

A worker in a high-visibility vest is walking away from the camera on a dirt road. The worker is wearing a green and black high-visibility vest over a dark long-sleeved shirt and blue jeans. They are carrying a white hard hat in their right hand and a red and black bag in their left. The background shows a sunset with a bright sun low on the horizon, casting a golden glow over the sky and clouds. In the distance, there are power lines and a body of water. The overall scene is a silhouette of a worker against a dramatic, colorful sky.

Office of the
Work Health and Safety
Commissioner

ANNUAL REPORT

22-23

Acknowledgement of Country

The Office of the Work Health and Safety Commissioner acknowledges the Ngunnawal people as traditional custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Contact for this report

General enquiries about this report should be directed to:

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Freedom of information

Freedom of information requests can be made by emailing:

CMTEDDFOI@act.gov.au.

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If English is not your first language and you require a translating and interpreting service, please telephone Access Canberra on 13 22 81.

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

worksafe.act.gov.au.

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Abbreviations and acronyms

ACM	Asbestos Containing Materials
ACR	Asbestos contamination report
ACT	Australian Capital Territory
ACTPS	ACT Public Service
ALERA	Australian Labour and Employment Relations Association
ANZSOG	Australian and New Zealand School of Government
APIAS	Accounts payable invoice automation system
CIT	Canberra Institute of Technology
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
COPD	Chronic obstructive pulmonary disease
DPP	Director of Public Prosecutions
EU	Enforceable undertaking
FAMANZ	Faculty of Asbestos Management of Australia and New Zealand
FOI Act	<i>Freedom of Information Act 2016</i>
FTE	Full Time Equivalent
HSR	Health and Safety Representative
HWSA	Heads of Workplace Safety Authorities
JBT	Jervis Bay Territory
LHL	Labour Hire Licensing or Labour Hire Licence
LHL Act	<i>Labour Hire Licensing Act 2020</i>
LGBTIQA+	Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual
LHLAC	Labour Hire Licensing Advisory Committee
MSDs	Musculoskeletal disorders
NABERS	National Australian built environment rating system
NCEP	National Compliance and Enforcement Policy
PCBU	Person conducting a business or undertaking
PPE	Personal protective equipment
RAP	Reconciliation Action Plan
SLA	Suburban Land Agency
SOPs	Standard Operating Procedures
SWMS	Safe work method statements
WHS	Work Health and Safety
WHS Act	<i>Work Health and Safety Act 2011</i>
WHS Regulation	<i>Work Health and Safety Regulation 2011</i>
Workers' Compensation Act	<i>Workers Compensation Act 1951</i>

Transmittal certificate



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Mr Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Minister

2022–2023 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 2023*.

This report has been prepared in conformity with other legislation applicable to the preparation of the annual report by the Office of the Work Health and Safety Commissioner.

I certify that information in the attached annual report, and information provided for whole of government reporting, is an honest and accurate account and all material information on the operations of the Office of the Work Health and Safety Commissioner has been included for the period of 1 July 2022 to 30 June 2023.

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

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

Yours sincerely

Jacqueline Agius
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
12 September 2023

WORKSAFE.ACT.GOV.AU



Compliance statement

The *Office of the Work Health and Safety Commissioner 2022–23 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 2022–23 Annual Report* complies with all subsections of Part 1 under the Directions.

To meet Section 15 Feedback, Part 1 of the Directions, contact details for WorkSafe ACT are provided below to provide readers with the opportunity to provide feedback.

WorkSafe ACT

WorkSafe@worksafe.act.gov.au

13 22 81

Part 2 Reporting entity 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 2022–23 Annual Report* as follows:

- A. Transmittal Certificate, see page 1
- B. Organisational Overview and Performance, inclusive of all subsections, see page 8–18
- C. Financial Management Reporting, inclusive of all subsections, see page 88–154

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

The Office of the Work Health and Safety Commissioner has nil information to report by exception under Part 3 of the Directions for the 2022–23 reporting year.

Part 4 Directorate and Public Sector Body Specific Annual Report Requirements

The following subsections of Part 4 of the 2023 Directions applicable to the Office of the Work Health and Safety Commissioner can be found within the *Office of the Work Health and Safety Commissioner 2022–23 Annual Report*, as follows:

- + *Work Health and Safety Act 2011*, Schedule 2, Part 2.2, Division 2.2.4, Section 2.41.

The Office of the Work Health and Safety Commissioner has no 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 the one place for all ACT Public Service directorates, as follows:

- + Bushfire Risk Management, see the annual report of the Justice and Community Safety Directorate
- + 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:

www.cmtedd.act.gov.au/open_government/report/annual_reports

Performance statement

WORK HEALTH AND SAFETY COUNCIL



Ms Jacqueline Agius
Work Health and Safety Commissioner
Via email: Jacqueline.Agius@act.gov.au

Dear Commissioner

RE: Annual Statement for the 2022-23 Annual Report of the Office of the Work Health and Safety Commissioner

I am writing to you to provide you with a statement for inclusion in the 2022-23 Annual Report of the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

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

- the performance of WorkSafe ACT during the reporting year
- the effectiveness of compliance and enforcement activities undertaken by WorkSafe ACT during the reporting year, and
- implementation of the strategic plan during the reporting year.

Over the 2022-23 financial year, the WHS Council met four times; in August and November in 2022 and March and June 2023. Meeting Communiqués were published on the [Chief Minister, Treasury and Economic Development Directorate](#) (Work Safety Group) website after each formal meeting.

As required under schedule 2, section 2.39(2) of the WHS Act, the Minister for Industrial Relations and Workplace Safety issued WorkSafe ACT with a [Statement of Expectations 2022](#) in October 2022, with the WorkSafe ACT's [Statement of Operational Intent 2022](#) response released in December 2022. Together, these strategic governance documents are used by the WHS Council to inform tracking of the performance of WorkSafe ACT over the financial year.

Performance

As part of the ongoing reporting process, Members of the WHS Council have appreciated the regular WorkSafe ACT updates provided by you at its formal meetings. These reports have provided transparency and accountability on the delivery of regulatory activities, increasing organisational capability, ongoing stakeholder engagement and initiatives associated with the delivery of the Statement of Operational Intent 2022.

Members appreciate the challenging and fast-moving environment within which WorkSafe ACT operates and we commend you on your leadership in establishing an agile and capable workforce.

Effectiveness of compliance and enforcement

During 2022-23, WorkSafe ACT regulatory activities were informed by the [Compliance and Enforcement Policy 2020-24](#) (the Policy). The Policy is guided by seven nationally agreed principles of consistency, constructiveness, transparency, accountability, proportionality, responsiveness, and targeted.

The WHS Council has appreciated the transparent reporting on the outcomes of compliance and enforcement activities that are delivered by WorkSafe ACT. It is noted that the aim of WorkSafe ACT's compliance and enforcement activities are to prevent work-related deaths, injuries, and diseases and to protect property and the environment from damage presented by hazards associated with dangerous substances by securing the highest possible level of compliance.

The combination of principles that guide these compliance and enforcement activities has seen WorkSafe ACT continuing an increased compliance focus, issuing more prohibition notices than in the previous financial year and more than doubling the number of infringement notice penalties issued. The WHS Council notes these outcomes your efforts to keep the Territory's workers and workplaces safe.

Implementation of the 2020-24 Strategic Plan

Over the 2022-23 financial year, Members have noted the continued implementation of the [2020-2024 Strategic Plan](#) (the Strategic Plan) by WorkSafe ACT. As outlined in the Strategic Plan, WorkSafe ACT has continued to use its four high-level strategies to underpin its activities and drive outcomes. The strategies are:

- ensuring fair and firm enforcement against non-compliance
- minimising physical and psychological harm and improving WHS practice and culture
- engaging with stakeholders to better understand and respond to current and emerging WHS issues; and
- creating an exemplary regulator.

The WHS Council commends WorkSafe ACT on setting a strategic roadmap for compliance and enforcement activity in the ACT, including:

- increasing the transparency of WorkSafe ACT's regulatory data collection and analysis through a series of data snapshots, released each month including topics:
 - [Bullying](#)
 - [Occupational lung diseases](#)
 - [Psychosocial hazards](#); and
 - [Work-related violence and aggression](#); and

Work Health and Safety Council

Email: ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au

- launching the Young Worker’s Portal under the [Young Worker’s Strategy 2021-23](#), which provides resources to empower and support young workers in their first years at work.

The WHS Council appreciates your ongoing engagement and participation in formal meetings. The expertise, knowledge and regulatory evidence that you bring to these meetings assists the WHS Council to fulfil its responsibilities in advising the Minister in relation to work health and safety, workers’ compensation, bullying and other psychosocial workplace issues.

As the Chair of the WHS Council I have appreciated the opportunity to work with you on these important issues. I and the other Members of the WHS Council look forward to continuing to foster this relationship during the 2023-24 financial year.

Yours sincerely



Anthony Brierley
Chair, ACT Work Health and Safety Council
3 July 2023

Work Health and Safety Council
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About WorkSafe ACT

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

To support a strong safety culture across all workplaces, WorkSafe ACT works with:

- + industry
- + unions
- + duty holders
- + workers, and
- + the broader Canberra region community.

Our vision: Healthy, safe and productive working lives.

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

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

WorkSafe ACT 7 Annual Report 2022-23

ALL WORKERS ALL WORKPLACES

Organisational overview and performance



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

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

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

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

in the workplace, along with helping young workers understand their WHS rights and responsibilities.

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

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

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

- + *Work Health and Safety Act 2011* (WHS Act) and *Work Health and Safety Regulation 2011* (WHS Regulation)
- + *Machinery Act 1949*
- + *Scaffolding and Lifts Act 1912*
- + *Dangerous Substances Act 2004*
- + *Dangerous Goods (Road Transport) Act 2009*
- + *Fuels Rationing Act 2019*
- + *Workers Compensation Act 1951* (Workers' Compensation Act) and *Workers Compensation Regulation 2002*
- + *Long Service Leave Act 1976*
- + *Workplace Privacy Act 2011*, and
- + *Labour Hire Licensing Act 2020* (LHL Act).

