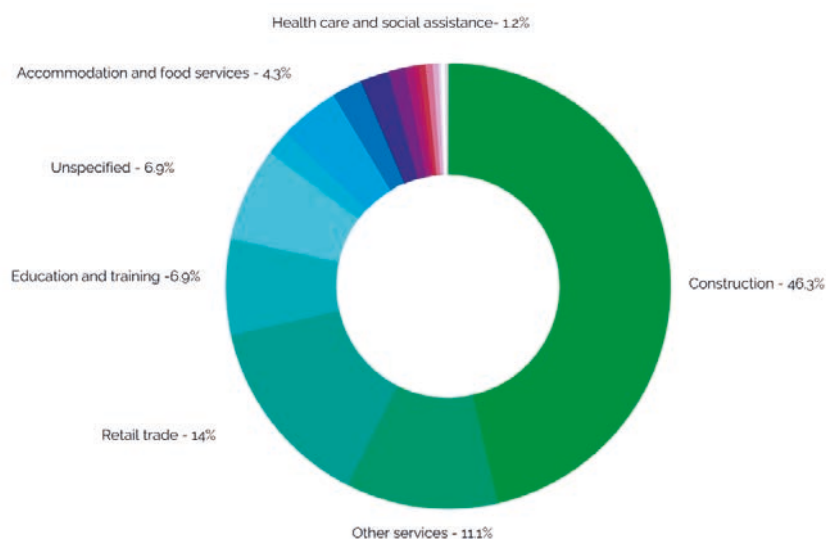
There are two streams of inspection activity:

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

Across all industries, including ACT Government agencies, during 2020-21 WorkSafe ACT conducted 2,510 workplace inspections — undertaken in response to complaints and as part of compliance campaigns across all industries:



Figure 2: Percentage of workplace inspections by industry



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



96 Infringement Notices



1,840 Improvement Notices



459 Prohibition Notices

Prosecutions and Enforceable Undertakings

As outlined in WorkSafe ACT's 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 is a strong regulator and will take immediate action, when warranted, to protect the health, safety and wellbeing of Territory workers. The most serious offences warrant the strongest regulatory response including prosecution or accepting an EU.

Prosecutions may be brought by the regulator in relation to alleged serious breaches of WHS, 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 Director of Public Prosecutions (DPP).

There was one successful prosecution in the reporting period with Mr Radwick Deeranyika pleading guilty in February 2021 to Category 3 offences under the WHS Act. Mr Deeranyika, a carer, left a man with severe disabilities in a hot car for an hour. Mr Deeranyika was fined \$8,000.

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.

During the 2020-21 reporting period, WorkSafe ACT accepted four EUs:

1. AGH Demolition and Asbestos Removals Pty Ltd – signed July 2020

It is alleged by WorkSafe ACT that on 13 February 2018, AGH Demolition and Asbestos Removals Pty Ltd 133 706 822 had a duty to health and safety as a business which it failed to discharge, failing to comply with Part 2 Division 2 (S19) of the WHS Act.

The injured worker was working as part of a team at Northbourne Flats (Turner) in the ACT. The principal contractor of the site was the ACT Government. At the time of the incident, the worker was operating a skid steer when a piece of timber entered the cab and pierced the underside of his left thigh while he was attempting to pick it up and load it into a skip bin. The injured worker required hospitalisation and medical care.

The total amount to be spent by the PCBU on strategies supporting workers, the industry and the community is \$90,000.

2. *GeoCon Constructors (ACT) Pty Ltd – signed August 2020*

Geocon Constructors (ACT) Pty Ltd (Geocon) as a PCBU had a health and safety duty under section 19 of the WHS Act. WorkSafe ACT alleged that on 18 September 2018 in respect to the Midnight Project in Braddon ACT, Geocon failed to comply with that duty.

On 18 September 2018, Geocon had placed a large amount of concrete in the base of a lift shaft which resulted in the collapse of two precast panels. On investigation it was established that the bottom panel was relocated with the base dowels being cut and no engineering solution was sought. There was no suitable quality control system in place to identify the fault prior to the pouring of the concrete, which resulted in the panel collapse. No injuries were sustained from the incident.

The total amount to be spent by the PCBU on strategies supporting workers, the industry and the community is \$140,750.

3. *Project Coordination (Australia) Pty Ltd – signed September 2020*

It is alleged by WorkSafe ACT that on 19 September 2019 in Forrest, that Project Coordination (Australia) Pty Limited (Project Coordination) had a health and safety duty within the meaning of section 30 of the WHS Act, specifically the primary duty of care. It is alleged that Project Coordination failed to comply with that duty as required by s19 of the WHS Act.

On 19 September 2019 a telehandler unloading crates from a semi-trailer tipped over onto two wheels and came to rest up against the side of the semi-trailer which was being unloaded. WorkSafe ACT alleges that Project Coordination did not comply with its primary health and safety duty as it did not do all that was reasonably practicable to ensure the health and safety of its workers and others by failing to implement a safe system of work.

The total amount to be spent by the PCBU on strategies supporting workers, the industry and the community is \$167,260.

4. *Community Services Directorate (Bimberi) – signed May 2021*

On 26 August 2019, Bimberi staff were the subject of an unprovoked attack by young people who were in detention, during an attempt by them to escape.

The attack was initiated by three young people gaining access to a Duty Point in Bimberi and rushing a Youth Worker who was having a conversation with another Youth Worker. A Control

Room Operator saw the incident on Bimberi's closed-circuit television (CCTV) network and immediately called a "Code Black", which indicates a personal threat to staff. This is an emergency code requiring all available staff to respond to that threat.

One Youth Worker was injured when he was struck twice on the head by a young person using an improvised weapon. A young person removed a computer from a workstation in the Duty Point and used it to strike the wounded Youth Worker.

At its height there were five young people involved. Youth Workers were able to restrain the young people and secure them. The incident ended 82 minutes after it started when all the young people were restrained and secured.

The total amount to be spent by the PCBU on strategies supporting workers, the industry and the community is \$1.8 million.

All EUs accepted by WorkSafe ACT are available through its website.

Targeted compliance campaigns

WorkSafe ACT continued its compliance and enforcement actions in the identified priority industries, as well as compliance and education programs in response to priority issues across a range of industries:

- Vocational Education and Training
- Child Care and Early Childhood Education
- Retail
- Brothels
- Commercial Construction
- Residential Construction
- Manufacturing, and
- Silica in benchtop Manufacturing.

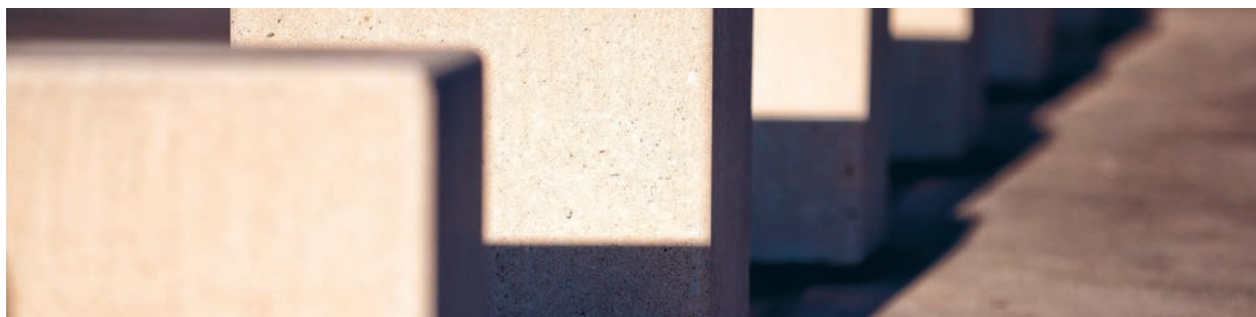
Campaigns are well planned and designed to improve health and safety outcomes in industries which require targeted attention. Campaigns may be sector specific, address priority hazards, substances, or conditions, or target those workers who are most at risk.

Jervis Bay Territory

During 2020-21 WorkSafe ACT attended the Jervis Bay Territory (JBT) on two separate occasions to proactively assess compliance with WHS, workers' compensation and dangerous substances requirements. There were several safety issues identified during the initial inspection and numerous notices were issued. The main hazards and risks concerned chemical handling and storage, particularly asbestos, and electrical safety standards.

The purpose of the follow up visit to JBT was to ensure that the notices issued initially had been complied with to the regulatory satisfaction of WorkSafe ACT. The agency planned further visits to JBT during 2020-21 but these were unable to occur due to COVID-19 travel restrictions in the region. In total during the reporting period, there were 24 workplace visits undertaken resulting in 16 improvement notices, one prohibition notice and one desk top review being completed.

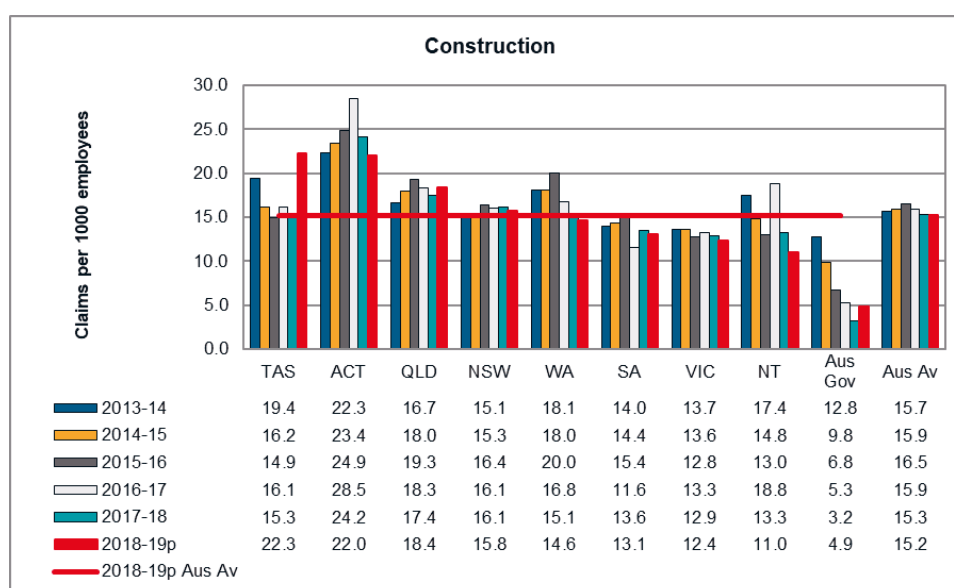
Two compliance campaigns in priority industries — Construction and Retail Trade — are featured in this annual report.



Construction

Safe Work Australia data¹ shows the Australian average incidence rate for serious claims² for the Construction industry decreased by 2% between 2013–14 and 2017–18. As seen in Figure three below, during this time the ACT recorded a 9% increase in its incidence rate³.

Figure 3: Incidence rates of serious claims for Construction by jurisdiction⁴



A mixture of information provision, compliance and enforcement are critical to changing the current safety profile of Construction and the rate of serious claims in the Territory. The

¹Safe Work Australia - [Comparative Performance Monitoring report 22nd edition – Part 1](#)

² 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.

³ 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%.

⁴ Safe Work Australia - [Comparative Performance Monitoring report 22nd edition – Part 1](#)

Construction industry continues to fail itself in being able to provide safe working environments for its workers.

During 2020-21, to support the industry and provide opportunities for education, WorkSafe ACT developed targeted strategies aimed at improving workplace safety across this sector, particularly residential Construction. Strategies were informed through stakeholder engagement and participation, including the inaugural Strategic Planning Summit (the Summit) on 31 July 2020. Hosted by the WHS Commissioner, the Summit included key stakeholders from the Construction industry, including representatives from employer and employee organisations. Participants at this Summit acknowledged that a stronger culture of safety in the Territory would only be achieved if a collaborative approach was adopted.

As a direct response, WorkSafe ACT launched its Residential Construction Strategy (the Strategy) in August 2020. The Strategy provides a framework to guide action in this segment of this important industry. The Strategy supplements business as usual activities — routine inspections, audits and reactive work responding to complaints and notifiable incidents — with planned proactive saturation campaigns. The saturation campaigns, coded Operation Safe Prospect, form an integral part of the Strategy.



Operation Safe Prospect 2020-2023 is the most visible element of the Strategy and has been the focus of media attention (further details are provided under the section Strategy 3: Engaging with stakeholders to better understand and respond to current and emerging WHS issues).

The five key components of the Strategy and Operation Safe Prospect are:



The compliance aspects of Operation Safe Prospect involve WorkSafe ACT inspectors making programmed saturation visits to greenfield and brownfield sites across the Territory to ensure safety obligations are being met by residential Construction PCBUs. During 2020-21, Operation Safe Prospect included 149 dedicated inspections as part of 14 saturation campaigns running from August 2020 until June 2021. These campaigns target non-compliance with WHS laws and focus 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

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



18 Infringement Notices

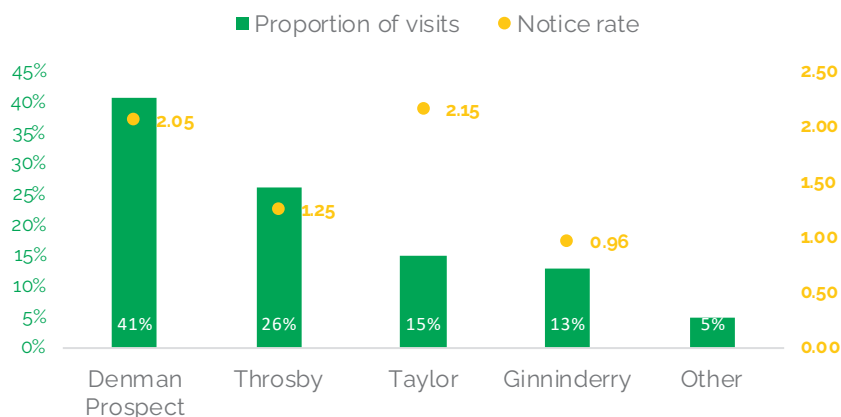


241 Improvement Notices



88 Prohibition Notices

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



As seen in Figure four above, inspections in Denman Prospect made up 41% of the operation. However, the suburb of Taylor exhibited the highest notice rate of 2.15 notices per site visit. Breaches attracting the most notices are provided below:



Not managing 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.



Industry stakeholders continue to actively collaborate and partner with WorkSafe ACT to achieve improved outcomes in residential Construction. On 17 February 2021, the WHS Commissioner, Deputy WHS Commissioner and WorkSafe ACT inspectors were joined on Operation Safe Prospect inspections by the Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA; Stephen Byron, CEO Capital Estate Developments; and local news. The Minister and Mr Byron participated in a site inspection and discussed opportunities for Capital Estate Developments to encourage better practices among residential builders.

The Master Builders ACT has developed the ACT Residential Safety Program in collaboration with the three major residential land developers in the ACT (Suburban Land Agency, Capital Estate Developments and the Ginninderry JV) and WorkSafe ACT. The industry campaign is

aimed at educating residential builders and trade contractors about common safety issues in the residential Construction sector.

The campaign, which includes a range of communication mediums centred around a series of five short videos distributed throughout the collective networks of the member organisations, was launched at an outdoor event on 16 June 2021.

To ensure WorkSafe ACT's Residential Construction Strategy continues to evolve in response to new and emerging issues and risks in the industry, in collaboration with unions, industry, academics and public sector representatives both in the ACT and other jurisdictions, a Residential Construction Forum was held on 24 June 2021.

The forum, attended by 40 delegates, was an opportunity to consider complexities and commercial pressures that influence delivery of construction projects and the impact of these pressures on safety performance. WorkSafe ACT will use the lessons from the forum to update its Residential Construction Strategy to include an added focus on safety across the supply chain as it continues to prioritise this sector throughout 2021-22. The effectiveness of WorkSafe ACT's interventions will be continuously evaluated and modified to increase the impact on safety outcomes.