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

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

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

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

Organisational structure

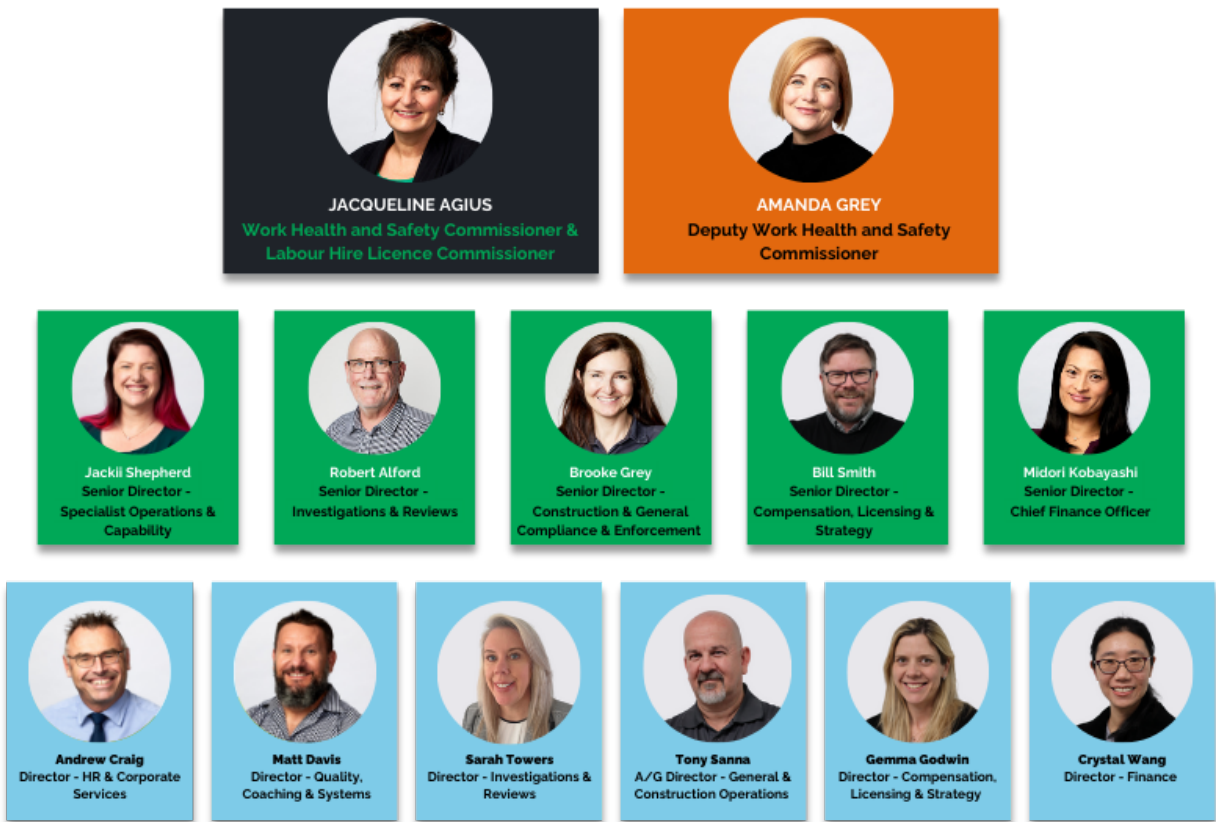


Figure 1: WorkSafe ACT organisational structure at 30 June 2023

Performance analysis

WorkSafe ACT's objectives, deliverables and accountability indicators are published in the 2022–2023 ACT Budget Statements on the [ACT Government Budget 2022–23 website](#) and are used to monitor and assess WorkSafe ACT's performance.

During the 2022–23 financial year, WorkSafe ACT continued its compliance and enforcement activities across the Territory. A detailed overview of WorkSafe ACT performance during 2022–23 is provided in this section.

In 2022–23, WorkSafe ACT also reviewed its accountability indicators to ensure they remained contemporary, measurable, and linked to WorkSafe ACT's strategic objectives (see the [Statement of Operational Intent 2022](#)). As a result of the review, a revised suite of indicators was endorsed by the Minister for Industrial Relations and Workplace Safety and the Treasurer for 2023–24.

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

Accountability indicators

Summary of operational performance against targets

This section discusses and explains WorkSafe ACT performance during 2022–23 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 2022–23 ACT Budget Statements. There are 7 accountability indicators used to measure WorkSafe ACT 2022–23 performance against its goals:

WorkSafe ACT met 4 of 7 accountability indicators for 2022–23.

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

WorkSafe ACT achieved a ratio of 75:21:4.

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

The 2022–23 result indicates that a disproportionate ratio of improvement and prohibition notices were issued in comparison to infringement notices.

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

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

WorkSafe ACT Inspectors use prohibition notices to provide a consistent and targeted focus on the prevention of work-related deaths, injuries and diseases, and protecting property and the environment where risk is imminent. Together, the use of these tools has a significant impact on health and safety outcomes for ACT workers and others in the workplace.

Note: This indicator has been discontinued for 2023–24 and replaced by 3 separate indicators which capture WorkSafe ACT compliance and enforcement activities.

2. Rates of compliance for workers' compensation are assessed against a predetermined set of criteria relating to the responsibility to hold a workers'

compensation insurance policy. **The WorkSafe ACT target was a 90% compliance rate.**

WorkSafe ACT achieved an 83% compliance rate.

Note: This indicator has been discontinued for 2023–24 and replaced by an indicator which captures the number of workers' compensation compliance inspections.

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

WorkSafe ACT achieved a 100% compliance rate.

In 2022–23, the labour hire licence scheme continued to mature. WorkSafe ACT made a conscious decision to change its methodology to report against this indicator. In 2021–22, the focus was on workplace visits to identify non-compliance. In 2022–23, Inspectors conducted 20 inspections using the iAuditor checklist to identify non-compliance, with no instances of non-compliance being identified.

Note: This indicator has been discontinued for 2023–24 as measured performance was outside of WorkSafe ACT control. This indicator has been replaced with an indicator that will measure if labour hire licence applications are processed within 5 working days of WorkSafe ACT receiving all required information.

4. WorkSafe ACT aims for **100% of investigations to be opened within 14 days of WorkSafe ACT being notified of a serious WHS incident** within the WorkSafe ACT jurisdiction, which the Regulator considers requires investigation.

WorkSafe ACT did not achieve this target. Out of the 11 investigations which arose from notifiable incidents during 2022–23, WorkSafe ACT opened 3 (27%) of these within 14 days. A further five investigations commenced within 30 days.

WorkSafe ACT has reviewed its internal regulatory governance processes and is increasing resources to this area to ensure the timely triaging of matters, so investigations agreed by the WHS Commissioner are opened as soon as possible following notification.

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 2022–23 financial year.

WorkSafe ACT achieved a result of 71% and met this target.

Of the 7 investigations completed in 2022–23, 5 were completed within 12 months.

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

WorkSafe ACT considers the 100% target to be met.

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

During 2022–23, 4 EUs were due for completion and all persons conducting a business or undertaking (PCBUs) met their EU obligations and the EUs were subsequently discharged.

Note: This indicator has been discontinued for 2023–24 as measured performance is outside of WorkSafe ACT control.

7. To improve awareness, WorkSafe ACT has a target of **100% of its media releases generating media coverage.**

The Media and Communications team issued 7 media releases throughout 2022–23 and generated media engagement for each release.

To ensure media engagement is achieved for media releases, and to maximise the impact of messaging, the Media and Communications team changed the approach for issuing media releases during the reporting period.

Dependent on the purpose of the messaging and the intended audience, news items are separated into 3 categories:

- + Media releases – published on the WorkSafe ACT website and issued to media outlets and targeted industries on significant matters specific to the Territory and to the health and safety of workers across the ACT.
- + News items – published on the WorkSafe ACT website and issued to targeted stakeholders and subscribers on safety matters, legislation changes and reminders.
- + Media statements – published on the WorkSafe ACT website and issued on behalf of the WHS Commissioner or the Office of the WHS Commissioner to media outlets, stakeholders and subscribers.

Note: This indicator has been discontinued for 2023–24 as it is no longer a suitable measurement of WorkSafe ACT community engagement activities. The new indicator will measure WorkSafe ACT active engagement with the ACT community in promoting WHS, including psychosocial health and safety, workers' compensation and LHL compliance.

WorkSafe ACT value statement

VISION



Healthy, safe and productive working lives

MISSION



To protect workers and ensure compliance with workplace obligations

STRATEGIES



- Fair and firm enforcement against non-compliance
- Minimising physical and psychological harm and improving WHS culture and practice
- Engaging with stakeholders to better respond to current and emerging WHS issues
- Creating an exemplary regulator

VALUES



- Integrity
- Professionalism
- Innovation
- Fairness
- Collaboration

OUTCOME



**SAFE +
HEALTHY
WORKPLACES**

Planning framework

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

- + a 4-year Compliance and Enforcement Policy
- + a 4-year Strategic Plan, and
- + an annual Statement of Operational Intent in response to the Minister for Industrial Relations and Workplace Safety's Statement of Expectations.

In consultation with relevant stakeholders, WorkSafe ACT met its statutory planning obligations during 2022–23.

Compliance and Enforcement Policy

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

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

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

While Safe Work Australia had agreed to revise the NCEP as an outcome of the [2018 Review of the model WHS laws](#) (the Boland Review), any changes have yet to be agreed or finalised. To meet its statutory obligations and irrespective of the NCEP, WorkSafe ACT will review and, as necessary, amend its policy in 2023–24.

Strategic Plan 2020–2024

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

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

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

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

Safe Work Australia released a new Australian WHS Strategy on 23 February 2023. Consequently, WorkSafe ACT has begun a review of its strategic plan to ensure its foundation document remains contemporary and reflects national priorities and targets.

Statement of Operational Intent

In accordance with the WHS Act, the WHS Commissioner is required to prepare a [Statement of Operational Intent](#) in response to the Minister's [Statement of Expectations](#). The Statement of Expectations for 2022–23, notified on 14 October 2022, sets out the priorities the Minister expects WorkSafe ACT to action. In summary, these priorities were:

- + Addressing present and emerging WHS risks, including:
 - *psychosocial hazards in the workplace*
 - *WHS compliance within ACT Government*
 - *PCBUs in supply chains*
 - *the impacts of climate change in the workplace, and*
 - *workplace deaths.*

- + Continued focus on improving the safety culture of the construction industry.
- + Continuing to improve the operational effectiveness of WorkSafe ACT, including being a source of trusted information on WHS and workers' compensation obligations.
- + Performance of WorkSafe ACT, including accountability indicators.
- + Engagement with the WHS Council.

Consequently, WorkSafe ACT focus areas for 2022–23 progressed in the context of meeting the outcomes of its strategic plan, included:

- + **Addressing psychosocial hazards in the workplace.** WorkSafe ACT continued to implement and evaluate the *Strategy for Managing Work-Related Psychosocial Hazards 2021–2023*, which guides the activities of WorkSafe ACT. In 2022–23, these activities included:
 - *increasing awareness of existing and new psychosocial resources through the implementation of a communications plan*
 - *developing resources for employers and workers to assist with improving psychosocial hazard identification and management*
 - *improving capability for WorkSafe ACT Inspectors to target psychosocial hazards at workplace inspections, and*
 - *developing and fostering relationships with general and industry-specific subject matter experts.*

In addition to the psychosocial strategy, a range of activities were undertaken to implement and evaluate the associated *Managing Work-Related Violence and Aggression Plan 2021–23* and the *Managing Work-related Sexual Harassment Plan 2021–23*. In line with these plans, in 2022–23, in partnership with industry, unions and relevant stakeholders, WorkSafe ACT focused its activities on awareness raising, and developing and distributing targeted industry-specific resources aimed at reducing the prevalence of work-related violence and sexual harassment in ACT workplaces.

- + **Ensuring that all workers and workplaces across the Territory are safe and healthy.** WorkSafe ACT is committed to preventing work-related serious injury, disease and fatality for all workers in all workplaces. In 2022–23, WorkSafe ACT continued to implement and evaluate the 5 strategies it launched in 2021–22:
 - *Strategy for Managing Work-Related Psychosocial Hazards (2021–23)*
 - *Young Workers Strategy (2021–23)*
 - *Strategy for Preventing Occupational Lung Diseases (2022–24)*
 - *Strategy to Prevent Musculoskeletal Disorders (2022–24), and*
 - *Residential Construction Strategy (2022–24).*
- + **Raising awareness of WHS duties for PCBUs in supply chains.** Supply chains were identified as one of 7 national action areas in the *Australian Work Health and Safety Strategy 2012–2022*. WorkSafe ACT expects that commercial relationships within supply chains

are used to improve WHS outcomes and that a culture of safety is embedded throughout the supply chain/s.

Many small businesses operate at the bottom of supply chains and the resulting contractual arrangements play a pivotal role in affecting working conditions. There is an opportunity in the ACT to establish and reinforce the expectation that large businesses should either develop, or share, safety systems with small businesses that operate within their supply chain/s.

- + **Ensuring WHS compliance within the ACT Government, which leads by example.** To improve rates of compliance, in 2022–23 WorkSafe ACT developed a targeted ACT Public Service (ACTPS) strategy which will be implemented using appropriate and proportionate education, awareness, compliance and enforcement activities. Stakeholder engagement with directorates and agencies took place during the strategy's development to identify key priorities and objectives. The strategy will be launched in early 2023–24.
- + **Addressing work-related impacts of climate change.** WorkSafe ACT continued to review content from other WHS regulators to determine whether additional ACT-specific guidance is necessary to support the implementation and enforcement of relevant ACT Codes of Practice.
- + **Continuing to work to improve the safety culture in the construction industry.** WorkSafe ACT maintained its strong and ongoing focus to improve compliance and safety standards across both residential and commercial sectors. WorkSafe ACT applied specific strategies for each segment of this industry, along with continued engagement with stakeholders and social partners to provide appropriate information and guidance materials.

The updated *Residential Construction Strategy 2022–24* captures the WorkSafe ACT approach to improving safety behaviours and compliance in the residential construction industry.

A key focus for WorkSafe ACT will be its continued dedicated response to the changing regulatory environment for managing workplace exposure to silica dust. WorkSafe ACT will continue to support workers and industry with appropriate education, communication and guidance, and by undertaking compliance and enforcement activities.
- + **Improving the operational efficiency of WorkSafe ACT.** A key component of the WorkSafe ACT commitment to continuous improvement is building Inspector capability. In 2022–23, WorkSafe ACT commenced delivering and embedding its 12- to 24-month induction and Inspector training program. The training is a combination of on-the-job training and formal internal and external training with a registered training organisation, leading to a Diploma of Government.

WorkSafe ACT also reviewed its existing accountability indicators to ensure the indicators are contemporary, measurable, and linked to WorkSafe ACT strategic objectives.

- + **Engaging with the WHS Council.** The WHS Council is a statutory body that provides advice to the government and Minister on WHS, and workers' compensation matters across the Territory. As an ex-officio member of the WHS Council, the WHS Commissioner will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act.
- + **Implementing the Territory's LHL scheme.** WorkSafe ACT will ensure responsible practices in the ACT labour hire industry through a combination of information provision and the active monitoring of compliance and enforcement.
- + **Ensuring compliance with the Workers' Compensation Act.** In addition to carrying out compliance campaigns across a range of ACT businesses, WorkSafe ACT will develop and publish a workers' compensation compliance and enforcement policy.

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

WorkSafe ACT strategic priorities

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

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

Strategy One

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



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

WHS compliance monitoring and enforcement activities

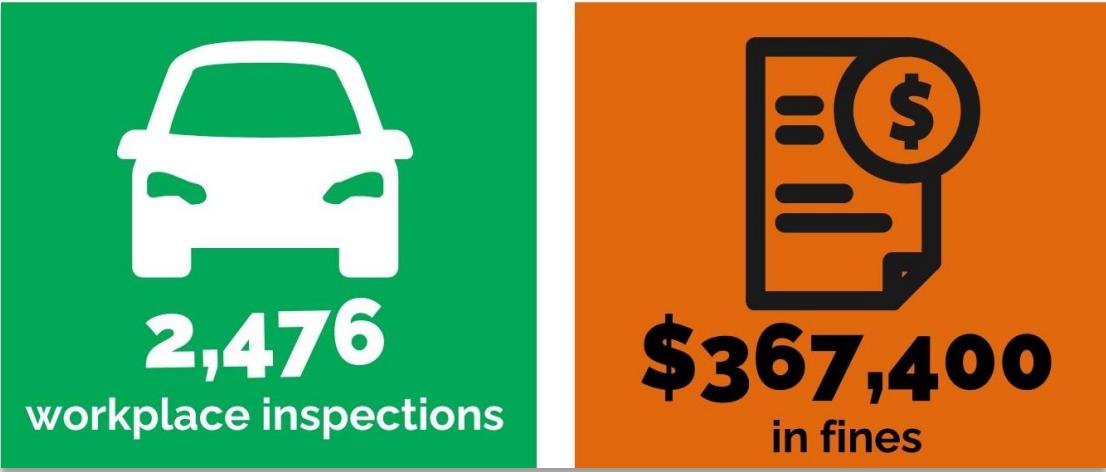
The Strategic Enforcement Priorities outlined in the strategic plan, together with the Minister’s [Statement of Expectations](#) and WorkSafe ACT [Statement of Operational Intent](#), have guided WHS compliance monitoring and enforcement activities during 2022–23.

Throughout 2022–23, COVID-19 controls and mandated requirements relaxed, although PCBUs continue to have duty of care to workers to manage the risk of COVID-19 transmission in the workplace. Noting this, WorkSafe ACT returned to usual compliance and enforcement activities in 2022–23.

When undertaking compliance and enforcement activities, WorkSafe ACT conducts 2 streams of inspection activities:

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

In 2022–23, across all industries, including ACT Government directorates and agencies, WorkSafe ACT conducted 2,476 workplace inspections and issued a total of \$367,400 in fines. These inspections were a mix of responses to complaints or incidents received by WorkSafe ACT or as part of proactive compliance campaigns across all industries (see Figure 2 and Table 1).



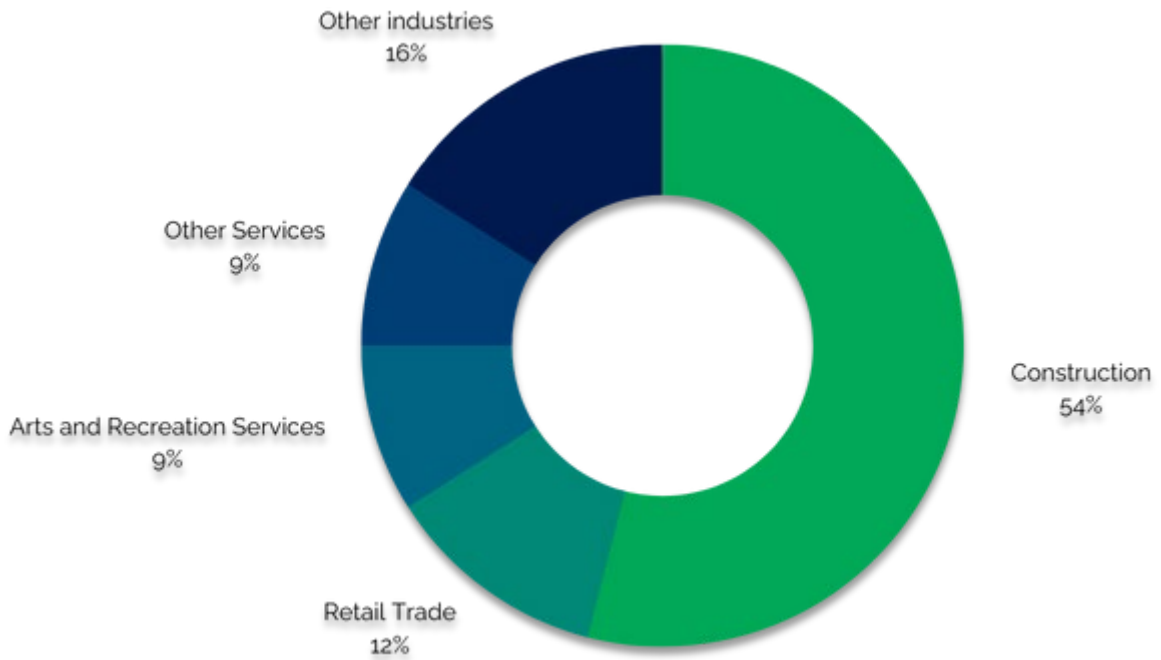
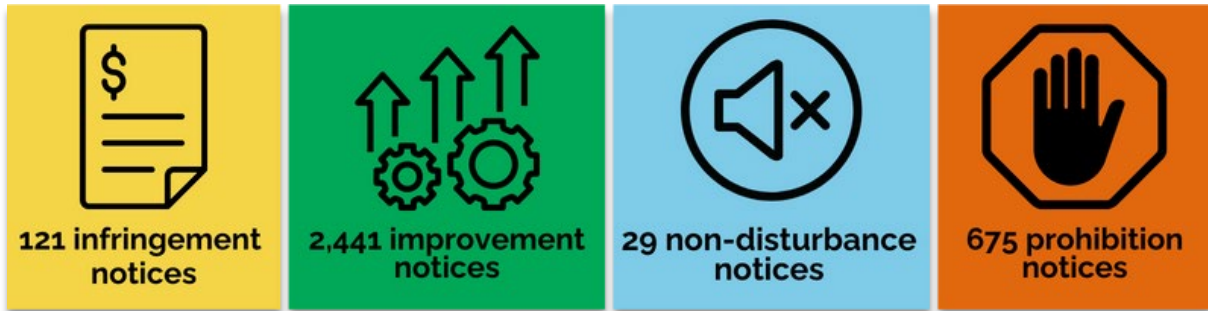


Figure 2: Percentage of workplace inspections by industry

Table 1: Workplace visits per top 10 industries

Industry	Number	%
Construction	1,342	53.8
Retail Trade	291	11.5
Arts and Recreation Services	234	9.7
Other Services	226	9.3
Accommodation and Food Services	74	3.1
Health Care and Social Assistance	70	2.9
Manufacturing	60	2.5
Education and Training	56	2.3
Electricity, Gas, Water and Waste Services	31	1.3
Transport, Postal and Warehousing	30	1.2

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



Prosecutions and enforceable undertakings

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

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

Prosecutions may be brought by the Regulator in relation to alleged serious breaches of the WHS Act, or the dangerous substances or workers' compensation legislation. WorkSafe ACT applies the [Work Health and Safety \(Prosecution\) Guidelines 2023](#) and has regard to the [Prosecution Policy of the Australian Capital Territory](#) when making decisions on whether to refer an alleged breach to the DPP.

There were 2 successful prosecutions in the reporting period.

On 16 February 2023, Capitol Chilled Foods (Australia) Pty Ltd pleaded guilty to a Category 2 offence under the WHS Act for the serious injury to a worker in Griffith, ACT in March 2021. The worker sustained serious injuries when a forklift truck collided with the worker. It was identified that Capitol Chilled Foods (Australia) Pty Ltd did not have a safe system of work, which contributed to the injury. Capitol Chilled Foods (Australia) Pty Ltd was convicted and fined \$300,000.

On 6 June 2023, Agnew Building Supplies Pty Ltd pleaded guilty to a Category 2 offence under the WHS Act for the serious injury of a worker in Torrens, ACT in April 2021. The worker sustained the serious injury while unloading material from the rear of a truck utilising a mobile crane. Agnew Building Supplies Pty Ltd was convicted and fined \$300,000.