Retail trade

Most recent Safe Work Australia data⁵ shows that between 2013–14 and 2017–18, the Australian average incidence rate of serious claims in the Retail trade industry decreased by 11%. The ACT (up 3 per cent) was only one of two jurisdictions recording increases during the same period⁶.

ACT claims data indicates that between July 2019 and May 2021 there was a high number of workplace incidents and injuries to retail workers, with 668 accepted workers' compensation claims from workers in the ACT's retail sector. Most of these claims were for muscular stress; trips and falls; and being hit by moving or falling objects.

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

Informed by this range of data, in 2020–21, WorkSafe ACT inspectors conducted a retail compliance program. Thirty-nine premises (39) were inspected with a total of 65 workplace

⁵ Safe Work Australia - [Comparative Performance Monitoring report 22nd edition – Part 1](#)

⁶ 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%.

visits. One hundred and ninety-six (196) Improvement Notices were issued for a range of breaches including:

- breaches to section 19 of the WHS Act (primary duty of care)
- inspection and testing of electrical equipment, and
- accessibility to obtain and give access to safety data sheets.



Licensing

Certain types of work can be hazardous and require specific skills, capabilities, and licences. Under the [WHS Regulation 2011](#), licences are required for:

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

High risk work

The high-risk work licensing system presently provides for 30 classes of high-risk work, divided into five categories:

- Scaffolding work
- Dogging and rigging work
- Crane and hoist operation
- Forklift operation, and
- Pressure equipment operation.

Access Canberra administers the licensing requirements for high-risk work. For information about High-Risk Licensing go to the [High-Risk Licensing page](#) on the Access Canberra website.

White Card

Construction workers in the ACT require a General Construction Induction Card (White Card) when working on a construction site. The WHS Regulation 2011 requires that a PCBU must

ensure 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 [General Construction Induction Card page](#) on the Access Canberra website.

Plant item and plant design registration

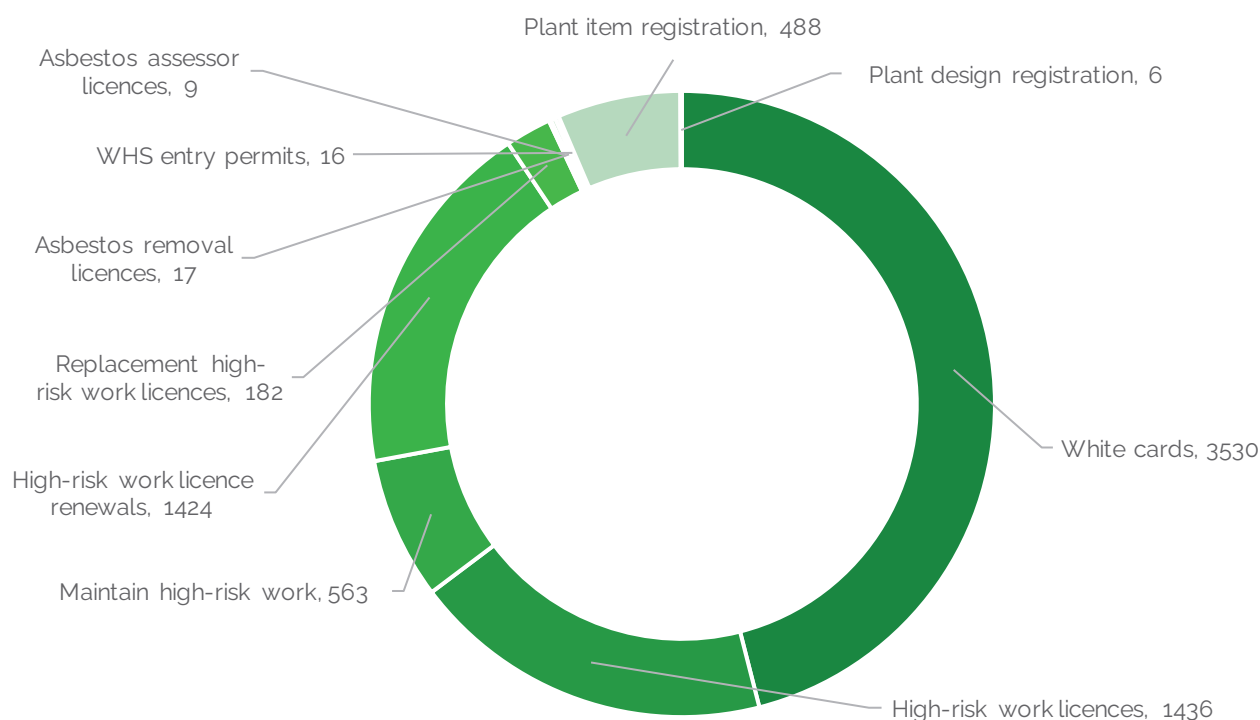
Plant items must be registered for use in the ACT under the WHS Act and the WHS Regulation. The purpose of registering an item of plant is to ensure that it is inspected by a competent person and is safe to operate. In the ACT, WorkSafe ACT is the regulator while Access Canberra delivers plant registration. It is an offence to use plant if the Regulation requires the plant to be registered and it is not so authorised.

Plant designs must be registered for use in the ACT under the WHS Act and the WHS Regulation.

Manufacturers, importers, and suppliers must not supply plant unless the design is registered. It is an offence to use plant if the WHS Regulation requires the plant's design to be registered and it is not so authorised. Further information on plant item and plant design registration, including online application forms, is available on the [Access Canberra website](#).

Figure five below shows the licences issued under the WHS Act during 2020-21.

Figure 5: Licences issued under the WHS Act, 2020-21





Strategy1

**Ensuring fair and firm enforcement against non-compliance:
Dangerous Substances**

Dangerous substances compliance activities

Compliance activities for dangerous substances were hampered by the COVID-19 pandemic and the associated restrictions on social gatherings and fireworks, nonetheless the following activity was undertaken:



24 Workplace Visits



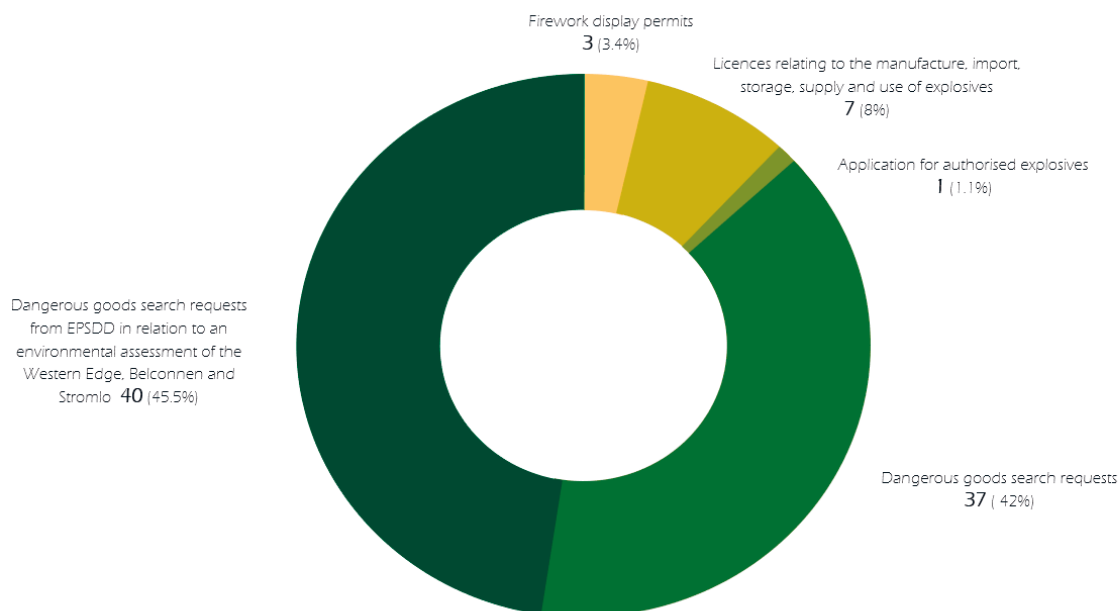
3 Improvement Notices



2 Prohibition Notices

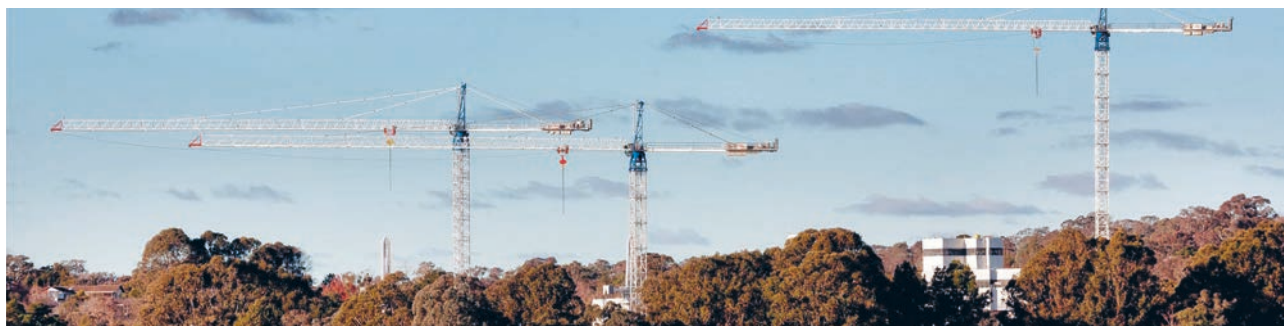
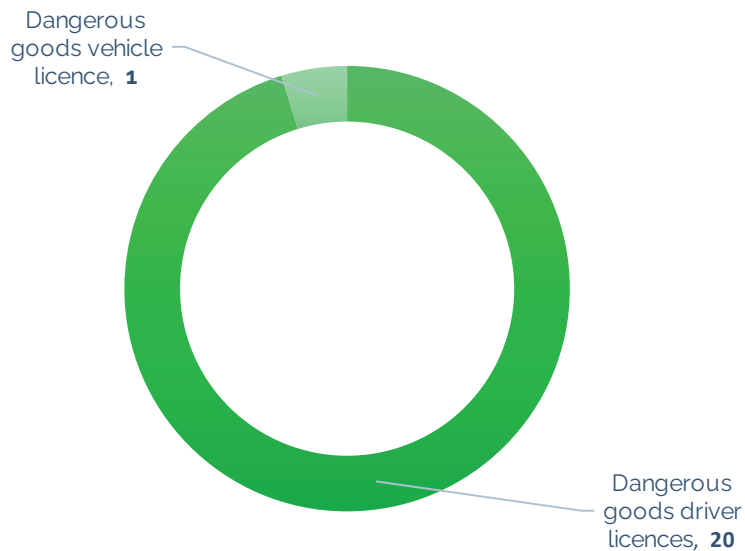
During 2020-21, WorkSafe ACT processed the following requests (see Figure six below) under the *Dangerous Substances Act 2004*.

Figure 6: Requests under the Dangerous Substances Act 2004 during 2020-21



During 2020-21, WorkSafe ACT also processed 21 applications under the *Dangerous Goods (Road Transport) Act 2009* and *Dangerous Goods (Road Transport) Regulation 2010* (see Figure seven below).

Figure 7: Applications under the Dangerous Goods (Road Transport) Act 2009 and Dangerous Goods (Road Transport) Regulation 2010, 2020-21



Strategy 1

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

Workers' compensation compliance and enforcement

WorkSafe ACT initiated proactive compliance campaigns to enforce compliance under the *Workers Compensation Act 1951* during 2020-21, with two campaigns in the suburbs of Dickson and Barton. As part of these campaigns inspectors conducted a total of 620 workplace visits resulting in multiple premium recoveries and infringement notices being issued:



620 Workplace Visits



8 Infringement Notices to the value
of **\$12,000**



14 Premium recoveries to the
value of **\$188,870**

WorkSafe ACT also approved two rehabilitation providers in the Territory and granted extensions to the seven approved insurers and seven of the eight self-insurers through to 31 December 2021 as part of transitional amendments to the Workers Compensation Act. One of these self-insurers surrendered its licence from 1 June 2020.

A priority for WorkSafe ACT for 2021-22 will be the issuing of licences to approved insurers and self-insurers and compliance with these licence arrangements.





Strategy 2

Minimising physical and psychological harm and improving WHS practice and culture

Minimising harm and improving culture

Identifying areas of focus to minimise harm, particularly regarding compliance activities, is key to the success of the measures WorkSafe ACT is implementing. In addition to priorities set at the national level, WorkSafe ACT draws from compensation data and inspection intelligence to develop operational objectives appropriate to the local regulatory context.

Efforts to minimise physical and psychological harm are shaped following consideration of industry size and share, hazard and risk factors and data analysis, areas of previous or systemic non-compliance and may include large or small 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 2020-21 were:

1. addressing the growing impact of psychosocial hazards and risks in the workplace, including work-related violence and sexual harassment and the impact on the wellbeing of workers across all industries
2. silica dust exposure and other occupational lung diseases, and
3. the exploitation of vulnerable workers and the associated workplace risks through implementation of the Labour Hire Licensing scheme.

Psychosocial hazards and risks

Under the WHS Act, PCBU's have a duty to ensure the health, safety and wellbeing of their employees, this includes psychological health. Psychosocial risks in the workplace have been prioritised by WorkSafe ACT and as such require specific guidance material, compliance monitoring and enforcement attention.

During its first full year of operations, WorkSafe ACT increased its capability to address psychosocial hazards. There is now a dedicated psychosocial team of inspectors led by a director with specialised psychosocial regulatory experience. In addition to a large body of reactive work, the team has undertaken a compliance audit of Universities and vocational training providers. These inspections focused on ensuring there were safe systems of work and adequate complaint management processes in place.

WorkSafe ACT partnered with all Australian WHS regulators during 2020-21 to jointly fund the provision, free of charge, of the online People at Work (PAW) Risk Assessment tool. PAW is a free and evidence-based psychosocial risk assessment tool. The survey was specifically designed to help workplaces better identify and manage work-related risks to psychosocial health and benchmark themselves to other workplaces. 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.

In February and March 2021, WorkSafe ACT conducted the PAW Survey to identify, assess and manage workforce risks for the psychological health and wellbeing of its own staff and developed an action plan for implementation during 2021-22. The action plan includes repeating the PAW survey every six months.

WorkSafe ACT's evidence informed approach to addressing psychosocial hazards and risks is being supplemented with the expertise of Dr Peta Miller, a WHS specialist with over 35 years' experience. Dr Miller has been engaged to deliver a broad program of work including a report to the WHS Commissioner on the issues and challenges with managing psychosocial hazards in the workplace. During June 2021, Dr Miller met with strategic government and industry stakeholders to gauge their lived experiences and insights.

This large program of work and stakeholder engagement will continue into the 2021-22 reporting year. In addition, development of a strategy for managing work-related psychosocial hazards is well underway, with launch of this strategy planned for National Safe Work Month in October 2021.

The psychosocial strategy is intended to be the overarching document that captures WorkSafe ACT's approach to work-related psychosocial hazards. It will support stakeholders to build capability and maturity to achieve compliance with WHS laws and emphasise the expectation that duty holders who contravene these laws will be held to account.

The strategy will guide the compliance and education activities of WorkSafe ACT during 2021-2023, including targeted plans to address work-related violence and sexual harassment.

Work-related violence

During 2020-21, WorkSafe ACT engaged with stakeholders to develop effective strategies and interventions to address this risk. Led by the WHS Commissioner, in October 2020, 20 delegates from government, business, unions and community groups, came together to discuss work-related violence and to raise awareness of specific territory issues and workshop potential solutions.

Dr Miller facilitated the development of awareness programs with stakeholders on the regulation of work-related violence in the Territory. This body of work will be developed into an action plan to sit under the psychosocial strategy and will be highlighted as part of National Safe Work Month in October.

Sexual harassment

In March 2021, Suzanne Orr MLA moved that the ACT WHS Act include requirements that support psychological and social wellbeing at work. These provisions were passed with reference to the 2020 recommendations of the [Respect@Work national inquiry into sexual harassment in workplaces](#). WorkSafe ACT has been actively working towards meeting relevant outcomes of this motion working with:

- Safe Work Australia to develop and implement regulations and a Model Code of Practice that address psychosocial hazards, and
- HWSA to release the PAW online tool in February 2021 that assists duty holders to identify and assess the risks including sexual harassment and assault.

The WHS Commissioner is working with the ACT Government in the establishment of the Sexual Assault Prevention and Response Steering Committee as part of the Workplace Reference Group, that will focus on progressing the parliamentary agreement. This priority work will continue into 2021-22.

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. As highlighted in WorkSafe ACT's Statement of Operational Intent 2020, delaying a response to this issue has the potential to affect workers with devastating results.

Under the WHS Act, PCBU's have a duty to provide workers with appropriate information and training about potential risks to health and safety. WorkSafe ACT also has a statutory responsibility to provide advice on compliance with WHS obligations. WorkSafe ACT has developed a program of work to target the prevention of occupational lung diseases and to combat the apparent lack of awareness of managing the risks of dust diseases across all industry sectors, but particularly Construction.

In September 2020, WorkSafe ACT and the MBA established a Silica Working Group involving stone benchtop manufacturers, the broader Construction industry and local occupational physicians, Dr Harrex and Dr Mpho. The purpose of the Working Group was to ensure PCBU's are aware of their obligations to significantly reduce or eliminate worker exposure to respirable crystalline silica (RCS) and control the hazards associated with RCS exposure above the current workplace exposure standard of 0.05m³ over an 8-hour time weighted average. The Working Group has agreed on the development of construction specific guidance and will be replaced by a consultation group early in 2021-22 to finalise this work.

WorkSafe ACT has had in place a Crystalline Silica Compliance Program since 2019-20. During 2020-21, the focus of this program was on compliance in the manufacturing of stone benchtops. To further support the inspectorate and enable more efficient and effective inspections in this priority area, a checklist for silica inspections was developed on the iAuditor application — iAuditor:

- digitises inspector checklists
- enables immediate changes to the checklist in response to new information
- ensures consistency of inspections, and
- enables immediate data capture and reporting.

iAuditor will be implemented across the inspectorate during 2021-22, including to measure the psychosocial maturity of organisations and to undertake COVID-19 compliance inspections.

The subject matter expertise of WorkSafe ACT was bolstered in June 2021 with the engagement of a senior level occupational hygienist. This will be further enhanced in early 2021-22 with the planned recruitment of an Assistant Director responsible for regulatory toxicology policy advice. Together they will develop, implement, and evaluate a regulatory framework around the prevention of occupational diseases caused by silica dust, asbestos and other dangerous substances and will build inspectorate capability to integrate occupational hygiene principles into compliance and enforcement activities.

WorkSafe ACT has actively supported national efforts to promote awareness of occupational lung diseases. WorkSafe ACT promoted this important issue during National Safe Work Month

in October 2020 in a silica symposium (more details are included under Strategy 3: Engaging with stakeholders to better understand and respond to current and emerging WHS issues). Featured on the WorkSafe ACT website is a link to the Safe Work Australia campaign [Clean Air. Clear Lungs.](#), the national campaign that seeks to educate PCBU's on how to eliminate or manage the risk of their workers developing an occupational lung disease.



Throughout the reporting period the WHS Commissioner represented the ACT on the National Occupational Respiratory Disease Registry Working Group as part of the Commonwealth Department of Health's [National Dust Diseases Taskforce](#). The Taskforce in its final report has recommended to the Commonwealth Government the establishment of a national registry. The Commonwealth Government is yet to respond.

[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 loose filled asbestos impacted properties in the ACT — these are commonly referred to as Mr Fluffy properties. During the 2020-21 financial year WorkSafe ACT attended several properties which had been handed back by owners to the ACT Government through ART to oversee their demolition and the safe removal and disposal of the building material deemed contaminated by either friable or non-friable asbestos.

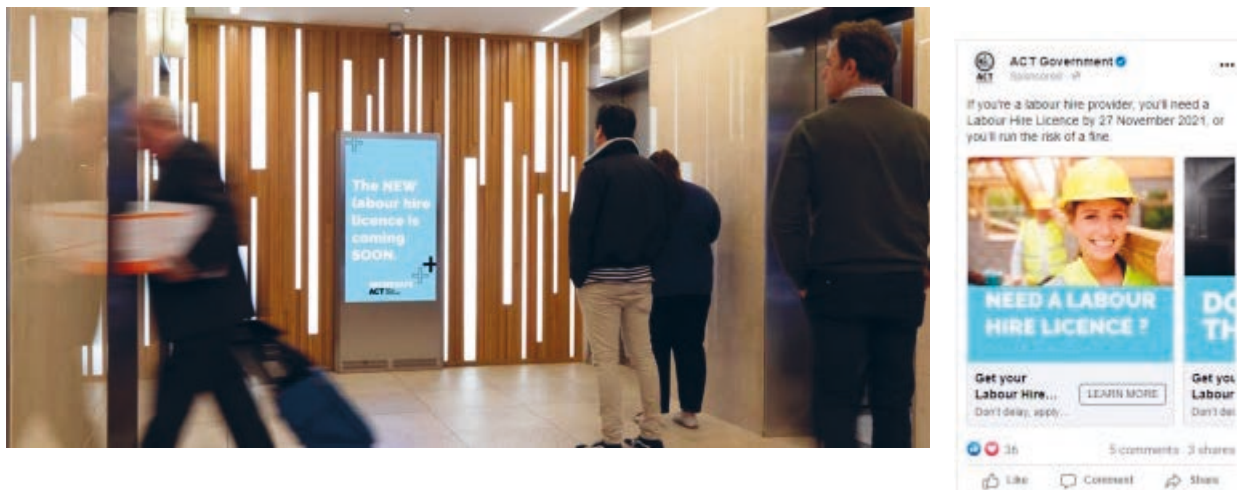
WorkSafe ACT also completed inspections on those remaining Mr Fluffy properties where residents still reside to ensure compliance with obligations under the Dangerous Substances Act and Regulations 2004. This was through monthly inspections to ensure that these property owners have in place an Asbestos Contamination Report (ACR) which must be prominently displayed at the entrance to the residence and updated every two years. The detection of non-compliance and any regulatory sanction imposed is reported to ART on a monthly basis.

There are 24 Mr Fluffy properties still occupied with 17 fully compliant, five partially compliant and two deemed non-compliant in terms of the ACR.

On 21 May 2020, the ACT Legislative Assembly passed the LHL Act to establish a licensing scheme 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.

A labour hire licence is an appropriate strategy to safeguard individuals that have the potential to be exposed to vulnerable workplaces. WorkSafe ACT established a LHL Implementation Steering Committee—the purpose of which was to ensure supporting systems, a dedicated team of inspectors, and a comprehensive communications strategy were in place once the scheme commenced on 27 May 2021.



A media campaign involving advertisements on Facebook and Instagram, on digital billboards and in Google search was run from 26 April 2021 – 30 June 2021. The purpose of the campaign was to raise awareness of the new scheme and to encourage providers to apply for a licence as soon as possible.

To further raise awareness, WorkSafe ACT hosted free, industry-focused Q&A sessions throughout June 2021 to ensure 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. Three of these sessions were face-to-face and two were virtual, with 155 attendees in total.

There is a six-month transitional period, as provided in the legislation, to enable providers to obtain a licence. All labour hire providers must have a licence by 27 November 2021. Individuals and businesses that do not have a licence by this date will be unable to provide labour hire services in the ACT or if they continue to operate unlicensed, they may be subject to penalties. Labour must only be purchased from licensed providers after this date.

The licence fee is \$2,900. By 30 June 2021, 58 licence applications had been received and 25 licences had been issued with unconditional approval. Further information on the scheme including exemptions, application forms and a public register of licensed providers is available on the [WorkSafe ACT website](#).



Strategy 3

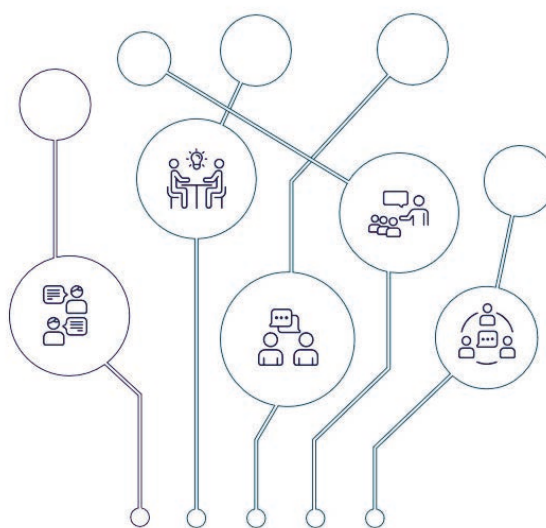
Engaging with stakeholders to better understand and respond to current and emerging issues

Engagement with stakeholders

WorkSafe ACT encourages compliance with the WHS Act and associated legislation in partnership with its stakeholders in a range of ways, including the provision of information and guidance to raise awareness of rights and obligations and help duty holders know how to comply with the laws and build their 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. 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 policy makers in other jurisdictions, including Safe Work Australia
- ACT Government directorates
- insurers and self-insurers, and
- labour hire providers and users.



WHS Council

The WHS Council is the key stakeholder body in the work of the WHS Commissioner and WorkSafe ACT. Consultation with both the Minister for Industrial Relations and Workplace Safety and the WHS Council was required in the preparation of the Strategic Plan and the Compliance and Enforcement Policy.

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 also 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 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 the 2020-21 reporting period, there were three WHS Council meetings: in August 2020, March 2021 and June 2021. During this period, the WHS Council provided comment and input on WorkSafe's strategic planning documents.

The WHS Commissioner was also a member of the two subcommittees of the WHS Council established during the 2020-21 reporting period:

- the Extreme Weather Conditions Advisory Committee, and
- the Workplace Crystalline Silica Exposure Advisory Committee.

Key stakeholder events

WorkSafe ACT has worked closely with stakeholders and social partners over 2020-21, to better understand and respond to current and emerging WHS issues. Key events and activities included:

- A Strategic Summit held on 31 July 2020 — to consult on WorkSafe's Strategic Plan, Statement of Operational Intent, and proposed interventions for residential Construction.
- WorkSafe ACT and SafeWork NSW gave a joint presentation to the Housing Industry Association on residential Construction safety on 8 September 2020.
- In Australia, every October is National Safe Work Month. In October 2020, WorkSafe ACT promoted the national theme of 'work health and safety through COVID-19' by acknowledging and reflecting on the wide-ranging impact that COVID-19 was having on Territory workplaces and the psychological health of workers. October is also Mental Health Month and WorkSafe ACT, through the Healthier Work Program, offered a series of webinars to highlight these events:

- *Managing for wellbeing: understanding mental health in our current environment* — featuring David Burroughs, Australian Psychological Services. This hour-long session had 236 virtual attendees and covered practical insights on transitioning to the next new normal. It also covered the key emerging risk area of isolation and a physical return to work.
 - *Trauma: reaction and recovery in the workplace* — featuring Carmel O'Sullivan, Construction Charitable Works. Ms O'Sullivan, a psychologist for over 20 years, provided guidance relevant to all industries on responding to, and recovery after, a traumatic event, such as a workplace incident, assault or natural disaster.
 - *Flexible work and health* — featuring Dr Ginny Sargent, ANU Research School of Population Health, PHXchange. Over 300 virtual attendees watched a presentation focussed on research conducted in the ACT on getting the most out of workplace health promotion and flexible work and how it can negatively impact health. Dr Sargent also provided information on how learnings could be applied in workplaces to mitigate the negative, and harness positive effects of flexible work on staff and their families.
 - *Mindfulness in everyday life* — featuring Neil Shepherd, Inner Synergy. This webinar provided practical tools, techniques and experiences to understand how mindfulness and self-awareness can help in the workplace and in everyday life.
 - *Protecting the mental health of small business* — featuring Beyond Blue and Canberra Business Enterprise Centre.
- As part of National Safe Work Month, WorkSafe ACT held a Silica Symposium, chaired by the WHS Commissioner. The purpose of the symposium, attended by 70 delegates, was to provide industry stakeholders with information about the risks associated with silica dust exposure, as well as information on managing these risks. Dr Martin Jennings, representing the Australian Institute of Occupational Hygienists, gave a presentation entitled *Controlling exposures to prevent occupational lung disease in the Construction industry* and was also on a panel with key stakeholders.
 - On 17 March 2021, the WHS Commissioner hosted a launch event to celebrate the introduction of an online psychosocial risk assessment tool, PAW. The WHS Commissioner welcomed Ministers Mick Gentleman and Emma Davidson to the event, along with Angela Burroughs, ACT Branch President of the Australian Education Union and Dr Peta Miller to raise awareness of this important tool to key industry leaders across the Territory.
 - Each year on 28 April, International Workers' Memorial Day is commemorated to 'remember the dead and fight for the living'. The WHS Commissioner spoke at the 2021 Unions ACT event. For the first time, WorkSafe ACT inspectors and corporate staff attended the solemn event at the National Workers' Memorial on the shores of Lake Burley Griffin.

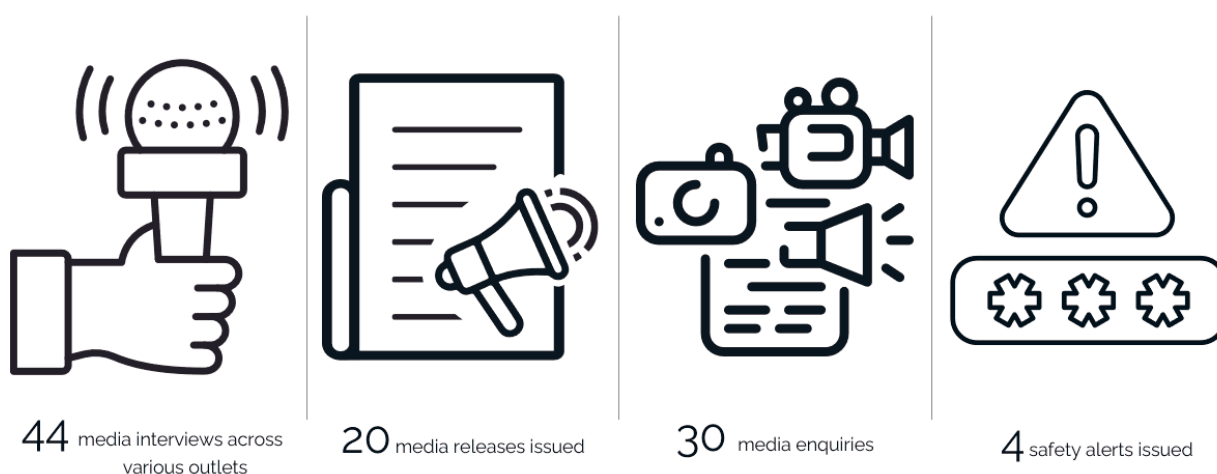
Stakeholder sponsorships

During 2020-21, WorkSafe ACT supported a range of stakeholder events and activities:

- Master Plumbers ACT Industry Awards
- Master Builders Association ACT Awards, and
- Construction Industry Training Council Graduating Apprentice and Industry Encouragement Awards.