During 2022–23, WorkSafe ACT accepted no new enforceable undertakings.

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.

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

Targeted compliance campaigns

In 2022–23, WorkSafe ACT continued its compliance and enforcement actions in identified priority industries, as well as focusing education programs on those industries demonstrating lack of knowledge of statutory obligations. These activities were undertaken in response to key present and emerging issues across a range of industries:

Issues	Industries
+ Loose fill asbestos	+ Retail and hospitality
+ Hazardous chemicals	+ Commercial construction
+ Silica	+ Residential construction
+ Musculoskeletal disorders	+ Aged care
+ Psychosocial hazards	+ Amusement and other recreation

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

Compliance campaigns in priority industries are featured in this annual report.

Jervis Bay Territory

WorkSafe ACT attended the Jervis Bay Territory (JBT) for a proactive campaign in March 2023.

The operation included observation of work activities occurring in the local area, information gathering about local conditions and risk factors, and engagement with local stakeholders.

Majura Park compliance activity

In November 2022, a proactive compliance campaign was conducted at Majura Park focusing on retail, transport, logistics and construction in the area. The strategic focus of this campaign was to identify non-compliance in the areas of musculoskeletal disorders, hazardous chemicals, psychosocial hazards, and construction-related hazards and risks. Twenty-three workplaces were visited

across 3 days. As a result of this campaign, 49 improvement notices and one prohibition notice were issued in the areas of hazardous chemical management, safe systems of work, health and safety information and training, fire protection, workplace layout and design, racking and testing and tagging of electrical equipment.

Summernats 2023

The Summernats festival in January 2023 was the subject of proactive compliance and enforcement inspections for major event-related hazards and risks. No notices were issued following this visit. Advice and education were provided on safety data sheets for fuel and other substances, fireworks, risk assessments and checklists for the erection and installation of staging.

The National Multicultural Festival 2023

In February 2023, Inspectors conducted proactive compliance and enforcement inspections at the National Multicultural Festival. There were 34 separate workplace visits as a part of this campaign, resulting in 6 improvement notices and one prohibition notice. The prohibition notice was issued for the use of a forklift. Improvement notices were issued for safe systems of work, electrical test and tag, fire protection equipment, and high-risk work licences.

The Royal Canberra Show 2023

WorkSafe ACT Inspectors undertook inspections on amusement devices, food vans, trade stalls, electrical safety, and emergency management systems at the Royal Canberra Show in February 2023. There were 12 improvement notices and one prohibition notice issued. The prohibition notice was issued in relation to a failure of a forklift operator to hold a valid high-risk work licence. The improvement notices were related to emergency plans, electrical test and tag, fire protection equipment, plant design safety, and first aid provision.

Aged care proactive campaign 2023

Throughout the second quarter of 2023, WorkSafe ACT conducted a proactive campaign in the aged care sector focusing on labour hire, workers' compensation compliance, the identification and management of hazardous manual tasks and psychosocial hazards. Nineteen workplace visits were conducted, where Inspectors followed an online checklist covering hazard and risk control questions relating to the above priorities. Pleasingly, there were no improvement, prohibition or infringement notices issued. Workplaces had risk control measures in place as well as required systems and processes to address hazardous manual handling and psychosocial hazards.

Highlight: Operation Safe Prospect – Whitlam

WorkSafe ACT developed a Residential Construction Strategy in early 2020, and in 2022, launched its updated *Residential Construction Strategy 2022–24*. Its objective was suburb saturation and high visibility of WorkSafe ACT.

The strategy's mission included proactive inspections and engagement with builders, tradespeople and workers on residential construction sites to detect contraventions and ensure compliance under the WHS Act and the WHS Regulation.

In 2022–23, Inspectors conducted 868 workplace visits, with most visits concentrated in Whitlam, Taylor, Strathnairn and Denman Prospect.

In October 2022, WorkSafe ACT conducted a saturation campaign in the suburb of Whitlam. The campaign involved visiting 51 sites. Inspectors issued 24 prohibition notices and 78 improvement notices. The breaches identified were wide ranging and included:

- + failure to control fixtures, fittings or plant at workplaces
- + electrical risks
- + scaffolding
- + site security
- + risk of falls from heights, and
- + housekeeping and amenities.

Priority industries

Commercial construction

Commercial construction was a key focus for WorkSafe ACT during 2022–23, continuing its programmed audits of larger construction sites across the ACT.

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

The focus areas for commercial construction were:

- + working at heights safely
- + scaffolding
- + moving plant
- + lifting and crane operations
- + silica and other dust exposure, and
- + safe work method statements (SWMS).

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



Civil construction

A new dedicated Civil Construction team was established in 2022–23. With this, civil construction became a focus area for WorkSafe ACT, resulting in increased inspections of workplaces across the Territory.

WorkSafe ACT worked with the sector through engagement with its peak industry bodies as well as audits and inspections. Regulatory enforcement options were implemented to ensure compliance and remediation of safety issues. The key focus areas for civic construction inspections and audits were:

- + excavations/trenches
- + underground services identification and location
- + mobile plant, and
- + respirable crystalline silica.

Visits to civil construction workplaces during the reporting period resulted in:

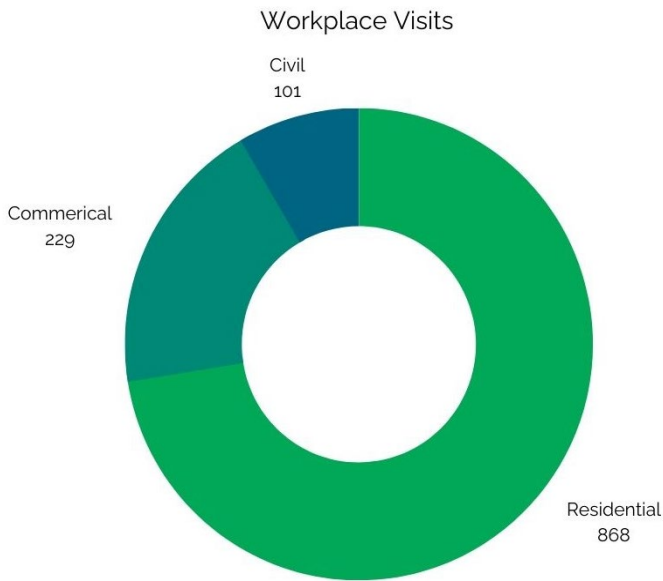
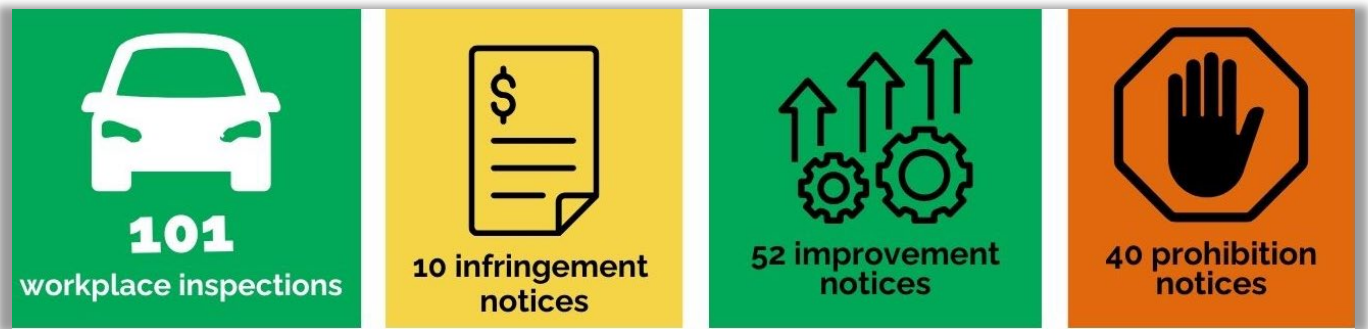