Media engagement

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



Engagement is expected to increase in 2021-22 through targeted use of social media, greater contact with specialist WHS and occupational hygiene publications, increased publication of data and incident reporting and increased publication of safety alerts.

Community engagement and support

COVID-19 response

The COVID-19 Public Health Emergency continued to present WHS challenges for all workplaces during 2020-21. WorkSafe ACT inspectors, while not public health officers under the ACT Public Health Emergency Directions, continued business as usual operations with COVID-19 enquiries and issues remaining a primary focus, with inspectors monitoring workplaces to ensure safe systems of work, including COVID Safe Plans.



WorkSafe ACT continued to provide a range of resources and information to PCBU's in the Territory to support them in their operations, and the transition of workers, including those safely returning to work once restrictions were eased. This information focussed on both physical and psychological health and safety.

As at the end of the 2020-21 reporting period, WorkSafe ACT had responded to 72 enquiries specifically related to COVID-19 impacts on WHS, including two proactive workplace visits. In May and June 2021 as COVID-19 began impacting the region surrounding the ACT, WorkSafe ACT took measures to ensure its own COVID Safe Plan was regularly reviewed and updated, following consultation with employees. This ensured WorkSafe ACT's own workers remained safe and able to support the community. WorkSafe ACT's response to ensure business continuity has been planned and is ready to be applied should circumstances in the ACT change in 2021-22.



Stardust Childcare Centre

Following a WHS incident caused by a tradesperson working at Tuggeranong's Stardust Childcare Centre which required investigation, the children at the Centre created an artwork to thank WorkSafe ACT for keeping them safe. This painting hangs across from the WHS Commissioner's office.



On 7 June 2021, the WHS Commissioner, the Deputy Commissioner and an investigator visited the centre to engage with the staff and the children and to thank them for the painting. The Commissioner spoke to the children about the role of WorkSafe ACT in keeping workers and others in the Community safe while they are at work.

The children tried on a range of personal protective equipment including high visibility vests and hard hats. The investigator who attended reported that it was a "genuine and humbling pleasure to be able to assist these services, its children and educators, all of whom do an amazing job."



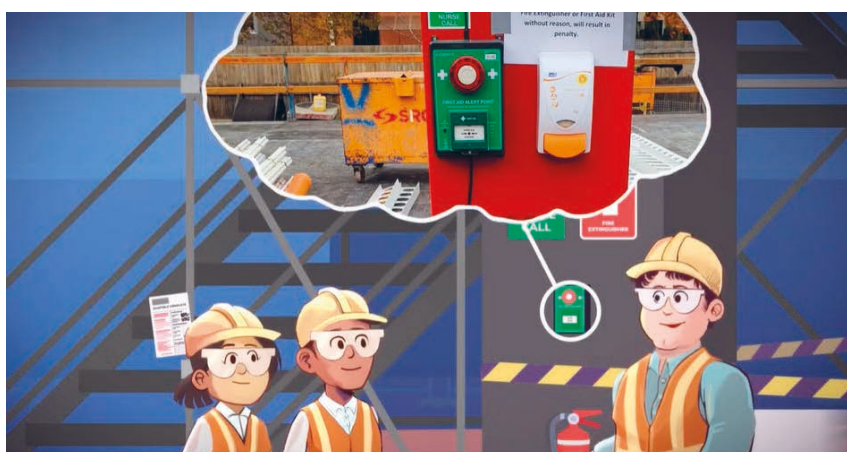
Engagement with students/apprentices/young workers

In 2020-21 WorkSafe ACT continued the allocation of one designated inspector to assist Skills Canberra deal with young worker complaints and concerns emanating from various workplaces. WorkSafe ACT gave six presentations to 130 young people at the Canberra Institute of Technology (CIT) — additional presentations were planned but COVID-19 restrictions impacted on them.

The CIT and Group and Registered Training Organisations provide apprentice training across a variety of industries including construction, retail, personal services (such as hairdressing), hospitality, electrical, plumbing, and automotive trades. WorkSafe ACT triaged and investigated complaints referred by Skills Canberra to determine if any regulatory action or other engagement was required.

WorkSafe ACT had two contracts with the Construction Industry Training Council (CITC) for 2020-21 for the administration of the nationally recognised course in Asbestos Awareness and the provision of advice and assistance in the delivery of engagement and education programs. The Asbestos Awareness course is mandatory in the ACT and was developed and managed by the CITC prior to the ownership of it being transferred to the ACT Government in 2014. Outsourcing the administration of the course to the CITC provides increased stakeholder confidence. The use of the CITC to facilitate engagement activities brings an independent perspective, achieves value for money and ensures that seminars and forums are conducted in an efficient and effective manner.

As a result of an incident at a construction site in Braddon in January 2019, an EU from Chase Building Group (Canberra) Pty Ltd was accepted. This EU was accepted in December 2019 and has over a number of years delivered safety benefits to workers, the Construction industry and the community. One component of the EU required Chase Building Group (Canberra) Pty Ltd to partner with the CITC and production agency VMotion to develop and deliver [a web-based interactive e-learning program for young workers](#) which addresses WHS responsibilities, obligations and risk management concepts. This animation was produced and released during 2020-21.



WorkSafe ACT will develop and launch a Young Workers' Strategy in 2021-22 and continue to partner with CITC and Skills Canberra to ensure the health and safety of young workers is given the necessary priority.

Healthier Work Program

During the 2020-21 financial year, the [Healthier Work Program](#) formed part of WorkSafe ACT in supporting employers to develop health and wellbeing initiatives within their respective workplaces.

Healthier Work has a range of resources, tools and templates to assist Territory businesses in the development and implementation of health and wellbeing programs within workplaces. Free resources and supports include:

- free phone, email and onsite support
- a Workplace Health and Wellbeing Score Card to help businesses get started
- links to workplace health and wellbeing providers, and
- training and support mechanisms for workplaces.

The Healthier Work program also operates a Recognition Scheme that acknowledges and rewards Territory businesses that are committed to ensuring workplace health and wellbeing.

While face-to-face forums were unable to take place in 2020 due to COVID-19, two well-attended events did take place in the last half of 2020-21:

- Healthier Work Networking Breakfast — held on 30 March 2021, this event focussed on helping leaders to facilitate mentally healthier workplaces, and featured speakers from Canberra Health Services, Moulis Legal, and a keynote address from Dr Peta Miller, and
- Men's Health Breakfast — held on the 18 June 2021, this event aimed to support ACT workplaces to better understand why it is important to think about men's health and wellbeing, and featured Professor Gary Wittert, Director of the Freemasons Centre for Male Health and Wellbeing, University of Adelaide, and Darren Black, CEO of the OzHelp Foundation.



Government agreed during the reporting period that from July 2021, the Healthier Work Program be transferred to Workplace Safety and Industrial Relations, Chief Minister, Treasury and Economic Development Directorate, ACT Government.



Strategy 4

Creating 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) was the first broad review of the ACT's WHS compliance and enforcement arrangements since the adoption of the national model WHS legislation in the ACT in 2011. Dr Claire Noone, Nous Group undertook the review.

The review specifically considered:

1. the approach to safety compliance and enforcement detailed in WorkSafe ACT's Compliance Framework
2. the appropriateness and effectiveness of WorkSafe ACT's governance structure, including the roles, legislative responsibilities and functions of the Work Safety Commissioner, the Regulator and relevant Ministers
3. the appropriateness and effectiveness of WorkSafe ACT's organisational structure, including consideration of its independence and operational effectiveness in its current status as a business unit within Access Canberra, and
4. 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 2018 Independent Review identified a suite of legislative, governance and administrative changes necessary to enable WorkSafe ACT to be an effective and efficient WHS regulator. The review's 27 recommendations were given in-principle support by the ACT Government.

Amendments to the WHS Act made in 2019 were directly responsive to the 2018 Independent Review's recommendations. These amendments, which resulted among other things, in the establishment of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) as an independent entity from 1 July 2020, the finalisation of WorkSafe ACT's Strategic Plan 2020-2024 and Compliance and Enforcement Policy 2020-2024 together with a planned transition program, have resulted in 22 of the 27 recommendations being delivered.

Governance, technological and cultural change

The transition program has seen a range of corporate and regulatory governance, technological and cultural changes to WorkSafe ACT since its establishment including:

- the development of a governance framework linking corporate and regulatory governance processes
- the creation of financial and human resource policies, processes, procedures and delegations to support the efficient and effective operation of the agency
- finalisation of a new organisational structure, including recruitment of the Deputy WHS Commissioner
- the creation of the Case Management Panel to formalise regulatory governance processes, including decision making
- the completion of a review of regulatory delegations including the adoption of revised delegations
- launch of the first WorkSafe ACT Women's Committee

- review and as required, redrafting of Standard Operating Procedures across the agency
- refinement of the Terms of Reference and operating procedures of the Senior Leadership Team (SLT) meetings, including the provision of SLT meeting outcomes to all staff
- relocation from Dickson to Civic
- new branding, livery and uniforms
- the establishment of the WorkSafe ACT Staff Consultative Committee
- the implementation of Salesforce as WorkSafe ACT's case management system in October 2020, to enhance data collection, analysis and reporting which is being used to inform strategic priorities, programs and activities and enable better evidence-based decision making
- the conduct of a pilot of the iAuditor application to further enhance consistency in regulation and improve data collection and reporting
- development and implementation of a Records Management Framework
- development of internal and external communication strategies, and
- the launch of a new website in September 2020 to make guidance material and information more accessible to workers and PCBU's.

The website was developed following stakeholder engagement and consultation and has improved communication about incident and enforcement outcomes.



In 2021-22, WorkSafe ACT will remain focussed on ensuring that the remaining planned changes to enhance its operational efficiency and effectiveness are fully realised, including implementing the final recommendations of the 2018 Independent Review. The remaining five review recommendations will be met through the development and implementation of a capability framework. The framework will formalise the agency's training, workforce capability and succession planning requirements, particularly to improve WorkSafe ACT's regulatory operations.

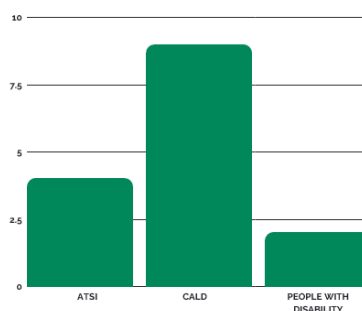
Internal accountability

Human resources management

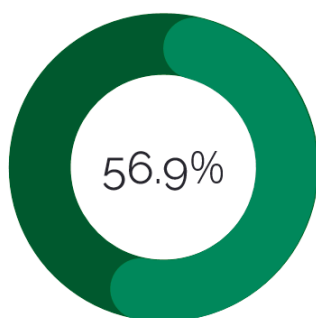
In addition to work on the development of the capability framework, WorkSafe ACT has addressed capability gaps through targeted recruitment. The engagement of new staff, both on a temporary and permanent basis, through various means including formal recruitment processes, temporary arrangements with other directorates, the engagement of a graduate through the graduate program, and the Jobs for Canberrans scheme, has allowed for a cultural transformation and renewed energy across the organisation.



CULTURAL DIVERSITY



PERCENTAGE OF WORKERS OVER 45



AVERAGE LENGTH OF SERVICE IN THE ACTPS



RECRUITMENT RATE



SEPARATION RATE



The separation rate was impacted by a round of voluntary redundancies in April 2021

As at 30 June 2021

Senior Executives and their responsibilities

As at 30 June 2021, 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 advise the WHS Commissioner on the regulator's operations, and engage in strategic leadership to ensure the effective management of WorkSafe ACT's operations.

In the absence of the WHS Commissioner the Deputy WHS Commissioner is required to act as the WHS Commissioner.

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 establishment of the WorkSafe ACT Audit and Risk Committee (the Committee) in 2021-22 will greatly assist the WHS Commissioner in fulfilling her oversight and governance responsibilities. The role, composition, authorities, and responsibilities of the Committee will be formally set out in the Committee's Charter. Mr Finn Pratt AO PSM has agreed to chair the Committee. Mr Pratt had a 36-year career in the Australian Public Service during which he made a significant contribution to Australia's domestic policy at the highest level. Mr Pratt's acceptance of the role as independent chair will reinforce the importance WorkSafe ACT is placing on robust governance processes and accountability.

The objective of the Committee will be to provide independent assurance and assistance to the WHS Commissioner on WorkSafe ACT's risk, control and compliance frameworks and its external accountability responsibilities. It will also review the annual financial statements and provide advice on significant risks, audit outcomes and the implementation of appropriate mitigation strategies. In conjunction with the establishment of the Committee, a contract for the provision of an internal audit function will be established. This contract will be with an external supplier on the ACT Government Internal Audit Panel. WorkSafe ACT's Internal Audit Program will be developed after identifying areas of strategic, operational or fraud risk and will be overseen by the Committee and approved by the WHS Commissioner and Senior Leadership Team.

The initial focus of WorkSafe ACT was on financial management and accountability — financial delegations came into effect on 1 July 2020. These delegations were deliberately kept at a high level and were only given to the WHS Commissioner, the Deputy WHS

Commissioner, Senior Directors and Directors. These delegations will be reviewed in 2021-22. A central control during the reporting period was a restriction on corporate credit cards and petty cash expenditure, with only two cards being held in the agency and petty cash is managed centrally by the Finance Team. A risk register for financial reporting will be developed in conjunction with the review of the financial delegations and credit card holders during 2021-22.

There were two known instances of potential fraud during 2020-21 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 2021. WorkSafe ACT has adopted the fraud and risk management policies and procedures of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). Agency-specific corporate fraud and risk management plans will be developed following the establishment of the Audit and Risk Committee. The areas of risk of potential fraud are finance-related matters, the use of work vehicles and the falsification of flex sheet, on-call allowances and claims for overtime. The human resource delegations were adapted from CMTEDD and are currently under review and will align the introduction of the new Human Resource Information Management System and the potential use of iDelegate.

WorkSafe ACT has sought additional funding to improve the operational efficiency and effectiveness of the organisation and ensure transparency and accountability in corporate governance. As well as seeking funding to establish the audit function for the agency, additional budget is being sought to improve capability development through training and continued professional development. This additional training will form part of mitigating the risks identified by the agency and be complemented by clear policies and procedures regularly communicated to staff and included in the induction process.

Business continuity management is a risk control that supports WorkSafe ACT's commitment to the ongoing delivery of the agency's critical business functions. This was evidenced during 2020-21 with the enactment of the WorkSafe ACT COVID-19 Safety Plan, a document which aims to manage known and new risks as far as is reasonably practicably. The risk of transmission of COVID-19 has been managed by using:

- flexible and remote work arrangements as necessary
- social distancing
- hygiene measures
- work design and support systems, and
- mechanisms to support a positive organisational culture while remote.

The plan is regularly updated 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 Canberra.

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) [Stretch Reconciliation Action Plan 2020-2023](#) covers WorkSafe ACT and guides our priorities and actions. The Stretch Reconciliation Plan 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 this foundation year for WorkSafe ACT have been:

- improving employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development. WorkSafe ACT was able to increase its representation of Aboriginal and Torres Strait Islander staff in the reporting period
- 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 will be commissioned to produce artwork for the new WorkSafe ACT premises and to be used as part of the livery and uniforms,
- building relationships through celebrating National Reconciliation Week. All staff were actively encouraged to attend events throughout the week, and
- increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, history, knowledge and rights through cultural learning. Mandatory sessions planned for the reporting period were delayed due to COVID-19, these have been rescheduled for November 2021. Cultural learning is a key foundation skill and will be included in the WorkSafe ACT induction program.

Work Health and Safety

WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, inspection and investigation. It is responsible for monitoring and enforcing compliance by duty holders under the WHS Act and associated legislation for Workers' Compensation, Labour Hire Licensing and Dangerous Substances. These functions give the agency a unique understanding of the importance of WHS, something which it ensures is enforced in its own workplace.

WorkSafe ACT has an elected Health and Safety Representative (HSR) and two Deputy HSRs. a Staff Consultative Committee was established late in the reporting period with representatives from the various work areas in the agency, the HSR and union delegates. The agency uses the whole of government online tool — RiskMan — to report incidents and allow formal notification and investigation to be conducted as necessary.

There were no serious injuries or illnesses to WorkSafe ACT employees in 2020-21 with the top three risks being from potential site hazards (risk of slips, trips and falls), psychosocial hazards (stakeholder aggression) and body stressors (musculoskeletal). The induction process for new staff includes a WHS component and this will be strengthened during 2021-22 and complemented by training, both formal and on the job.

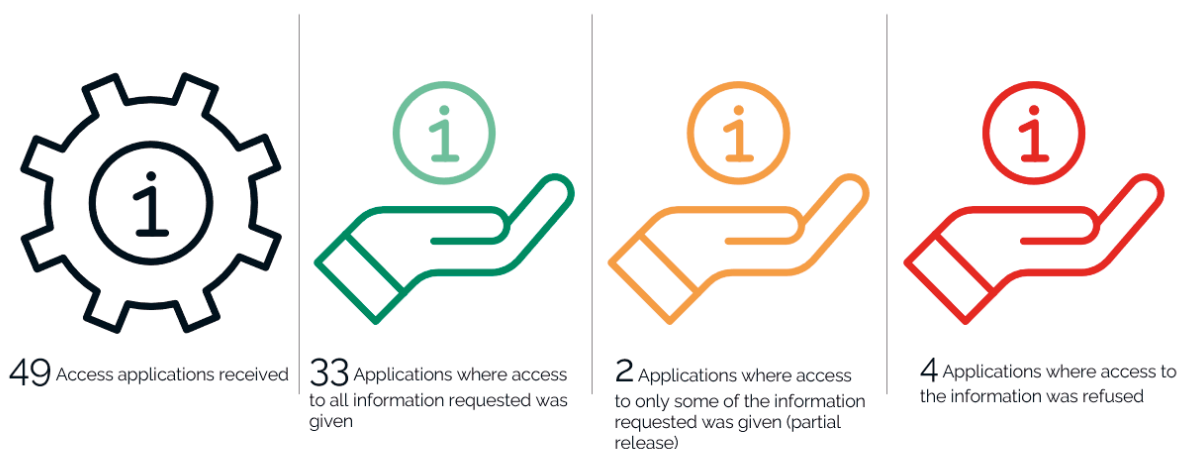
Ecologically sustainable development

WorkSafe ACT supports the *ACT Climate Change Strategy 2019-25* and the *ACT Zero Emission Vehicles Action Plan*. The agency moved from Dame Pattie Menzies House in Dickson to 5 Constitution Avenue in the City during 2020-21 and will relocate to Nara Centre in 2021-22. This final move to Nara Centre, a 4.5-star National Australian Built Environment Rating System (NABERS) rated building, will complement the work being done by the agency on becoming more ecologically sustainable.

The agency promotes recycling and waste reduction through centrally placed bins for cardboard, food scraps and batteries and encourages their use 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 insofar as 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 has reviewed its vehicle fleet requirements and reduced it by two from 13 to 11. This, along with the replacement of existing vehicles with hybrid models and the rationalisation of home garaging, has enabled the agency to considerably reduce its fleet emissions.

Freedom of information reporting



Note: The balance in the above reflects FOIs either transferred, withdrawn, completed outside of the FOI Act or still pending a decision at 30 June 2021

Further information in relation to requests made under the Freedom of information Act 2016 in relation to the business of WorkSafe ACT can be sourced from the 2020-21 annual report of CMTEDD.

Contact for further information:

Senior Director/Information Officer, Information Access, CMTEDD, Phone (02) 6207 3153.

ACT Ombudsman

Phone: 13000 362 072 or email: actfoi@ombudsman.gov.au

Scrutiny

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.

Below are details of WorkSafe ACT's progress during the reporting period in implementing the recommendations. The list does not include recommendations where the government's initial response indicated that the implementation of the recommendation was already complete or where implementation was completed in the previous reporting period.

Recommendation number and summary	Status and action in reporting year
Recommendation 1 – Agreed 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: <i>WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses</i> .	In progress The government's response to this recommendation advised that the changes proposed in the Work Health and Safety Amendment Act 2019 (WHS Amendment Act) would improve WorkSafe's governance model. The WHS Amendment Act was passed in the Legislative Assembly in October 2019. The WHS Amendment Act fully commenced on 30 April 2020. The Office of the Work Health and Safety Commissioner became a separate entity from 1 July 2020 with all requisite annual and financial reporting requirements. The WHS Amendment Act includes a requirement that WorkSafe ACT's compliance and enforcement policy, strategic plan and statement of operational intent to be regularly updated and publicly available. WorkSafe ACT will also regularly review its Standard Operating Procedures and update as required. This process is ongoing.
Recommendation 2 – Agreed The Committee recommends that the ACT Government implements documentary frameworks as soon as possible after a project begins. The ACT Government should use these frameworks to form and reflect operational procedures and accountability measures.	Completed The government's response to this recommendation advised that a Strategic Regulatory Services Team will be responsible for developing the scope for each regulatory program, incorporating consultation with the appropriate stakeholders and training for the inspectors allocated to each program. Each program will include performance measures to enable review and reporting and will be

supported by Standard Operating Procedures to ensure consistency across programs. The WHS Act includes a requirement for the establishment of a governance framework to support accountability measures which will include comprehensive intelligence led and evidence-based planning. The governance framework was completed and implemented in 2020-21 and WorkSafe ACT has robust planning and reporting frameworks in place.

Recommendation 3 – Agreed

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.

In progress

The government's response to this recommendation advised that the development of the new compliance and enforcement policy required by the WHS Amendment Act will provide enhanced guidance to WorkSafe ACT inspectors on how to exercise their discretion in the use of available regulatory tools to address non-compliance. The WHS Amendment Act was passed in the Legislative Assembly in October 2019. The Act fully commenced on 30 April 2020.

The WorkSafe ACT Compliance and Enforcement Policy was released in October 2020. WorkSafe ACT's Standard Operating Procedures continue to be reviewed and updated to ensure alignment with the compliance and enforcement policy. The review is expected to be completed during 2021-22.

Recommendation 5 – Agreed

The Committee recommends that the ACT Government take immediate action to change administrative and legislative arrangements so that WorkSafe ACT is no longer the designated regulator or investigator where an employee of WorkSafe ACT is subject to a notifiable incident under the Work Health and Safety Act 2011.

Completed

The implementation of this recommendation forms part of reformed governance arrangements for WorkSafe ACT. Administrative arrangements are in place to ensure WorkSafe ACT is no longer the designated regulator or investigator where an employee of WorkSafe ACT is subject to a notifiable incident, a decision on the appropriate regulator will be made depending on the nature of the incident.

Further information: Jacqueline Agius, Work Health and Safety Commissioner
02 6207 0360, Jacqueline.agius@worksafe.act.gov.au



Financial management reporting

Management discussion and analysis for the Office of the Work Health and Safety Commissioner for the Financial Year ended 30 June 2021

The following represents an overview of the financial affairs of the Office of the Work Health and Safety Commissioner (operationally known as WorkSafe ACT). Please see the complete audited financial statements and accompanying notes for a full account.

Financial overview

WorkSafe ACT was established on 1 July 2020 as a prescribed territory authority under section 54 of the *Financial Management Act 1996*. Upon the establishment of WorkSafe ACT, the net liabilities of \$1.9 million were transferred from CMTEDD.

WorkSafe ACT achieved an operating surplus of \$0.427 million which was \$0.506 million better than the Original Budget operating deficit of \$0.079 million.

This financial outcome was largely due to lower than expected supplies and services mainly relates to:

- lower professional services largely relate to an in-house legal consultant resulting a reduction in legal fees
- lower than anticipated staff training undertaken due to a delay in the development of WorkSafe ACT's staff capability framework
- lower than estimated office rent mainly due to an arrangement with the ACT Property Group to maintain lower rent expenses for a temporally office accommodation prior to the new City Office Building relocation in 2021-22, and
- delays in the delivery of awareness campaigns and consultancy services. This resulted from the timing of the implementation of *Labour Hire Licensing Regulation 2021*.

Financial performance

The following financial information is based on the audited annual financial statement for 2020-21, the budget in the 2020-21 Statement of Intent and the 2021-22 Statements of Intent for the forward estimates. It provides information about variances between the 2020-21 Budget and the 2020-21 Actual result.

Total Net Cost of Services

Table 1: Total Net Cost of Services

	Budget 2020- 21 \$'000	Actual 2020- 21 \$'000	Forward Estimate 2021-22 \$'000	Forward Estimate 2022-23 \$'000	Forward Estimate 2023-24 \$'000	Forward Estimate 2024-25 \$'000
Total Expenditure	8,916	8,911	11,700	12,647	13,775	13,983
Total Own Source Revenue	299	389	261	36	37	38
Net cost of Services	8,617	8,522	11,439	12,611	13,738	13,945

Comparison to Budget

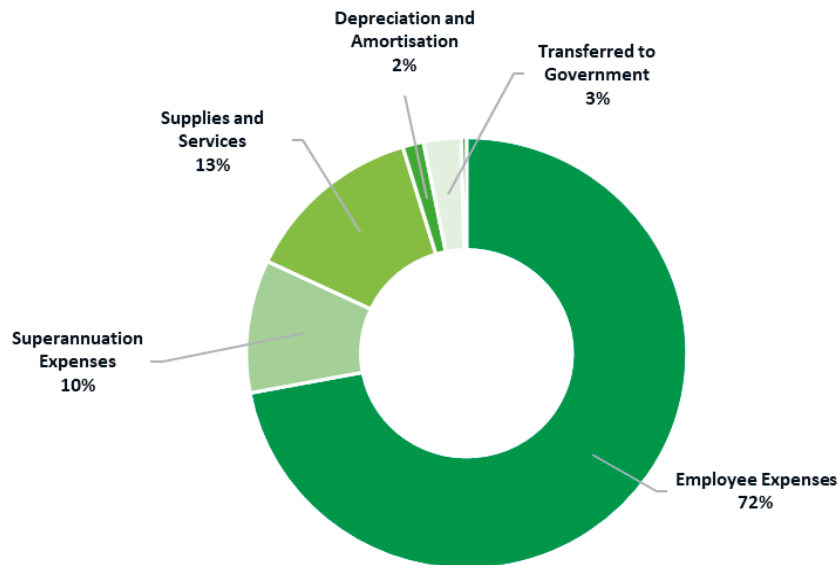
Total 2020-21 Net Cost of Services of \$8.522 million was in line with the 2020-21 Budget of \$8.617 million.

Total Expenditure

Components of Expenditure

Figure eight below identifies the components of WorkSafe ACT's expenses for the year ended 30 June 2021.

Figure 8: Components of Expenditure



Comparison to Budget

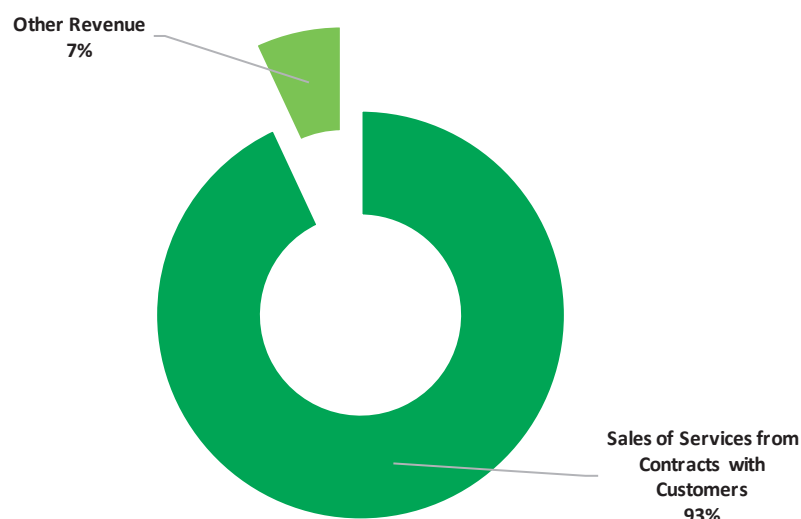
Total expenses of \$8.911 million were in line with the 2020-21 Budget of \$8.916 million.

Total Own Source Revenue

Component of Own Source Revenue

Figure nine below identifies the components of WorkSafe ACT's own source revenue for the year ended 30 June 2021.

Figure 9: Components of Own Source Revenue



Comparison to Budget

Total own source revenue was \$0.09 million or 30.1 per cent higher than the 2020-21 Budget. This is largely due to unbudgeted revenue received from the ACT Property Group to assist with facilitating WorkSafe ACT's office relocation.

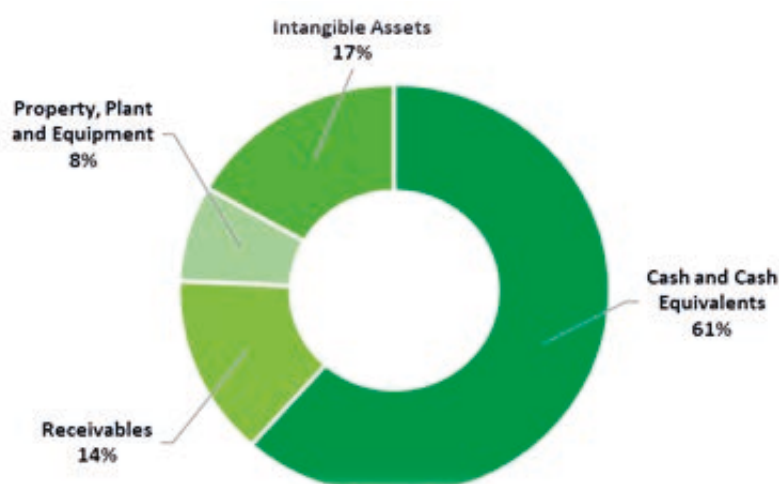
Financial position

Total Assets

Component of Total Assets

Total Assets as of 30 June 2021 were \$2.708 million. Figure 10 below shows the majority of WorkSafe ACT's assets related to Cash and Cash Equivalents (\$1.666 million).

Figure 10: Total Assets



Comparison to Budget

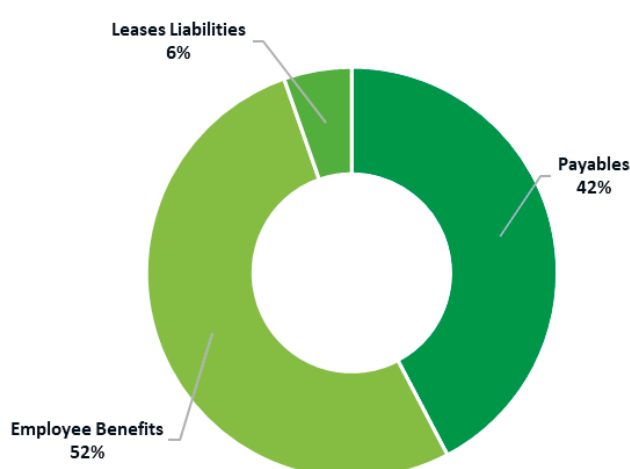
Total Assets as of 30 June 2021 were \$2.003 million higher than the 2020-21 Budget of \$0.705 million. This was mainly due to higher Cash and Cash Equivalent reflects higher than anticipated cash holdings required at the end of the financial year. This largely relates to a repayment of WorkSafe ACT's operational costs incurred between July and September 2020 which was paid by Access Canberra.