Figure 3: Workplace visits in construction

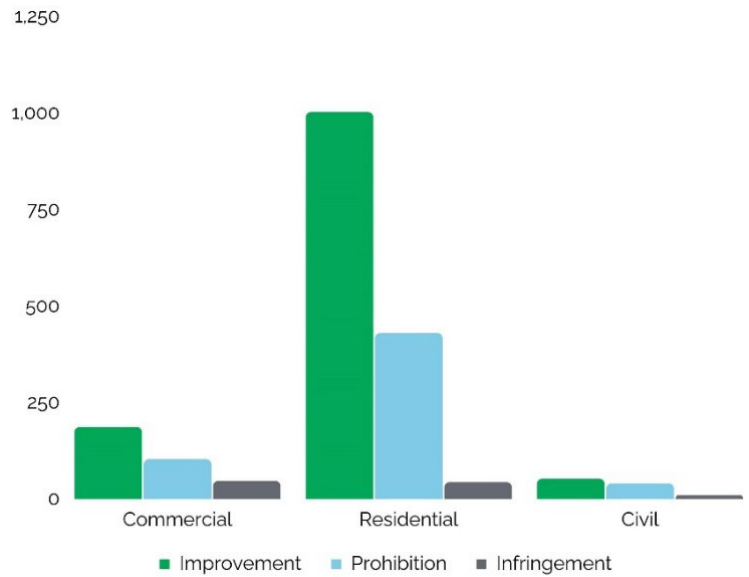


Figure 4: Infringement notices in construction

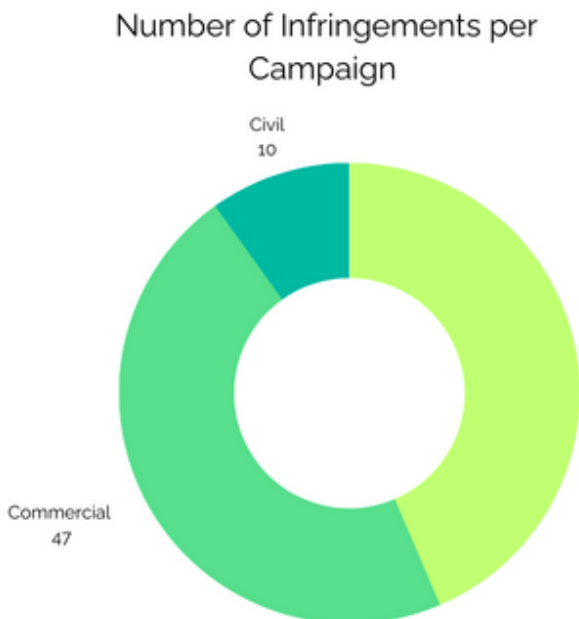


Figure 5: Number of infringements per campaign

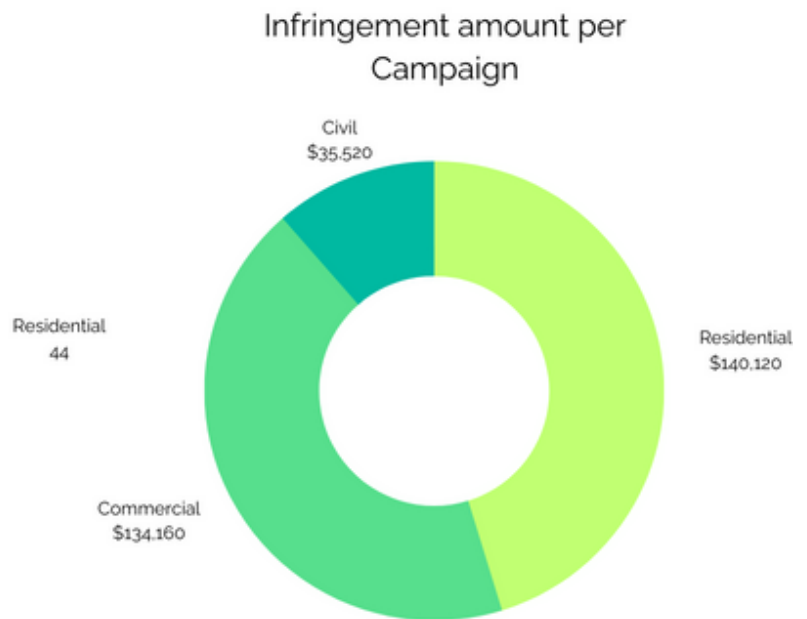


Figure 6: Infringement amount per campaign

Retail trade

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

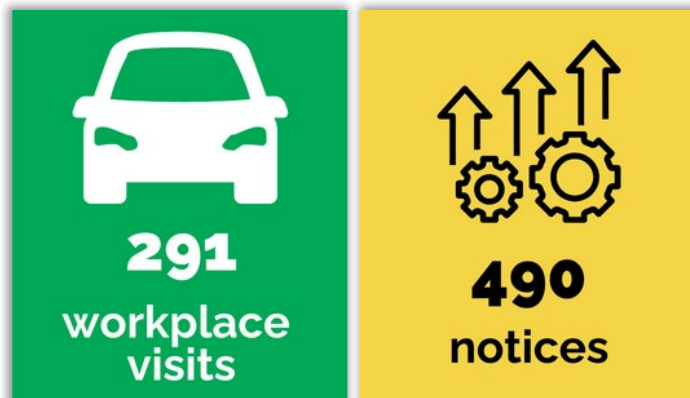
Jobs in retail trade make up 7% of the ACT workforce and there was over 1,500 retail businesses in the ACT in 2022.

The proportion of young, part-time, and casual workers in the retail sector contributes to health and safety risks. The retail sector in Australia has the youngest age demographic of all industries, with over 30% of workers aged under 25 years. In the ACT, the retail sector also has a high proportion (14%) of part-time workers. In addition to physical hazards, there is also a heightened risk to the retail workforce of psychosocial hazards including work-related violence, aggression and harassment.

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

WorkSafe ACT published a [media release](#) reminding people to treat retail workers respectfully over the December holiday season, where there is often an increase in work-related violence.

WorkSafe ACT retail sector activities resulted in:



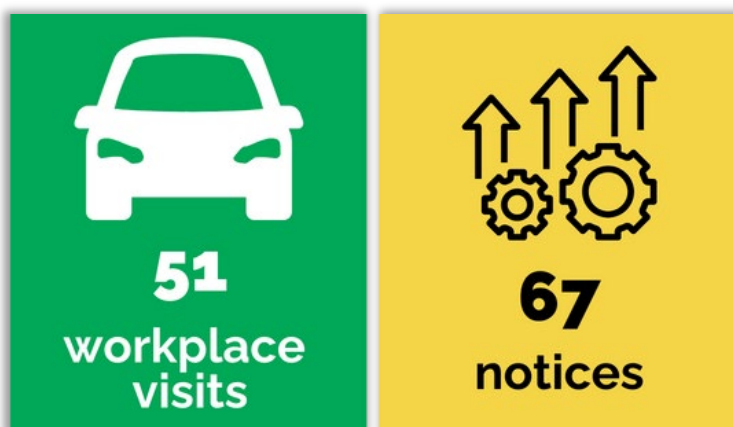
ACT Public Sector

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

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

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

In 2022–23, WorkSafe ACT activities across the ACTPS, resulted in:



Building on the work of the reporting period, in early 2023–24, WorkSafe ACT will launch and implement a standalone strategy focused on improving compliance and safety outcomes across the ACTPS.

Regulatory compliance tools

Licensing

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

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

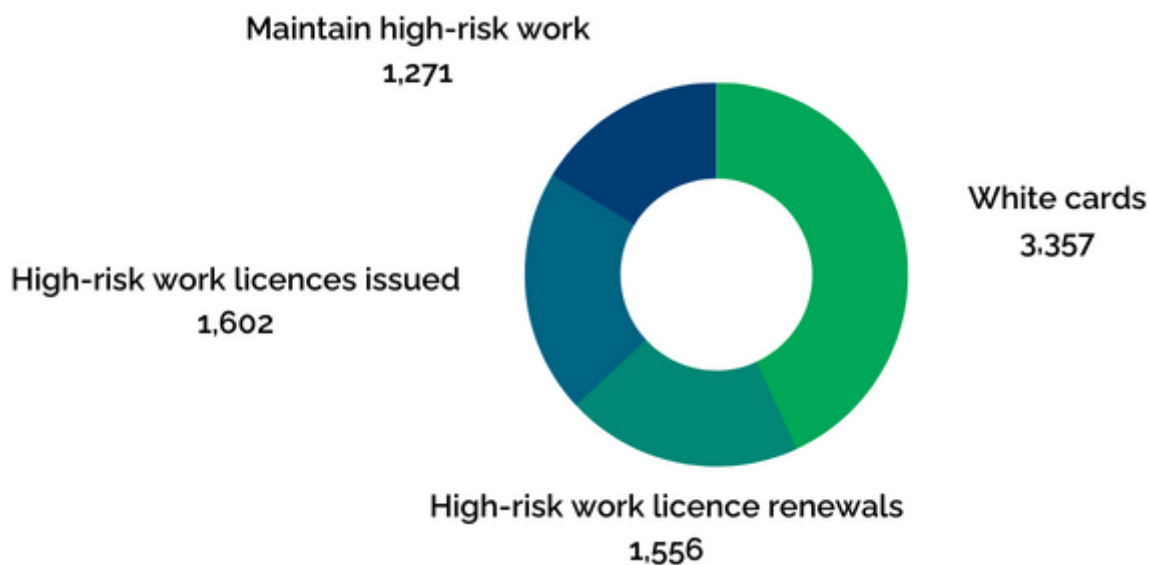


Figure 7: Licences issued under the WHS Act, 2022-23

High-risk work

The high-risk work licensing system provides for 30 classes of high-risk work that are divided into 5 categories:

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

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

White cards

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

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

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

High-risk plant item and plant design registration

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

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

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

WHS Entry Permit

Unions may apply to have one or more of their officials granted a WHS entry permit. This permit allows union entry into workplaces for specified purposes.

A WHS entry permit holder may enter a workplace if the permit holder reasonably suspects a contravention that relates to a relevant worker to:

- + enquire into a suspected contravention
- + inspect employee records or other documents that are directly relevant to the suspected contravention.

A WHS entry permit holder is also permitted to enter a workplace to consult and advise relevant workers on WHS matters.

Further information on WHS entry permits, including online application forms, is available on the [Access Canberra website](#).

Workers' compensation and labour hire licensing

Workers' compensation

WorkSafe ACT undertook 2 targeted proactive campaigns under the Workers' Compensation Act during 2022–23.

As part of these campaigns, Inspectors conducted a total of 120 workplace visits, resulting in the following premium recoveries and infringement notices being issued:



One of these compliance and enforcement campaigns focused on general business and industry in the commercially dense suburb of Fyshwick. The second campaign targeted the automotive repair industry and spanned the whole of the ACT. This industry is notable for a higher number of injuries at work and is also an employer of a significant number of young workers. These are strategic priorities for WorkSafe ACT.

In September 2022, one insurance provider withdrew from providing new workers' compensation insurance in the ACT. WorkSafe ACT was engaged with the company as they navigated the transition arrangements to ensure that their licensing conditions were complied with, and that businesses and workers covered by their insurance policies were still supported through the withdrawal process.

Labour hire licensing

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

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

In 2022–23, 964 conditional and unconditional licences were issued, an increase of 113 licences from 2021–22. Examples of conditions imposed on licences include:

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

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



The licence fee in 2022–23 was \$2,994 and the total value of licences issued in this period was \$2,866,216. Further information on the scheme, including exemptions, application forms and a public register of all licensed providers is available on the [WorkSafe ACT website](#).

In 2022–23, WorkSafe ACT developed further supporting infrastructure to underpin the operation of the scheme. This included the LHL [Compliance and Enforcement Policy](#), and the Minister for Industrial Relations and Workplace Safety's [Complaints Handling Guidelines](#). The guidelines ensure that complainants are aware of the complaints process, and the expectations and obligations for themselves and WorkSafe ACT as the Regulator.

In 2022–23, 6 licensees were issued show cause notices for proposed regulatory action for providing a labour hire service while unlicensed. The regulatory action was proposed following investigations into the licensees' lengthy delay in renewing their licences while continuing to provide labour hire services. The outcomes of these matters will proceed into 2023–24.

In 2023–24, WorkSafe ACT will continue work to develop a licensee portal, where renewal reminders and processes can be streamlined, ensuring the renewal process is efficient and semi-automated.

Strategy Two

Minimising physical and psychological harm and improving WHS practice and culture



Strategy Two: Minimising physical and psychosocial harm and improving WHS practice and culture

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

WorkSafe ACT takes action to minimise physical and psychological harm in consideration of many factors, including:

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

In addition to its work in and across the priority industries, the key focus areas for the prevention of harm identified for WorkSafe ACT in 2022–23 were:



Addressing the growing impact of psychosocial hazards and risks related to work includes work-related violence and aggression, and sexual harassment and assault. Silica dust exposure and other exposures that result in occupational lung diseases, as well as addressing work-related impacts of climate change, remain ongoing focus areas.

WorkSafe ACT strategies

In 2022–23, WorkSafe ACT continued implementing and improving on the 5 strategies and 2 underlying plans.

In 2021–22, WorkSafe ACT launched 5 new strategies. Throughout 2022–23, the ongoing implementation and evaluation of these strategies was a priority. These strategies guide compliance and enforcement activities for key industries and hazards and are supported by awareness campaigns aimed at building workforce understanding of its WHS duties. WorkSafe ACT currently has the following strategies:

- + [Strategy for Managing Work-Related Psychosocial Hazards 2021–23](#)
- + [Young Workers Strategy 2021–23](#)
- + [Strategy for Preventing Occupational Lung Diseases 2021–23](#)
- + [Strategy for Managing Musculoskeletal Disorders 2022–24](#), and
- + [Residential Construction Strategy 2022–24](#).

Strategy for managing work-related psychosocial hazards

Under the WHS Act, PCBUs have a duty to ensure the health and safety of their workers, and this includes psychological health. Psychosocial hazards are factors in the design or management of work that can lead to psychological harm. These can lead to an increase in the incidence of:

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

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

The key objectives of the psychosocial strategy are:

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

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






- + **Poor recovery support** – when there are barriers for workers' compensation claims and poor claims management.
- + **Poor workplace relationships** – when there are inappropriate and/or dangerous behaviours.
- + **Poor work design** – when employees have little control over aspects of the work they undertake and when high or low physical, mental or emotional effort is continually required when undertaking work.
- + **Poor environmental conditions** – when workers are exposed to poor quality or hazardous working environments.
- + **Poor organisational management** – when there is not enough consultation, communication, support, information, training and/or resources to undertake work.