Total Liabilities

Component to Total Liabilities

Total Liabilities as of 30 June 2021 were \$3.618 million. Figure 11 shows Employee Benefits (\$1.894 million) and Payables (\$1.530 million) which comprise 94.6 per cent of Total Liabilities.

Figure 11: Total Liabilities



Comparison to Budget

Total Liabilities as of 30 June 2021 were \$1.365 million or 60.6 per cent higher than the 2020-21 Budget. This was largely due to higher Payables associated with the repayment to Access Canberra mentioned under 'Total Assets'.

Liquidity

Liquidity is a measure of the ability of WorkSafe ACT to meet its short-term financial obligations as 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 they fall due.

Table 2 – Current Ratios – Actual, Budget and Future Trends

Liquidity	Budget 2020-21 \$'000	Actual 2020-21 \$'000	Forward Estimate 2021-22 \$'000	Forward Estimate 2022-23 \$'000	Forward Estimate 2023-24 \$'000	Forward Estimate 2024-25 \$'000
Current Assets	-	2,051	964	1,150	1,336	1,522
Current Liabilities	2,033	3,351	2,172	2,261	2,352	2,445
Current Ratio	0:1	0.61:1	0.44:1	0.51:1	0.57:1	0.62:1

The current ratio for the year ended 30 June 2021 is 0.61:1 is higher than the budget current ratio of 0:1. This is due to a combination of higher than budgeted cash balance (as discussed above) and higher than expected account receivables. The higher than budgeted account receivable balance reflects the timing of payment received and the understated budget amount.

As at 30 June 2021, WorkSafe ACT'S current assets (\$2.051 million) were less than the total current liabilities (\$3.351 million) by \$1.3 million. This is not considered a liquidity risk as along with external revenue, cash needs are funded through Controlled Recurrent Payment appropriation from the ACT Government on a cash-needs basis.

Financial statements

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

For the Year Ended
30 June 2021

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 2021 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 2021, 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.

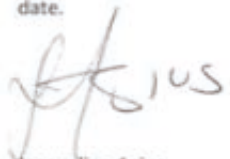


Ajay Sharma
Assistant Auditor-General, Financial Audit
15 September 2021

**Office of the Work Health and Safety Commissioner
Financial Statements
For the Year Ended 30 June 2021**

Statement of Responsibility

In my opinion, the financial statements are in agreement with the Office of Work Health and Safety Commissioner (WorkSafe ACT)'s accounts and records and fairly reflect the financial operations of WorkSafe ACT for the year ended 30 June 2021 and the financial position of WorkSafe ACT on that date.



Jacqueline Agius

Office of the Work Health and Safety Commissioner

17 September 2021

**Office of the Work Health and Safety Commissioner
Financial Statements
For the Year Ended 30 June 2021**

Statement by the Chief Finance Officer

In my opinion, the financial statements have been prepared in accordance with the Australian Accounting Standards, and are in agreement with the Office of Work Health and Safety Commissioner (WorkSafe ACT)'s accounts and records and fairly reflect the financial operations of WorkSafe ACT for the year ended 30 June 2021 and the financial position of WorkSafe ACT on that date.



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

14 September 2021

Office of the Work Health and Safety Commissioner
Operating Statement
For the Year Ended 30 June 2021

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000
Income			
Revenue			
Controlled Recurrent Payments	3	7,948	8,028
Licence Fees and Fines	4	446	400
Sales of Services from Contracts with Customers	5	327	299
Grants and Contributions	6	542	110
Other Revenue		62	-
Total Revenue		9,325	8,837
Gains			
Other Gains		13	-
Total Gains		13	-
Total Income		9,338	8,837
Expenses			
Employee Expenses	7	6,420	5,993
Superannuation Expenses		888	639
Supplies and Services	8	1,186	1,884
Depreciation and Amortisation		137	-
Licence Fees and Fines Transferred to Government		247	400
Other Expenses		33	-
Total Expenses		8,911	8,916
Operating Surplus/(Deficit)		427	(79)
Total Comprehensive Surplus/(Deficit)		427	(79)

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

WorkSafe ACT 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 the compliance monitoring and enforcement as detailed in its Compliance and Enforcement Policy 2020-2024. WorkSafe ACT determines the most appropriate tool to be used in accordance with the policy's decision-making process on behalf of the Work Health and Safety (WHS) Commissioner.

Office of the Work Health and Safety Commissioner
Balance Sheet
As at 30 June 2021

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000
Current Assets			
Cash and Cash Equivalents		1,666	-
Receivables	9	385	-
Total Current Assets		2,051	-
Non-Current Assets			
Property, Plant and Equipment	10	204	305
Intangible Assets	11	453	400
Total Non-Current Assets		657	705
Total Assets		2,708	705
Current Liabilities			
Payables	12	1,530	17
Employee Benefits	13	1,749	1,930
Leases Liabilities		72	86
Total Current Liabilities		3,351	2,033
Non-Current Liabilities			
Employee Benefits	13	145	56
Lease Liabilities		122	164
Total Non-Current Liabilities		267	220
Total Liabilities		3,618	2,253
Net (Liabilities)		(910)	(1,548)
Equity			
Accumulated Funds		(910)	(1,548)
Total Equity		(910)	(1,548)

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

WorkSafe ACT only has one output class and as such 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 2021

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000
Balance at 1 July 2020		-	-
Operating Surplus/(Deficit)		427	(79)
Total Comprehensive Surplus/(Deficit)		<u>427</u>	<u>(79)</u>
 Transactions Involving Owners Affecting Accumulated Funds			
Capital Injections		541	400
Net (Liabilities) Transferred from CMTEDD		(1,878)	(1,869)
Total Transactions Involving Owners Affecting Accumulated Funds		<u>(1,337)</u>	<u>(1,469)</u>
 Balance at 30 June 2021		<u><u>(910)</u></u>	<u><u>(1,548)</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 2021

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000
Cash Flows from Operating Activities			
<i>Receipts</i>			
Controlled Recurrent Payments		7,948	8,028
Licences and Fines		273	400
Sales of Services from Contracts with Customers		201	299
Goods and Services Tax from the Australian Taxation Office		74	-
Grants and Contributions		432	-
Other – Fund Transfer from CMTEDD		6,996	-
<i>Total Receipts from Operating Activities</i>		15,924	8,727
<i>Payments</i>			
Employee		5,678	5,914
Superannuation		721	639
Supplies and Services		473	1,774
Goods and Services Tax paid to Suppliers		99	-
Transfer to Territorial Authority Account		247	400
Other – Fund Transfer to CMTEDD		6,996	-
<i>Total Payments from Operating Activities</i>		14,214	8,727
Net Cash Inflows from Operating Activities	16	1,710	-
Cash Flows from Investing Activities			
<i>Receipts</i>			
Proceeds from Sale of Plant and Equipment		13	-
<i>Total Receipts from Investing Activities</i>		13	-
<i>Payments</i>			
Purchase of Plant and Equipment		502	400
<i>Total Payment from Investing Activities</i>		502	400
Net Cash (Outflows) from Investing Activities		(489)	(400)
Cash Flows from Financing Activities			
<i>Receipts</i>			
Capital Injections		541	400
<i>Total Receipts from Financing Activities</i>		541	400
<i>Payments</i>			
Repayment of Lease Liabilities		96	-
<i>Total Payments from Financing Activities</i>		96	-
Net Cash Inflows from Financing Activities		445	400
Net Increase in Cash and Cash Equivalents		1,666	-
Cash and Cash Equivalents at the End of the Reporting Period		1,666	-

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

Office of the Work Health and Safety Commissioner
Statement of Appropriation
For the Year Ended 30 June 2021

	Original Budget 2021 \$'000	Total Appropriated 2021 \$'000	Total Appropriation Drawn 2021 \$'000
Appropriation			
Controlled Recurrent Payments	8,028	8,028	7,948
Capital Injections	400	541	541
Total Appropriation	8,428	8,569	8,489

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

Column Heading Explanation

The *Original Budget* column shows the amounts that appear in the Statement of Cash Flows in WorkSafe ACT 2020-21 Statement of Intent. This amount also appears 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. This amount also appears in the Statement of Cash Flows.

Reconciliation of Appropriation for 2020-21	Controlled Recurrent Payments \$'000	Capital Injections \$'000
Original Appropriation	8 028	400
Appropriation for Accrued Employee Entitlements (FMA s.16A) ^a	-	141
Total Appropriated	8 028	541
Undrawn Funds ^b	(80)	-
Controlled Appropriation Drawn	7 948	541

- a) The additional Capital Injection appropriation was provided under Section 16A of the *Financial Management Act 1996* to cover the Long Service Leave entitlements paid to WorkSafe ACT's staff who took voluntary redundancies as part of the organisational restructure.
- b) Undrawn funds represent rollover of funding associated with awareness campaigns for labour hire licence scheme from 2020-21 to 2021-22 and delayed consultancy services are expected to be delivered in 2021-22 instead of 2020-21.

Office of the Work Health and Safety Commissioner

Note Index of the Financial Statements

For the Year Ended 30 June 2021

Note	1	Objectives of WorkSafe ACT
Note	2	Significant Accounting Policies
		Appendix A – Basis of Preparation of the Financial Statements
		Appendix B – Significant Accounting Policies
		Income Notes
Note	3	Controlled Recurrent Payments
Note	4	Licence Fees and Fines
Note	5	Sale of Goods and Services from Contracts with Customers
Note	6	Grants and Contributions
		Expense Notes
Note	7	Employee Expenses
Note	8	Supplies and Services
		Asset Notes
Note	9	Receivables
Note	10	Plant and Equipment
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		Liability Notes
Note	12	Payables
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Note	14	Financial Instruments
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Note	16	Cash Flow Reconciliation
Note	17	Related Party Disclosures
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Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 1. OBJECTIVES OF WORKSAFE ACT

Operations and Principal Activities

WorkSafe ACT was established on 1 July 2020 as a result of the passage of the *Work Health and Safety Amendment Act 2019* by the Legislative Assembly on 22 October 2019. It is an independent prescribed territory authority headed by the Work Health and Safety (WHS) Commissioner who is the Territory's regulator. Upon the establishment of WorkSafe ACT, the net liabilities of \$1.9 million was transferred from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

The functions of WorkSafe ACT are set out in the *Work Health and Safety Act 2011* (WHS Act) and include promoting an understanding and acceptance of, and compliance with the WHS Act. The principal objective being to provide 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 legislation including the *Workers' Compensation Act 1951* (ACT), *Dangerous Substances Act 2004* (ACT) and *Dangerous Goods (Road Transport Act) 2009* (ACT) as well as the *Labour Hire Licensing Act 2020*, which commenced in May 2021.

In response to the ACT Government'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 2020 to June 2021. This includes addressing present and emerging WHS risks such as psychosocial risks, work related violence, economic exploitation, and silica dust as well as improving the safety culture across the construction sector. WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, inspection, and investigation.

NOTE 2. SIGNIFICANT ACCOUNTING POLICIES

Refer to the following appendices for the notes comprising significant accounting policies and other explanatory information.

Appendix A – Basis of Preparation of the Financial Statements

Appendix B – Significant Accounting Policies

Office of the Work Health and Safety Commissioner

Notes to and Forming Part of the Financial Statements

For the Year Ended 30 June 2021

NOTE 3. CONTROLLED RECURRENT PAYMENTS

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

	2021
	\$'000
Revenue from the ACT Government	
Controlled Recurrent Payments	7,948
Total Controlled Recurrent Payments	7,948

NOTE 4. LICENCE FEES AND FINES

Licence fees relate to the Labour Hire Licensing scheme under the *Labour Hire Licensing Act 2020* implemented in May 2021 to improve responsible practices in the labour hire industry in the ACT.

Fines relate to the issue of infringement notices under the *Work Health and Safety Act 2011* and the *Workers Compensation Act 1951*.

	2021
	\$'000
Licence Fees	
Labour Hire Licences	148
Total Licence Fees	148
Fines	
Infringement Notices	298
Total Fines	298
Total Licence Fees and Fines	446

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 5. SALES OF SERVICES FROM CONTRACTS WITH CUSTOMERS

WorkSafe ACT earns revenue from the provision of services to other ACT Government agencies and to the public.

Compliance Support relates to the performance obligation under the agreement with Asbestos Response Taskforce for the delivery of information associated with compliance-related activities and work health and safety matters regarding residential properties affected by Loose Fill Asbestos.

Engagement Support relates to the information sharing and support with Skills Canberra in relation to young workers and ACT Australian Apprentices.

	2021
	\$'000
ACT Government Customers	
Compliance Support – Asbestos Response Taskforce	175
Engagement Support – Skills Canberra	138
Total Sales of Services from ACT Government Customers	313
Non-ACT Government Customers	
Enforcement and Compliance Activities – Jervis Bay Territory	14
Total Sales of Goods and Services from Non-ACT Government Customers	14
Total Sales of Services from Contracts with Customers	327

NOTE 6. GRANTS AND CONTRIBUTIONS

Restructure Fund Receipts relate to cash contributions from the ACT Government in relation to termination payments for voluntary redundancies.

	2021
	\$'000
Resources Received Free of Charge from ACT Government Entities	
Shared Services Finance and Human Resources	110
Total Resources Received Free of Charge	110
Other Grants and Contributions	
Restructure Fund Receipts	432
Total Other Grants and Contributions	432
Total Grants and Contributions	542

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 7. EMPLOYEE EXPENSES

	2021 \$'000
Salaries and Wages	5,503
Annual Leave Expense	250
Long Service Leave Expense	93
Workers' Compensation Insurance Premium	79
Termination Expense	495
Total Employee Expenses	6,420

NOTE 8. SUPPLIES AND SERVICES

	2021 \$'000
Advertising/Promotions	103
Auditor's Remuneration ^a	35
Computing, Information Technology and Telecommunications ^b	185
Consultants and Contractors	143
Finance, Procurement and Human Resources Charges	357
Office Rent and Relocation	157
Travel and Transport	48
Insurance Expenses	40
Other	118
Total Supplies and Services	1,186

- a. Auditor's Remuneration includes the audit of the financial statements and limited assurance engagement on the statement of performance provided by the ACT Audit Office. No other services were provided by the ACT Audit Office.
- b. Computing, Information Technology and Telecommunications includes payments to Shared Services for ICT support services, software licence fees, desk top line usages and other telecommunication services.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 9. RECEIVABLES

	2021 \$'000
Current Receivables	
Trade Receivables	188
Licence Fees and Fines	173
GST Receivable	24
Total Current Receivables	385
Total Receivables	385

Ageing of Receivables

	Total \$'000	Not Overdue \$'000	Days Past Due			
			1-30 Days \$'000	31- 60 Days \$'000	61-90 Days \$'000	>91 Days \$'000
30 June 2021						
Trade Receivables	188	188	-	-	-	-
Licence Fees and Fines	173	81	-	-	11	81
GST Receivables	24	24	-	-	-	-
Total Ageing of Receivables	385	293	-	-	11	81

No trade receivables and GST receivables are past due or impaired.

No allowance for impairment has been recognized for overdue receivables associated with licence fees and fines. This is due to the assessment based on the prosecution action expected by WorkSafe ACT for six-month (180 days) non-payments.