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

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

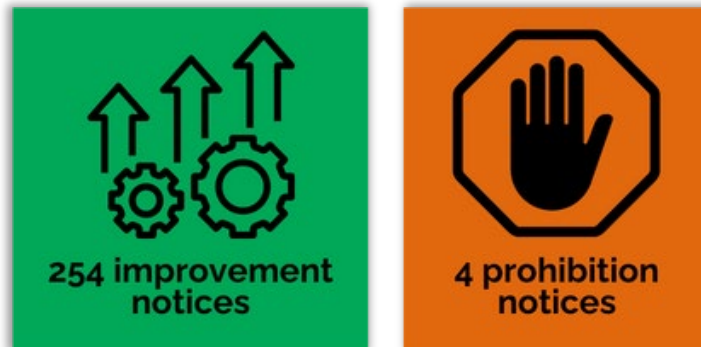
The continued implementation of the WorkSafe ACT Psychosocial Maturity Indication Tool was a focus in 2023. The tool provides a workplace rating and indicates resources for the workplace to improve.

How the maturity indicator works:

- 
 Digital questionnaire using the I-Auditor platform which questions logic, increasing data quality.
- 
 Available for multi-inspectorate use to increase industry reach. Sampling approach—reactive and proactive.
- 
 Identification of workplace maturity through compliance, attitude and capability indicators across employer and worker perspectives.
- 
 Generates an overall score, indicative of the workplace's psychosocial maturity, increasing workplace psychosocial understanding and guidance.
- 
 Digital operation allows for benchmarking and industry monitoring. Survey data will complement the maturity data with workers' compensation data.

During 2022–23, data from the Psychosocial Maturity Indication Tool and other inspectorate activities highlighted that there is still a significant amount of work to be done to improve the maturity of workplaces in preventing psychological and

physical harm. Reactive psychosocial team inspections over 2022–23 rarely saw full compliance. This resulted in the highest annual number of regulatory notices relating to psychosocial hazards and risks issued by WorkSafe ACT. The Psychosocial Inspectorate team conducted 179 workplace visits and issued:



In 2023, WorkSafe ACT conducted a targeted psychosocial campaign to gain a better understanding of psychosocial maturity levels in the hospitality industry.

This proactive work achieved a number of psychosocial strategy objectives, including:

- + engagement with key industry stakeholders to build relationships and raise awareness of psychosocial hazards and how these may be managed
- + supporting industry compliance through the delivery of feedback and resources of psychosocial-specific material, and
- + expanding capability and capacity of psychosocial regulation through approach consistency and exposure of psychosocial-specific enquiry methods.

This campaign identified maturity trends across 28 hospitality workplaces, providing WorkSafe ACT with insights into priority hazards specific to the hospitality industry for future regulatory focus. The campaign identified an average maturity level of 61.

Of the 28 workplaces, the following cohorts were found:

- + workplaces with fewer than 20 workers (79%)
- + workplaces with workers who identified as other than male (96%)
- + new workers, trainees, or apprentices at the workplace (29%)
- + workers at the workplace aged under 25 years (89%), and
- + workplaces with 2 or more culturally and linguistically diverse workers (75%).

The proactive maturity campaign also identified worker awareness of workplace specific hazards and strategies:

- + **42%** of workers were unaware of their workplace's identified psychosocial hazards and what was in place to control these
- + **26%** of workers identified being unaware of workplace systems to manage conflict and grievances, and
- + **19%** of workers did not view the workplace's systems for managing workplace conflict as providing organisational justice.

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

WorkSafe ACT is promoting existing resources and developing new resources to support business awareness and maturity.

The Psychosocial Maturity Indication Tool has allowed for the distribution of consolidated psychosocial resource materials. The resources are focused on workplaces and workers, offering resources individually and in combination. The insights gained from the proactive visits, such as barriers preventing better psychosocial management, is key in informing focus areas for WorkSafe ACT.

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

- + providing advice on compliance
- + issuing additional psychosocial notices alongside other breaches
- + a new psychosocial hazard complaint form to improve hazard identification, and
- + a refreshed wave of psychosocial information and resources on the WorkSafe ACT website.

Managing work-related violence and aggression plan

WorkSafe ACT recognises that work-related violence and aggression is an outcome of not adequately managing psychosocial hazards and can cause psychological and/or physical harm.

The [Managing Work-Related Violence and Aggression Plan 2021-23](#) guides WorkSafe ACT's regulatory approach to identifying hazards and managing the risks posed by work-related violence and aggression.

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



The key objectives of this plan are to:



The 4 key objectives are being addressed holistically by building the capability of duty holders to meet WHS obligations, and building regulator capability and capacity to enforce compliance.

Violence and aggression can be a significant hazard in the aged care industry. In the 2023 aged care campaign, 19 workplaces were visited and there were no notices issues relating to occupational violence.

The WHS Commissioner was an observer on the WHS Council Work-Related Violence Advisory Committee. The work of the committee concluded in August 2022, with the report *Preventing and Managing Work-Related Violence in the Workplace* endorsed by the WHS Council later that month.

In the regulatory space, WorkSafe ACT engaged with a number of workplaces following complaints of work-related violence and aggression. Using the approach of 'different hazards, same process', many inspections resulted in regulatory action.

The Media and Communications team developed the following resource poster: *Different Hazards Same Approach* for PCBUs and workers to display in their workplaces to promote safety issues and provide information on how to manage them.



DIFFERENT HAZARDS



SAME PROCESS

IDENTIFY. ASSESS. CONTROL. REVIEW.

Psychosocial hazards expose workers to significant or prolonged stress. This may lead to physical and psychological injuries.

Managing the risk of work-related psychosocial hazards is the duty of the person conducting the business or undertaking (PCBU). Ignorance is not an excuse.

For many workplaces, managing these hazards can seem confusing and overwhelming. But remember, the risk management process for physical hazards is the same for psychosocial hazards.

Scan the QR code to see how the risk management process applies to both physical and psychosocial hazards.



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Managing work-related sexual harassment plan

WorkSafe ACT regulates work-related sexual harassment by ensuring PCBU's comply with their duty to provide and maintain a healthy and safe working environment. The [Managing Work-Related Sexual Harassment Plan 2021-23](#) is a targeted approach to support psychosocial hazard identification and management in ACT workplaces. WorkSafe ACT has been carrying out activities under the plan to educate, engage and enforce issues related to sexual harassment (also known as gender-based violence and harassment). Proactive communications of workplace requirements, case studies and WorkSafe ACT expectations have all contributed to improving the prevention of sexual harassment across the ACT.

The key objectives of this plan are:

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

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

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

The key priority industries for managing sexual harassment include:



WorkSafe ACT continues to be involved in the Human Rights Commission [Respect@Work: Sexual Harassment National Inquiry](#). WorkSafe ACT has been actively involved in working groups to provide input and advice for meeting the recommendations in the Respect@Work report.

WorkSafe ACT launched a proactive awareness campaign in May 2023. The aim of the campaign was to assist PCBUs to meet their obligations and protect workers through the elimination and minimisation of risks. The campaign focused on:

- + education of PCBUs, workers and other relevant stakeholders on prevention and risk minimisation practices to eliminate or reduce risks of workplace sexual harassment
- + providing advice and information on WHS to duty holders and the wider ACT community, and
- + bringing together relevant stakeholders to ensure this important topic continues to be taken seriously across the ACT.

Several activities have already been undertaken to support the campaign, including:

- + publication of a [sexual harassment webpage](#)
- + promotion of the [sexual harassment 'sounds like' poster](#), and
- + publishing a safety alert on [Sexual Harassment: Responsibilities under the WHS Act](#).

WorkSafe ACT will continue work on reducing the incidents of sexual harassment in 2023–24 with a focus on:

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

Sexual assault

WorkSafe ACT has targeted work to develop and maintain effective and evidence-based responses to sexual assault in the ACT. This includes working with the ACT Government to introduce clearer regulations and guidance for businesses in understanding their duties when managing sexual assault risks and hazards at the workplace.

HIGHLIGHT: SEXUAL ASSAULT REPORTING

On 9 June 2023, legislation changes in the ACT saw the reporting of a sexual assault incident become a mandatory Notifiable Incident for PCBUs.

The [Workplace Legislation Amendment Act 2022](#) made amendments to the WHS Act and WHS Regulation that put a duty on PCBUs to notify WorkSafe ACT of any incidents of sexual assault that occur in their workplace, whether suspected or actual.

This change strengthens the Territory's commitment to eliminating sexual assault, sexual harassment and gender-based violence in all workplaces, and provided WorkSafe ACT another avenue for workplace engagement, compliance monitoring and education.

WorkSafe ACT has developed several resources to assist workplaces with understanding these changes, including media releases, information sheets and posters. The Psychosocial Inspectorate team has also developed a sexualised behaviour hazard checklist that will be utilised during inspections across ACT workplaces, highlighting gaps in workplace processes and leading to regulatory actions.

A new [notifiable incident form](#) was published on the WorkSafe ACT website for workplace sexual assault reporting. A dedicated [sexual assault webpage](#) also provides information about the new requirements for reporting sexual assault.

The WHS laws also impose positive duties on workplaces that require employers to do all they reasonably can to prevent sexual assaults from occurring at work – in the same way as is required for other risks to health and safety.

Data collected from notifiable incident reporting will build a clearer picture of the rates of workplace sexual assault and of the highest risk industries. WorkSafe ACT will use this data to inform our compliance activities, education and resources.

Young workers strategy

The [Young Workers Strategy 2021–2023](#) was published to support the safety of young workers in the ACT. It was developed using data from workers' compensation claims, anecdotal information and 'Own Voice' consultation sessions with young workers. Using these mechanisms, WorkSafe ACT identified the following barriers to the safety of young workers:

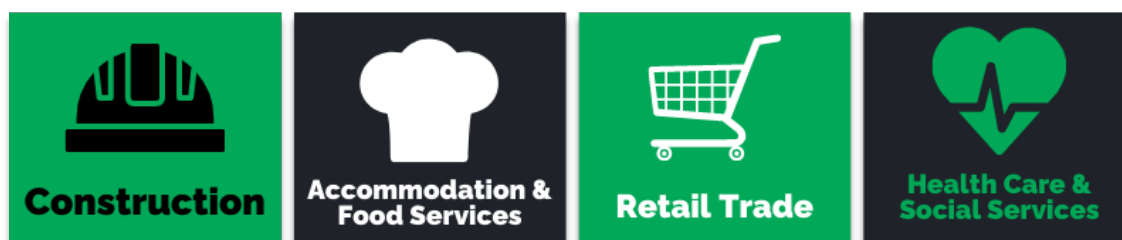
- + lack of awareness of WHS duties and responsibilities
- + limited understanding of employer WHS legislative obligations
- + inadequate training and supervision
- + reluctance to voice concerns for fear of repercussions
- + physical and mental development, and
- + peer pressure.

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

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

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

The young workers strategy is targeting these priority industries throughout the first 2 years of its implementation:



WorkSafe ACT has identified the priority workgroups as:

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

Young workers are workers aged up to 25 years, including apprentices, school-based apprentices and trainees. This also includes all forms of employment,

including, but not limited to, casual, freelance or gig, labour hire, temporary, unpaid internships, work experience and work placements, full-time and part-time work.

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

In 2022, young workers made up approximately 15% of the workforce, both nationally and in the ACT ([ABS 2022](#)). Between 2017–18 and 2020–21, young workers in the ACT comprised 15% of the total Territory workforce but accounted for 19% of all accepted workers' compensation claims.