	2021 \$'000
Classification of Receivables	
Receivables with ACT Government Entities	
Trade Receivables	181
Licence Fees and Fines	72
Total Receivables with ACT Government Entities	253
Receivables with Non-ACT Government Entities	
Trade Receivables	7
Licence Fees and Fines	101
GST Receivables	24
Total Receivables with Non-ACT Government Entities	132
Total Receivables	385

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 10. PLANT AND EQUIPMENT

Plant and Equipment includes office equipment and motor vehicle leases which are recognised as Right-of-use Plant and Equipment under AASB 16 *Leases*.

	2021 \$'000
Plant and Equipment	
Plant and Equipment at Cost	32
Less: Accumulated Depreciation Plant and Equipment	(3)
Total Plant and Equipment at Cost	29
Right-of-use Plant and Equipment at Cost	302
Less: Accumulated Depreciation Right-of-use Plant and Equipment	(127)
Total Right-of-use Plant and Equipment at Cost	175
Total Plant and Equipment	204

Reconciliation of Plant and Equipment – 2020-21

	Plant and Equipment \$'000	Motor Vehicles \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	-	-	-
Acquisition through transfer from CMTEDD	30	274	304
Disposals	-	(13)	(13)
Depreciation	(1)	(86)	(87)
Carrying Amount at the End of the Reporting Period	29	175	204

Office of the Work Health and Safety Commissioner

Notes to and Forming Part of the Financial Statements

For the Year Ended 30 June 2021

NOTE 11. INTANGIBLE ASSETS

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

	2021 \$'000
Computer Software	
Computer Software at Cost	503
Less: Accumulated Amortisation	(50)
<i>Total Computer Software</i>	<u>453</u>
Total Intangible Assets	<u><u>453</u></u>

Reconciliation of Intangible Assets – 2020-21

	Computer Software \$'000
Carrying Amount at the Beginning of the Reporting Period	-
Additions	503
Amortisation	(50)
Carrying Amount at the End of the Reporting Period	<u><u>453</u></u>

Office of the Work Health and Safety Commissioner

Notes to and Forming Part of the Financial Statements

For the Year Ended 30 June 2021

NOTE 12. PAYABLES

	2021 \$'000
Current Payables	
Trade Payables	9
Accrued Expenses	1,521
Total Current Payables	<u><u>1,530</u></u>

Payables are aged as follows:

Not Overdue	1,530
Total Payables	<u><u>1,530</u></u>

Classification of Payables

Payables with ACT Government Entities

Trade Payables	8
Accrued Expenses	1,364
Total Payables with ACT Government Entities	<u><u>1,372</u></u>

Payables with Non-ACT Government Entities

Trade Payables	1
Accrued Expenses	157
Total Payables with Non-ACT Government Entities	<u><u>158</u></u>
Total Payables	<u><u>1,530</u></u>

Office of the Work Health and Safety Commissioner

Notes to and Forming Part of the Financial Statements

For the Year Ended 30 June 2021

NOTE 13. EMPLOYEE BENEFITS

	2021
	\$'000
Current Employee Benefits	
Annual Leave	717
Long Service Leave	793
Accrued Salaries	206
Other Benefits	33
Total Current Employee Benefits	<u>1,749</u>
Non-Current Employee Benefits	
Long Service Leave	145
Total Non-Current Employee Benefits	<u>145</u>
Total Employee Benefits	<u><u>1,894</u></u>
 Estimate of when Leave is Payable	
Estimated Amount Payable within 12 months	
Annual Leave	583
Long Service Leave	122
Accrued Salaries	206
Total Employee Benefits Payable within 12 months	<u>911</u>
 Estimated Amount Payable after 12 months	
Annual Leave	134
Long Service Leave	816
Other Benefits	33
Total Employee Benefits Payable after 12 months	<u>983</u>
Total Employee Benefits	<u><u>1,894</u></u>

As at 30 June 2021, WorkSafe ACT employed 57.6 full time equivalent (FTE) staff.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 14. FINANCIAL INSTRUMENTS

Details of significant 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 Note 2 (see Appendix B) *Significant Accounting Policies*.

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 cash equivalents and receivables. WorkSafe ACT's credit risk is limited to the carrying amount of the financial assets it holds net of any allowance made for impairment. Trade receivables and GST receivables relate to other ACT government or the Commonwealth government agencies which are considered to be low risk.

Uncollected receivables relate to infringement notices issued under the *Work Health and Safety Act 2011* and the *Workers Compensation Act 1951*. When a payment associated with infringement notice has not occurred within six months from the issued date, WorkSafe ACT may allow to bring prosecution actions to the Magistrate Court in accordance with the *Magistrate Court Act 1930*. As credit risk relating to uncollected fines will be managed by implementing the court action procedure, there is no significant credit risk that has been identified by WorkSafe ACT's financial assets.

Cash and cash equivalents are held with the Westpac Banking Corporation, in accordance with whole of ACT Government banking arrangements.

Credit risk for WorkSafe ACT is therefore considered to be low.

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 on 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.

Liquidity risk for WorkSafe ACT is therefore considered to be low.

NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED

The following table sets out WorkSafe ACT's maturity analysis for financial assets and liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2021. All amounts appearing in the following maturity analysis are shown on an undiscounted cash flow basis.

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			
Financial Instruments							
Financial Assets							
Cash and Cash Equivalents Receivables	8		-	-		1,666	1,666
			-	-		385	385
Total Financial Assets			-	-		2,051	2,051
Financial Liabilities							
Payables	11		-	-		1,530	1,530
Lease Liabilities		2.96%	72	122		-	194
Total Financial Liabilities			72	122		1,530	1,724
Net Financial (Liabilities)/Assets			(72)	(122)		521	327

All Financial Assets and 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 2021

NOTE 15. COMMITMENTS

Other Commitments

Other commitments that have not been recognised as liabilities mainly include contracts for ICT equipment and motor vehicle leases which are less than 12 months and/or leases with low value underlying assets.

All amounts shown in the commitment note are inclusive of GST.

	2021 \$'000
Other Commitments	
Within One Year	97
Later than One Year but not later than Five Years	42
Later than Five Years	10
Total Other Commitments	149

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

NOTE 16. CASH FLOW RECONCILIATION

(a) Reconciliation of Cash and Cash Equivalents at the End of the Reporting Period in the Statement of Cash Flows to the equivalent items in the Balance Sheet.

	2021 \$'000
Cash and Cash Equivalents	1,666
Cash and Cash Equivalents at the End of the Reporting Period as Recorded in the Statement of Cash Flows	1,666

(b) Reconciliation of the Operating Surplus to Net Cash Inflows from Operating Activities

Operating Surplus	427
Add/(Less) Non-Cash Items	
Depreciation and Amortisation	137
Net Transfer from CMTEDD (Non-cash)	(1,881)
Transaction associated with the Net Loss on Disposal of Non-Current Assets	(13)
Cash Before Changes in Operating Assets and Liabilities	(1,330)
Operating Assets and Liabilities	
(Decrease) in Receivables	(385)
Increase in Payables	1,530
Increase in Employee Benefits	1,894
Net Changes in Operating Assets and Liabilities	3,039
Net Cash Inflows from Operating Activities	1,710

Office of the Work Health and Safety Commissioner

Notes to and Forming Part of the Financial Statements

For the Year Ended 30 June 2021

NOTE 17. 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.

Controlling Entity

WorkSafe ACT is an ACT Government controlled entity.

Key Management Personnel

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 2021.

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 2021.

Compensation by WorkSafe ACT to KMP is set out below.

	2021 \$'000
Short-term employee benefits	485
Post-employment benefits	77
Other long-term benefits	11
Total Compensation by WorkSafe ACT to KMP	573

Transactions with Key Management Personnel

There was no transaction with KMP that were material to the 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 2021

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.

Transactions with Other ACT Government Controlled Entities

All transactions with ACT Government controlled entities are disclosed in the relevant notes to the 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 2021

NOTE 18. BUDGETARY REPORTING

The followings are brief explanations of major line item variances between budget estimates and actual outcomes. Variances are considered to be major variances if both of the following criteria are met:

- (a) 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 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
- (b) The variances (original budget to actual) are greater than plus (+) or minus (-) 2.5% and \$500,000 of the budget for the financial statement line item.

Operating Statement Line Items

	Actual 2020-21 \$'000	Original Budget ¹ 2020-21 \$'000	Variance \$'000	Variance %
Supplies and Services ^a	1,186	1,884	(698)	(37)

Explanations

- a) The lower than budgeted Supplies and Services is due to a combination of:
 - lower professional services largely relate to an in-house legal consultant resulting a reduction in legal fees;
 - lower than anticipated staff training undertaken due to a delay in the development of WorkSafe ACT's staff capability framework;
 - lower than estimated office rent mainly due to an arrangement with the ACT Property Group to maintain lower rent expenses for a temporally office accommodation prior to the new City Office Building relocation in 2021-22; and
 - delays in the delivery of awareness campaigns and consultancy services. This resulted from the timing of the implementation of *Labour Hire Licensing Regulation 2021*.

Balance Sheet Line Items

	Actual 2020-21 \$'000	Original Budget ¹ 2020-21 \$'000	Variance \$'000	Variance %
Cash and Cash Equivalents ^b	1,666	-	1,666	100
Payables ^c	1,530	17	1,513	# ²

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Explanations

- b) The higher than budgeted Cash and Cash Equivalents reflects higher than anticipated cash holdings required at the end of the financial year. This largely relates to a repayment of WorkSafe ACT's operational costs incurred between July and September 2020 which was paid by Access Canberra.
- c) The higher than budgeted Payables mainly relates to the higher accrued expenses associated with the one-off repayment to Access Canberra explained above.

Statement of Cash Flow Line Items

	Actual 2020-21 \$'000	Original Budget ¹ 2020-21 \$'000	Variance \$'000	Variance %
Other – Fund Transfer from CMTEDD ^d	6,996	-	6,996	100
Other – Fund Transfer to CMTEDD ^d	6,996	-	6,996	100

Explanations

- d) The higher than budgeted Other – Fund Transfer from/to CMTEDD relates to the funding arrangement with CMTEDD to support WorkSafe ACT's operations until the 2020-21 Appropriation Bill was passed.

¹ Original Budget refers to the amounts presented to the Legislative Assembly in the original budgeted financial statements in respect of the reporting period (2020-21 Statement of Intent). These amounts have not been adjusted to reflect supplementary appropriation or appropriation instruments.

² A “#” in the ‘Variance %’ column represents a variation that is greater than 999 per cent or less than -999 per cent.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX A - 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 Agencies. The FMA and the Financial Management Guidelines issued under the FMA, requires WorkSafe ACT's financial statements to include:

- I. an Operating Statement for the reporting period;
- II. a Balance Sheet at the end of the reporting period;
- III. a Statement of Changes in Equity for the reporting period;
- IV. a Statement of Cash Flows for the reporting period;
- V. a Statement of Appropriation for the reporting period;
- VI. the significant accounting policies adopted for the reporting period; and
- VII. other statements as necessary to fairly reflect the financial operations of WorkSafe ACT during the reporting period and its financial position at the end of the reporting period.

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

- I. Australian Accounting Standards (as required by the FMA); and
- II. 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 2021 together with the financial position of WorkSafe ACT as at 30 June 2021.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

**APPENDIX A - BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS -
CONTINUED**

COMPARATIVE FIGURES

Budget Figures

The *Financial Management Act 1996* requires the financial statements to facilitate a comparison with WorkSafe ACT's Statement of Intent. The budgeted numbers in the financial statements are the original budget numbers that appear in the Statement of Intent.

Prior Year Comparatives

As WorkSafe ACT was established on 1 July 2020, there are no prior period comparatives to be disclosed in the financial statements.

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

WorkSafe ACT's 2020-21 financial statements have been prepared on a going concern basis as the ongoing functions and activities of WorkSafe ACT have been funded in 2021-22 under section 7 of the *Financial Management Act 1996*. The 2021-22 Budget, including forward estimates, for WorkSafe ACT, will be presented in the Legislative Assembly on 6 October 2021 and will be debated subsequent to the certification of these financial statements.

As at 30 June 2021, WorkSafe ACT's current liabilities of \$3.351 million exceeded its current assets of \$2.051 million by \$1.3 million. However, this is not considered a liquidity risk as the majority portion of WorkSafe ACT's expenses are funded through Controlled Recurrent Payments on a cash-needs basis from the ACT Government. This is consistent with the whole-of-Government cash management regime, which requires excess cash balances to be held centrally rather than within the individual entity's bank accounts.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES

SIGNIFICANT ACCOUNTING POLICIES – INCOME

REVENUE RECOGNITION

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 Revenue from Contracts with Customers

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 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.

CONTROLLED RECURRENT PAYMENTS (NOTE 3)

Controlled Recurrent Payments are recognised as revenue when WorkSafe ACT gains control over the funding. Control over appropriated funds is obtained upon the receipt of cash.

LICENCE FEES AND FINES (NOTE 4)

Licence Fees are recognised as revenue at the time of receipt. Fines are recognised as revenue on the issue of the relevant infringement notice.

Licence Fees and Fines revenue are collected under the relevant legislations on behalf of the Territory and are statutory in nature.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – INCOME - CONTINUED

SALES OF SERVICES FROM CONTRACTS WITH CUSTOMERS (NOTE 5)

WorkSafe ACT receives revenue from providing services to other ACT Government agencies and to the public. Where payment is not required at the time of service provided, payments from customers are generally required within 30 days of the provision of services.

WorkSafe ACT has undertaken a review of its contracts and other arrangements to determine the timing and nature of the satisfaction of performance obligations under AASB 15. WorkSafe ACT's revenue from contracts with customers which have been included in Note 5 are outlined below:

- *Compliance Support – Asbestos Response Taskforce (ART)* – A 12-month service level agreement has been made between WorkSafe ACT and ART to provide compliance-related activities in line with the relevant provisions of the *Dangerous Substances Act 2004*; *Work Health and Safety Act 2011*; and any other associated laws that applies to affected households identified to contain loose-fill asbestos. WorkSafe ACT received funding from ART to cover the salary and applicable on-costs for a WorkCover Officer (WCO) 6 inspector and part of an Administrative Service Officer (ASO) 4 for performing obligation listed below. This full year funding is recorded as a contract liability and revenue is recognised monthly when the following performance obligations are satisfied.
 - monthly inspection of each asbestos affected premise in order to provide up to date data for the ART to maintain their Affected Premises Register; and
 - four mandatory visits including initial visit, asbestos removal, demolition and post demolition for each asbestos affected site during the asbestos removal and demolition phases.
- *Engagement Support – CMTEDD Skills Canberra* – WorkSafe ACT entered a 12-month service level agreement with Skills Canberra to provide a mechanism for information and data sharing specifically relating to Australian Apprenticeships. WorkSafe ACT received funding from Skills Canberra to cover the salary and applicable on-costs for a WCO6 inspector. The revenue is recognised when WorkSafe ACT provided a dedicated inspector to perform the following engagement activities to support Skills Canberra for managing their work safety related issues on a monthly basis. These activities include information sharing the identified WHS issues at ACT Australian Apprentices related workplaces and raising awareness of workplace requirements with ACT businesses.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – INCOME - CONTINUED

SALES OF SERVICES FROM CONTRACTS WITH CUSTOMERS (NOTE 5) - CONTINUED

- *Enforcement and Compliance Activities – Jervis Bay Territory (JBT)* – WorkSafe ACT delivers a range of ACT government state-type services to JBT as agreed with the Department of Infrastructure, Transport, Regional Development and Communications (the Department). WorkSafe ACT agreed to conduct a minimum of two inspection visits to JBT in 2020-21 for reactive, proactive and educative purposes associated with Work Health and Safety issues. Funding is provided by the Department to cover any fees, allowances and other cost of inspection visits under the agreement. Performance obligation is considered to be satisfied when the visit is completed and accepted by the Department, and therefore, revenue is recognised after each visit.

GRANTS AND CONTRIBUTIONS (NOTE 6)

Where WorkSafe ACT receives an asset or services for significantly less than fair value then the transaction is in the scope of AASB 1058 and revenue is recognised on receipt of the asset and/or services. Where services are received, the expense is recognised in the line item to which it relates.

Services received free of charge from ACT Government agencies are recognised as resources received free of charge.

Services that are received free of charge are only recognised in the Operating Statement if they can be reliably measured and would have been purchased if not provided to WorkSafe ACT free of charge. Resources provided free of charge represents the costs of providing these services.

Restructure Fund Receipts are recognised as revenue on receipt of the cash contribution.

SIGNIFICANT ACCOUNTING POLICIES – EXPENSES

EMPLOYEE EXPENSES (NOTE 7)

Employee benefits include:

- short-term employee benefits such as wages and salaries, annual leave loading, and applicable on-cost if expected to be settled wholly before twelve months (see Appendix B – *Employee Benefits (Note 13)* if longer than 12 months) after the end of the annual reporting period in which the employees render the related services;
- other long-term benefits such as long service leave and annual leave; and
- 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.

(See Appendix B – *Employee Benefits (Note 13)* for accrued wages and salaries, and annual and long service leave).

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – INCOME - CONTINUED

EMPLOYEE EXPENSES (NOTE 7) - CONTINUED

Where employee expenses are incurred that are directly attributable to the delivery of the designated major projects, the employee expenses are reflected as capital works in progress and capitalised against the project on completion of the asset.

SUPERANNUATION EXPENSES

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 the Chief Minister, Treasury and Economic Development Directorate. 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.

Superannuation Liability Recognition

For WorkSafe ACT employees who are members of the defined benefit CSS or PSS the employer superannuation liabilities for superannuation benefits payable upon retirement are recognised in the financial statements of the Superannuation Provision Account.

SUPPLIES AND SERVICES (NOTE 8)

Insurance

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

Office Rent and Operating Lease Expenses

This covers payments for short-term leases (12 month term or less) and low-value leases (individual asset less than \$10,000) and standard non-specialised accommodation leases with Property Group.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – EXPENSES - CONTINUED

SUPPLIES AND SERVICES (NOTE 8) - CONTINUED

WorkSafe ACT has elected to apply the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets.

WorkSafe ACT recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

DEPRECIATION AND AMORTISATION

Amortisation is used in relation to intangible assets and depreciation is applied to physical assets such as plant and equipment and motor vehicles.

All depreciation is calculated after first deducting any residual values which remain for each asset.

Depreciation/amortisation for non-current assets is determined as follows:

Class of Asset	Depreciation/ Amortisation Method	Useful Life (Years)
Motor Vehicles – Right-of-use Assets	Straight Line	3 – 5
Plant and Equipment	Straight Line	20
Intangible Assets	Straight Line	5

The useful lives of all major assets held are reassessed on an annual basis.

SIGNIFICANT 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.

CASH AND CASH EQUIVALENTS

Cash includes cash at bank and cash on hand. Cash Equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

SIGNIFICANT ACCOUNTING POLICIES – ASSETS - CONTINUED

RECEIVABLES (NOTE 9)

Accounts Receivable

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

Collectability of debts is reviewed at the end of the reporting period. Allowances for expected credit losses are made for receivables that WorkSafe ACT estimates will not be repaid.

There is no expected credit losses or impairment of receivables are recognised.

PLANT AND EQUIPMENT (NOTE 10)

Acquisition and Recognition of Plant and Equipment

Plant and equipment, including right-of-use assets, is initially recorded at cost.

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 are 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 losses and adjusted for any re-measurement of the lease liability.

SIGNIFICANT ACCOUNTING JUDGEMENTS AND ESTIMATES – USEFUL LIVES OF PLANT AND EQUIPMENT

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. Disclosure concerning assets useful life (see Appendix B – Depreciation and Amortisation).

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 intangible 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
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – ASSETS - CONTINUED

INTANGIBLE ASSETS (NOTE 11)

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 has contractual right to take possession of software at any time during 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;
- the cost of the software contract can be measured reliably; and
- the acquisition cost is equal to or exceeds \$50,000.

Capitalised software has a finite useful life. Software is amortised on a straight-line basis over its useful life, over a period not exceeding 5 years.

Intangible Assets are measured at cost.

SIGNIFICANT ACCOUNTING POLICIES – LIABILITIES

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 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.

PAYABLES (NOTE 12)

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 normally settled within 30 days after the invoice date.

Payables include Trade Payables and Accrued Expenses.

EMPLOYEE BENEFITS (NOTE 13)

Employee Benefits are listed in Appendix B - *Employee Expenses (Note 7)*.

Wages and Salaries

Accrued wages and salaries are measured at the amount that remains unpaid to employees at the end of the reporting period.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – ASSETS – CONTINUED

EMPLOYEE BENEFITS (NOTE 13) - CONTINUED

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 100.2%; and
- Long Service Leave payments is 108.7%.

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 7 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.

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.

Significant Judgements and Estimates – Employee Benefits

Significant judgements have been applied in estimating the liability for employee benefits. The estimated liability for annual and long service leave requires a consideration of the future wage and salary levels, experience of employee departures, probability that leave will be taken in service and periods of service. The estimate also includes an assessment of the probability that employees will meet the minimum service period required to qualify for long service leave and that on-costs will become payable.

The significant judgements and assumptions included in the estimation of annual and long service leave liabilities include an assessment by an actuary. The Australian Government Actuary performed this assessment in April 2019. The next actuarial review is expected to be undertaken by early 2022.

Office of the Work Health and Safety Commissioner
Forming Part of Note 2 of the Financial Statements
For the Year Ended 30 June 2021

APPENDIX B - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

SIGNIFICANT ACCOUNTING POLICIES – OTHER NOTES

FINANCIAL INSTRUMENTS (NOTE 14)

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:

- (a) the business model for managing the financial assets; and
- (b) 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 Held to collect principal and interest/sell	Solely for payment of Principal and Interest SPPI Test (basic lending characteristics)	Classification
Cash and Cash Equivalents	Held to collect	Yes	Amortised cost
Trade Receivables	Held to collect	Yes	Amortised cost

Financial liabilities are measured at amortised cost.

Capital Works

WorkSafe ACT had no projects included in the Capital Works Program for 2020-21.

Assets management

Assets managed

At 30 June 2021, WorkSafe ACT managed the following assets with a total value of \$656,640.

Class of Asset	Net Book Value	Appropriate Measure	Total Units
Computer Software	\$ 452,657	Number of Assets	1
Right-of-use Asset – Motor Vehicle	\$ 175,340	Number of Motor Vehicles	9
Plant and Equipment	\$ 28,643	Number of Plant and Equipment	17

Asset added to the asset register: computer software to manage and record compliance activities.

Asset removed from the asset register: one motor vehicle was retired at the end of lease period.

Assets maintenance and upgrade

There were no assets of WorkSafe ACT that required maintenance or upgrade during 2020-21.

Office accommodation

WorkSafe ACT had 57.6 FTE at 30 June 2021, occupying 1,070 m² on Level 6, 5 Constitution Avenue, City 2601. The average area occupied by each employee is 18.6 m².

Further information regarding financial matters can be obtained from:

Midori Kobayashi

Chief Finance Officer

02 6205 3943

Email: Midori.Kobayashi@worksafe.act.gov.au

Government contracting

Basis of requirement: *Government Procurement Act 2001*; and Government Procurement Regulation 2007.

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 2020 to 30 June 2021 can be made at <https://www.tenders.act.gov.au/contract/search>.

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 2020-21.

Creative Services Panel

During the 2021-21 financial year a total of \$23,745 was paid to Tilt, the approved sole provider for Whole of Government advertising campaigns. These payments were for an awareness raising campaign around the introduction of the LHL scheme.

Further information regarding government contracting and corporate matters can be obtained from:

Andrew Craig

Director, Corporate and Human Resources

02 6207 5415

Email: Andrew.craig@worksafe.act.gov.au

STATEMENT OF PERFORMANCE

Office of the Work Health and Safety Commissioner

For the Year Ended

30 June 2021

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 2021.

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 2021 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*.

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.

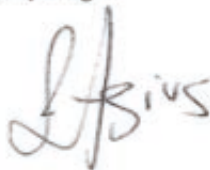


Ajay Sharma
Assistant Auditor-General, Financial Audit
23 September 2021

**Office of the Work Health and Safety Commissioner
Statement of Performance
For the Year Ended 30 June 2021**

Statement of Responsibility

In my opinion, the Statement of Performance is in agreement with the records of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) and fairly reflects the service performance of WorkSafe ACT for the year ended 30 June 2021 and also fairly reflects the judgements exercised in preparing it.



Jacqueline Agius

Work Health and Safety Commissioner

23 September 2021

Office of the Work Health and Safety Commissioner

Statement of Performance

For the Year Ended 30 June 2021

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.

	2020-21 Original Target	2020-21 Actual	Variance %	Note
Total Cost (\$'000)	8,916	8,911	0.1	-
Controlled Recurrent Payments (\$'000)	8,028	7,948	1.0	-

Accountability Indicators

a. Number of 2018 independent review recommendations implemented ¹	20 out of 27	22 out of 27	10	1
b. WHS compliance activities in line with the Compliance and Enforcement Policy: education and improvement, prevention, enforcement ²	Ratio 65:25:10	Ratio 76:19:5	17:(24):(50)	2
c. Compliance rate during workers' compensation inspections ³	90%	95%	5.6	3
d. Investigations commenced within 14 days of notification of incident ⁴	100%	100%	-	-
e. Major investigations completed within 12 months of commencing investigation ⁵	60%	70%	16.7	4
f. All EU sanctioned entities meet EU obligations for the financial year ⁶	100%	100%	0	-
g. Increase media engagement to improve awareness of WorkSafe activities ⁷	20 Interviews	41 Interviews	105	5

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*. The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

Office of the Work Health and Safety Commissioner

Statement of Performance

For the Year Ended 30 June 2021

Explanation of Accountability Indicators

1. The 2018 independent review of the ACT's worksafety compliance infrastructure, policies and procedures by the Nous Group offered recommendations for improving ACT's WHS compliance and enforcement arrangements.
2. This indicator sets a ratio for the compliance activities which WorkSafe ACT undertakes to achieve its goal of preventing work-related deaths, injuries and diseases. Education activities involve the issuing of improvement notices, while providing advice and education. Prevention activities involve the issuing of prohibition notices. Enforcement activities include the issuing of infringement notices and other sanctions.
3. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy.
4. This accountability indicator measures the percentage of investigations opened within 14 days of WorkSafe ACT being notified of a serious WHS incident that is within WorkSafe ACT's jurisdiction and is considered to require investigation in accordance with the *Work Health and Safety Act 2011*. The result reflects the availability of resources to undertake investigations within the 14 days.
5. This accountability indicator measures the percentage of major investigations completed (referred for enforcement/regulatory action) within 12 months of commencing the investigation. The major investigations relevant to this indicator are those completed (not necessarily commenced) in the 2020-21 financial year.
6. This accountability indicator measures ongoing compliance with enforceable undertakings (EUs) in the 2020-21 financial year. WorkSafe ACT monitors the compliance of those who have entered into a legal agreement to fulfill a WHS undertaking in connection with a contravention or alleged contravention. The result reflects strong operational compliance activities and improved oversight of EU sanctioned entities.
7. This indicator measures scheduled interviews between WorkSafe ACT leadership and registered media entities.

Notes – explanation of material variances ($\geq \pm 5\%$)

1. The result reflects implementation of 22 recommendations during the 2020-21 reporting period, two more than the target. Implementation of the remaining recommendations will continue into the next financial year.
2. The result reflects the move to a pro-enforcement model from an engage and educate model. As such, the number of regulatory notices and sanctions has increased, most noticeably the issuing of improvement notices during proactive visits.

3. The positive outcome was mainly resulted from higher compliance rates from the business areas being inspected during 2020-21. WorkSafe ACT contributed to increased compliance rate through planned proactive inspections, increased inspector numbers and raising awareness of its regulatory role through its website.
4. The result reflects the improvement in WorkSafe ACT's capability to progress investigations and finalise within 12 months. This improvement was driven through targeted recruitment of a Senior Investigator, senior legal officer, and investigations team and a dedicated governance structure for review and completion of open investigations through the Case Management Panel.
5. The result reflects WorkSafe ACT's proactive engagement with media entities increasing its communication of campaigns and priority activities.



Outlook for 2021-22



The key strategic and operational focus areas for WorkSafe ACT in 2021-22 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 WorkSafe ACT's 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 PAW tool will continue to be promoted for PCBU's to assess workplace psychological risks using an evidence-based psychosocial survey. WorkSafe ACT will again conduct the PAW survey with its own staff.

A further innovation that will be used to address psychosocial hazards and measure psychosocial indicators. iAuditor, a program that is digitalising how we undertake inspections and collect and analyse our inspections data, will be used to measure against three indicators: attitude, capability, and compliance. The tool will give a score out of 100% and be able to provide on the spot feedback to PCBU's about where improvements are needed. iAuditor will be loaded with resources to also provide the PCBU with targeted information to progress towards best practice and improve compliance.

The iAuditor application has been piloted in silica inspections and will progressively be rolled out for use in the broader inspectorate during 2021-22. The application will increase oversight and better trend identification across inspectorate teams. This will result in efficient monitoring, notification and attention to emerging and current issues. iAuditor to our case management system, Salesforce and will ultimately reduce administrative burden and better identify repeat non-compliant PCBU's.

Preventing silica dust exposure in the workplace

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 undertaking compliance and enforcement actions to 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 and during 2021-22 will develop and begin implementing a range of strategies to support compliance with relevant legislation. These strategies and awareness campaigns will include development and implementation of:

- a young workers' strategy, including addressing the health and safety of apprentices
- a strategy to prevent Musculoskeletal Disorders

- an occupational lung diseases strategy
- a lead risk awareness campaign
- a collaborative and proactive effort with HWSA to develop a national approach to support the WHS outcomes of workers in the food delivery industry, and
- a hazardous chemicals awareness strategy.

WorkSafe ACT will develop and implement a social media strategy to ensure the greatest connection and engagement with all workers and PCBUS.

In addition, WorkSafe ACT will begin recruiting and orienting new inspectors across its operations to improve compliance in key areas including:

- dangerous substances and hazardous chemicals including asbestos
- young workers and apprentices
- psychosocial
- construction, and
- workers' compensation.

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 during 2021-22 through the engagement of a family liaison officer and the development of jurisdiction specific materials.

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 dwellings approvals in March 2021 increasing by 121.1 per cent over those of 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 focussed on ensuring improvements to its governance and operations continue to build on the recommendations of the 2018 Independent Review.

During 2021-22, WorkSafe ACT will commence the implementation of the remaining recommendations from the 2018 Independent Review which focus on capability development.

WorkSafe ACT will continue to improve its case management system, Salesforce to:

- improve reporting capability
- improve the system's operational functionality including the full incorporation of workers' compensation compliance and enforcement
- enable more effective use of other inspection tools including iAuditor, and
- enhance the interface for clients via the WorkSafe ACT website.

In addition, WorkSafe ACT will recruit a systems manager to ensure the on-going effectiveness of this and its other IT systems.

An internal audit function will be established as a critical part of WorkSafe's 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's corporate activities are conducted in accordance with the proper legislative, regulatory and policy framework.

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.

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 and the active monitoring of compliance and enforcement when the scheme fully commences on 27 November 2021. This work will be supported by the development and publication of a compliance and enforcement policy for the scheme.

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 during 2021-2022.



WORKSAFEACT

2020
2021

Office of the
Work Health
and Safety
Commissioner