Accepted claims from young workers in the ACT were concentrated in industries like construction (27%), accommodation and food services (16%), as well as in retail trade (13%).

The most common mechanisms of injury for accepted claims by young workers were being hit by moving objects (26%), body stressing (25%), and falls, trips and slips (19%).

In addition to physical injuries, the [Respect@Work: Sexual Harassment National Inquiry Report](#) (2020) stated that workers under the age of 30 are at higher risk of experiencing sexual harassment at work.

Under the WHS Act, PCBUs must ensure, so far as is reasonably practicable, the health and safety of workers – this includes young workers. WorkSafe ACT is committed to enforcing compliance with the WHS Act and ensuring that workplaces are keeping their young workers safe.

In 2022–23, WorkSafe ACT undertook:



To support the implementation of the young worker strategy, a Young Worker Strategy Coordinator was appointed in April 2023.

During 2022–23, WorkSafe ACT continued to update the young worker section of the website, which was promoted along with young-worker-branded merchandise at various events throughout the year.

WorkSafe ACT Inspectors and the Young Worker Strategy Coordinator gave presentations to plumbing apprentices at the Master Plumbers Association First Year Apprentice Intake in October 2022 and May 2023. A total of 200 apprentices participated in the presentations over the 10-day period. A presentation was also

held at Global Energy Training Solutions for over 20 first-year electrical apprentices. The presentations covered key WHS topics, including legislative duties, training, supervision, and common psychosocial and physical hazards. The purpose of these events was to spread awareness of the young workers strategy and common WHS issues young workers face.



HIGHLIGHT: YOUNG WORKERS

In the ACT, there are many young workers, including apprentices and trainees, working across many industries and locations. In 2022–23, WorkSafe ACT conducted numerous activities to support the health and safety of young people.

As part of these activities, WorkSafe ACT observed an increasing number of apprentices who were not receiving appropriate induction or supervision. To raise awareness of this important issue, information was distributed to WorkSafe ACT subscribers twice in August 2022. The information contained in these safety alerts was also added to the WorkSafe ACT website.

To support the implementation of the *Young Workers Strategy 2021–2023*, 'young workers' was made one of the weekly themes during National Safe Work Month in October 2022. As part of the promotion, an in-person safety session was held at the Canberra Institute of Technology (CIT) Fyshwick campus, offering attendees an opportunity to ask Inspectors questions about safety, training and supervision, and their rights and responsibilities. As a direct result of this session, WorkSafe ACT was invited to promote the young workers strategy at 2 other CIT campuses in the ACT.

The young workers portal was launched during National Safe Work Month to increase young worker awareness of their WHS rights and responsibilities. This section of the WorkSafe ACT website is dedicated to young workers and gives them information they may need when it comes to their health and safety in the workplace. The portal also has information for parents and carers, as well as small businesses and employers who have young workers as part of their workforce.

Due to the positive relationships which have been established between WorkSafe ACT, Skills ACT, the Master Plumbers Association, as well as various ACT colleges and high schools, there has been an increase in WorkSafe ACT engagement at various events.

Many high schools and colleges also now promote WHS information through their own customised careers site, powered by the Career Tools platform, which includes links to WorkSafe ACT information, as well as the young workers portal.

WorkSafe ACT Inspectors and the Young Worker Strategy Coordinator attended the Canberra Careers XPO, which aims to provide career advice to secondary students. The XPO was held on 17–18 August 2022.

Approximately 9,000 people, including students, teachers, careers advisers and parents, attended the XPO over the 2 days.

During National Careers Week from 15–21 May 2023, WorkSafe ACT Inspectors and the Young Workers Strategy Coordinator attended various educational organisations' career markets. The events were valuable opportunities for engagement with young Canberrans. WorkSafe ACT directly engaged in safety conversations with students, parents and educators at these events.

In October 2022, the Commissioner delivered a presentation at Caroline Chisholm School to the female students in the EMPOWER Program. The EMPOWER Program is a wellbeing initiative that uplifts student confidence and autonomy. The presentation focused on safety in workplaces and targeted individual health and safety as students start their career pathways.

These engagement activities allow for an increase in awareness of WorkSafe ACT with young people and their employers. Through these conversations and presentations, WorkSafe ACT can provide information about the importance of WHS, while building a positive rapport with future safety leaders.

Strategy for preventing occupational lung diseases

Occupational lung diseases span a range of acute and chronic conditions and include occupational and work-exacerbated asthma, silicosis and other silica-related diseases and pneumoconiosis. Occupational lung diseases are priority conditions under the [WorkSafe ACT Strategic Plan 2020–2024](#).

Nationally, one in 3 Australians are affected by a chronic respiratory condition. However, it is unclear how many are caused or exacerbated by work. It is estimated that 15% of asthma and chronic obstructive pulmonary disease (COPD) and 10–30% of lung cancers can be attributed to work.

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

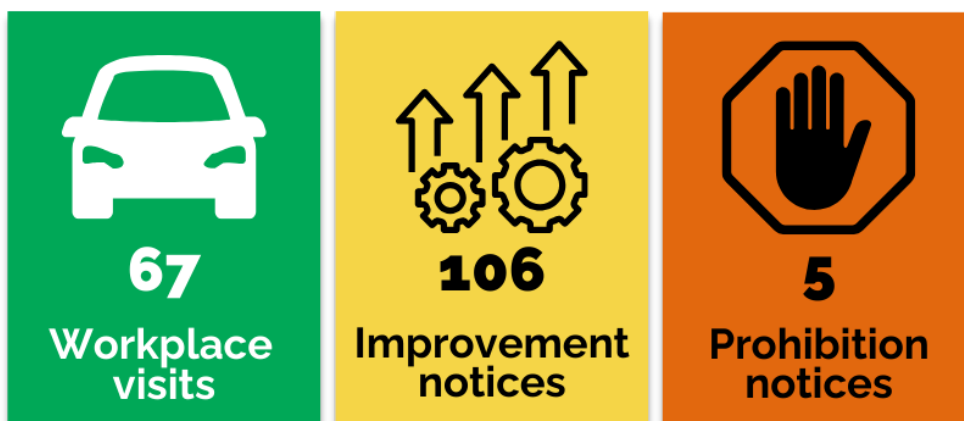
WorkSafe ACT continues to implement the strategy, with several compliance and enforcement activities being undertaken in 2022–23.

The key objectives of the strategy are:

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

Compliance activities for occupational hygiene, including dangerous substances and dangerous goods, continued over the 2022–23 financial year with a key focus on regulating the use, storage and handling of hazardous chemicals.

In 2022–23, WorkSafe ACT conducted:



WorkSafe ACT also issued 2 infringement notices.

During 2022–23, WorkSafe ACT processed the following requests and issued licences/permits under the *Dangerous Substances Act 2004*.

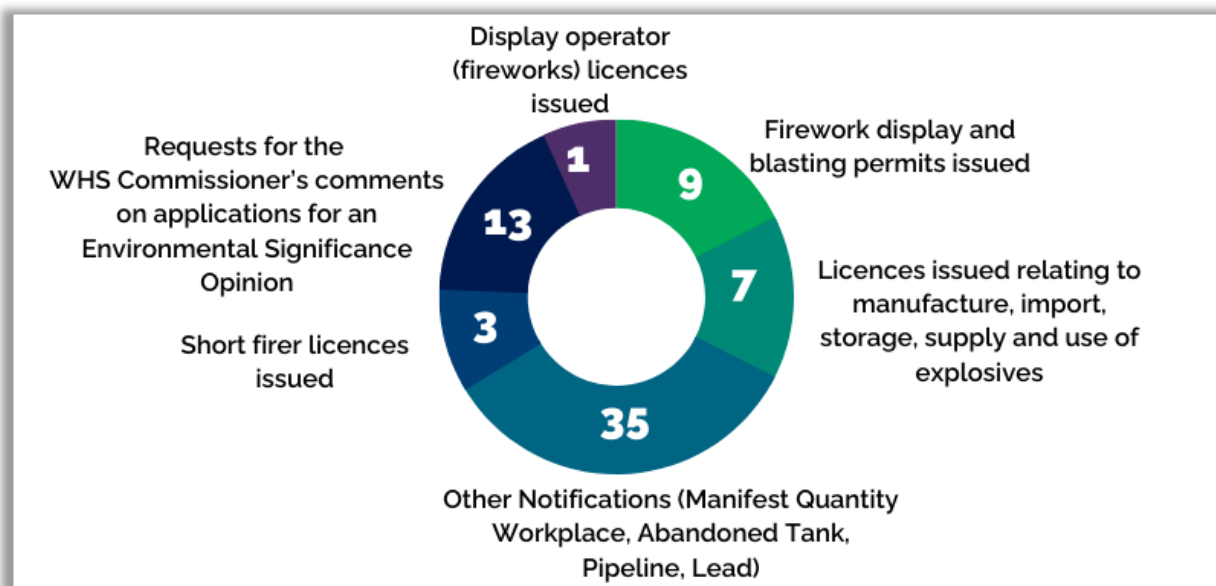


Figure 8: Requests and licences/permits issued under the *Dangerous Substances Act 2004* during 2022–23

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

During the reporting period, WorkSafe ACT also processed 21 applications under the *Dangerous Goods (Road Transport) Act 2009* and *Dangerous Goods (Road Transport) Regulation 2010*. Of these, 18 were for dangerous goods driver licences, one was for renewal of dangerous goods vehicle licence, and one was for additional vehicles added to existing licence.

In 2022–23, the Occupational Hygiene team and Dangerous Substances team planned and implemented a campaign primarily focusing on hazardous chemicals and lead risk work.

Throughout the campaign, Inspectors conducted 5 workplace inspections at Canberra's aquatic centres and pools. Eight improvement notices were issued at non-compliant facilities, particularly for placard/signage requirements, first aid and chemical register breaches of the WHS Regulation.

Inspectors also completed multiple reviews of Lead Risk Work Notification forms and visited workplaces where lead risk work was taking place. A high level of compliance was noted, with duty holders providing workers with health monitoring, personal protective equipment (PPE) and the correct administrative controls to perform their works, such as SWMS and removal plans.

Hazardous chemicals awareness campaign

In 2022–23, the WorkSafe ACT Media and Communications team collaborated with the Occupational Hygiene Inspectors to develop a hazardous chemical awareness campaign.

This campaign plan was based on inspections data collected to identify priority chemicals and issues for promotion, including:

- + lithium-ion battery safety

- + asbestos safety
- + classifying hazardous chemicals using the Globally Harmonised System of classification and labelling of chemicals
- + storing hazardous chemicals correctly, and
- + welding safety.

The campaign will be delivered in 3 tranches over 2023–24 and will be supported by new resources to assist duty holders to comply with the WHS and dangerous substances laws and protect workers from the risks of working with hazardous chemicals.

Silicosis

Silicosis and other occupational lung diseases are preventable, and their prevention has been prioritised for action by WorkSafe ACT for several years. WorkSafe ACT has had a Crystalline Silica Compliance Program in place since 2019. The focus of this program is on compliance in the manufacturing of stone benchtops, and silica-containing materials that are found predominantly in construction. In 2022–23, this expanded into all industries that modify silica-containing materials.

In April 2022, the Minister for Industrial Relations and Workplace Safety announced the [ACT's Silica Dust Reform Action Plan for 2022](#). This plan was followed with regulatory amendments that introduced:

- + a prohibition on the dry cutting of all silica-containing materials
- + a mandatory training requirement for specified occupations and those workers who may be exposed during their work, and
- + specific regulations for using silica control measures for:
 - *engineered stone, and*
 - *all other silica-containing materials.*

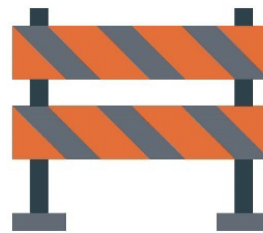
WorkSafe ACT developed a range of resources to support these changes and engaged directly with industry, unions and duty holders to provide education about the new requirements.

Silica Control Measures

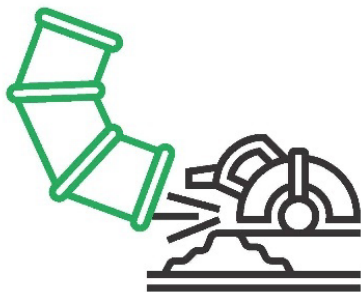
Silica can be found in many products and natural materials. When these are cut, polished, trimmed, sanded, drilled or modified using power tools, silica dust is formed.

If you cannot **eliminate** silica dust from your workplace, you must use a combination of controls to **stop silica dust from becoming airborne** and being breathed in by workers.

Isolate the area where materials are being cut



Suppress the dust using water or another wet method



Use on tool dust extraction or local exhaust ventilation



Provide respiratory protective equipment



Depending on what product or material you are working with, you may have to use a particular combination of control measures.

For more information about silica dust, visit

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Asbestosis and mesothelioma

WorkSafe ACT works closely with the Loose Fill Asbestos Coordination Team (formerly the Asbestos Response Taskforce) to ensure compliance under the *Dangerous Substances Act 2004* for all properties impacted by loose fill asbestos (Mr Fluffy) in the ACT.

Various sites had been handed back by owners to the ACT Government to oversee their demolition. During 2022–23, WorkSafe ACT attended 6 demolitions with 21 total visits to these sites.

WorkSafe ACT also completed over 120 monthly compliance inspections on the remaining Mr Fluffy properties where residents still reside to ensure compliance with obligations under the *Dangerous Substances Act 2004* and *Dangerous Substances (General) Regulation 2004*. Property owners are required to have in place an Asbestos Contamination Report (ACR), which must be prominently displayed at the entrance to the residence and updated every 2 years.

WorkSafe ACT issued 13 improvement notices to non-compliant Mr Fluffy affected residences in January 2023, which resulted in a significant improvement to the compliance of those properties and their ACRs.

On average, WorkSafe ACT records 214 removal notifications a month, as shown in Table 2.

Table 2: Asbestos removal notifications per month

Month and Year	Licensed removal notifications	ACM* Condition Friable	ACM* Condition Non-Friable
July 2022	260	40	220
August 2022	244	37	205
September 2022	267	36	231
October 2022	223	29	194
November 2022	230	32	197
December 2022	144	41	188
January 2023	123	59	123
February 2023	273	27	246

Month and Year	Licensed removal notifications	ACM* Condition Friable	ACM* Condition Non-Friable
March 2023	236	24	196
April 2023	176	21	150
May 2023	187	26	159
June 2023	210	40	162
Totals	2,573	412	2,271

*ACM = Asbestos Containing Materials

HIGHLIGHT: SILICA

Respirable crystalline silica (also known as silica dust) is a highly toxic and common dust generated in many workplaces across the ACT.

During 2022–23, WorkSafe ACT began enforcing legislative changes requiring PCBUs to eliminate or control the risk posed by exposure to silica dust.

In building an understanding of how to communicate these changes to all PCBUs and their workers, WorkSafe ACT engaged ThinkPlace to undertake ethnographic research. This research involved interviews with workers, apprentices, business owners and other duty holders to find out what they knew about silica dust, their perceptions of the risks, and the barriers they saw to using control measures.

The research highlighted:

- + There is an inconsistent awareness and appreciation of the risks posed by silica-containing materials that are not engineered stone.
- + The higher the risk of exposure to silica dust, the higher the knowledge and awareness of silica dust.
- + There is a disparity between large companies and small companies, and commercial and residential construction, in the availability of resources for safe practices.
- + A worker's individual risk tolerance has a major influence on their safety practices, which is determined by a wide range of environmental and personal factors.
- + Access to and awareness of how to use safety equipment plays a significant role in the level of safety of a construction site.
- + There has been an improvement in understanding of and behaviours towards silica dust in the ACT, but there are still large gaps in education across the construction industry.

This research informed a social media campaign with the tag #silicasaturdays. This campaign has been highly successful as it has provided information in a way that is readily consumed by target audiences.

Strategy to prevent musculoskeletal disorders

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

In May 2022, WorkSafe ACT launched its [*Strategy to Prevent Musculoskeletal Disorders 2022–2024*](#). This strategy captures the WorkSafe ACT approach to preventing MSDs in ACT workplaces. WorkSafe ACT has been implementing this strategy by carrying out activities to educate, engage and enforce the management of MSD prevention in the ACT.

The key objectives of the strategy are:

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

The General and Construction Inspectorate teams conducted several proactive campaigns throughout 2022–23 focused on addressing MSD hazards.

In 2022–23, WorkSafe ACT conducted over **1,812** workplace visits where Inspectors discussed MSD risks with PCBUs and/or workers. Inspectors issued **188** notices related to MSD hazards, most commonly where boxes of stock were obstructing entrances, exits or emergency routes. In addition, **2** notices were issued for improvements to policy and procedures relating to MSDs.



WorkSafe ACT conducted over **140** of the workplace visits as part of the proactive campaigns, focusing on addressing MSD hazards in the retail, health care and social assistance industries. Inspectors issued **9** improvement notices during these visits.

Additionally, **179** notices were issued with guidance on the hazardous manual tasks code of practice.



Residential construction strategy

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

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

However, there was little change in safety behaviours and compliance with the WHS laws, with compliance rates almost unchanged over a 2-year period.

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

The key objectives of the updated strategy are:

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

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

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

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

The most common breaches in residential construction are:



During 2022–23, WorkSafe ACT continued activities aimed at improving workplace safety across construction, particularly the residential construction sector, with the Operation Safe Prospect campaign.

The compliance aspects of Operation Safe Prospect involve WorkSafe ACT Inspectors making programmed saturation visits to greenfield and brownfield sites across the ACT. During 2022–23, the campaign included 868 dedicated inspections targeting non-compliance and focused on serious safety issues, including:

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

During the reporting period, this campaign resulted in WorkSafe ACT Inspectors issuing:





Over **80%** of prohibition notices were from failure to provide primary duty of care and failure to control fixtures, fittings or plant at workplaces.



Failure to manage the risks of falls from heights made up **27%** of all infringement notices.



Improvement notices were highest for:

- not providing adequate workplace facilities
- not managing the risk of falls, and
- not maintaining adequate workplace security.

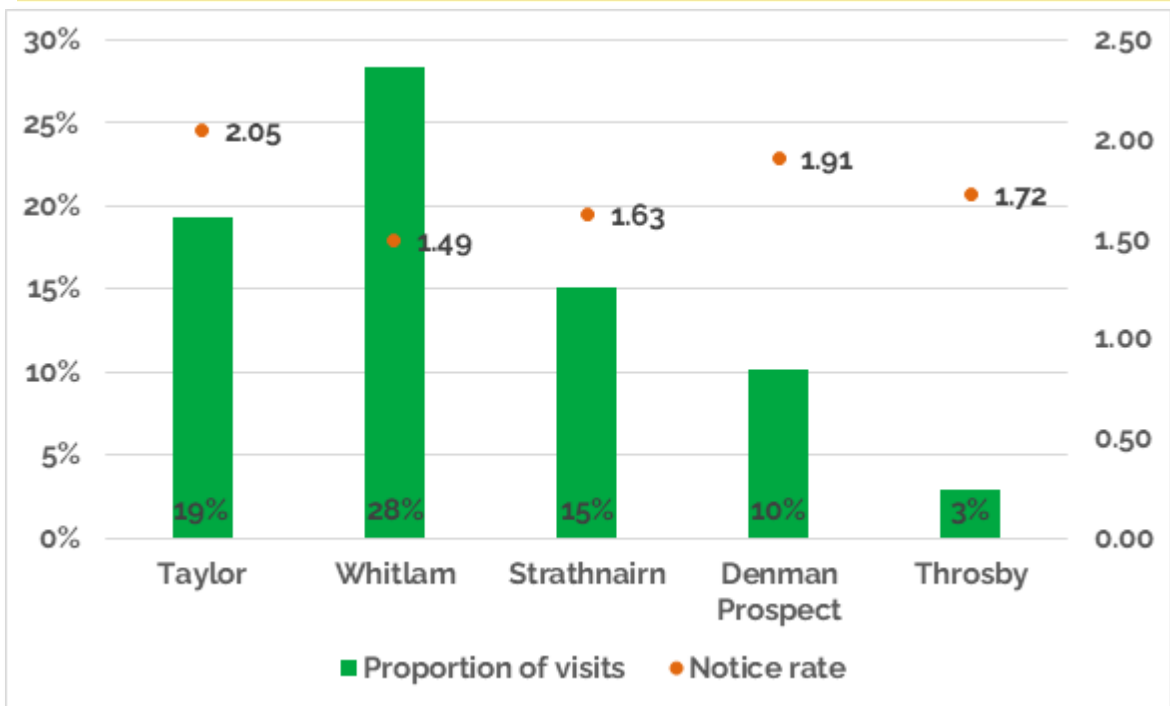


Figure 9: Proportion of visits to suburbs (with corresponding notice rates)

As shown in Figure 9, inspections in Taylor and Whitlam comprised over 45% of Operation Safe Prospect workplace visits. Taylor had the highest notice rate (2.05 notices per visit), followed by Denman Prospect (1.91 notices per visit).

Stakeholder engagement in the residential construction sector

WorkSafe ACT continues to collaborate with key industry stakeholders to achieve improved compliance across the residential construction industry.

WorkSafe ACT teamed up with the Suburban Land Agency (SLA) again in December 2022 to promote safety in the lead up to the Christmas shut down in the greenfield suburb of Whitlam. The campaign included joint messaging on road signs, electronic boards and safety bulletins.

Throughout 2022–23, WorkSafe ACT produced a range of posters highlighting psychosocial hazards and new ways to identify them in the workplace. In January 2023, following interest from construction industry and union stakeholders, WorkSafe ACT released its first psychosocial hazard poster focused on the construction industry. The poster features compelling imagery of what sexual harassment might look like, along with what it might sound like. The poster was well received, and support from stakeholders is driving the creation of a full suite of posters for the industry.

SEXUAL HARASSMENT SOUNDS LIKE:

Please don't make me **work alone with him**

Keep your **hands to yourself!**

Why is he always **staring at me?**

I'm **sick** of them talking about my **body**

I've already said no. **Stop asking me!**

I hate what they **say about women**

Why won't anyone **call it out?**

Sexual harassment is never acceptable.

Sexual harassment isn't always what you might expect. It might be unwelcome touching, suggestive comments or jokes, sexualised nicknames, intruding into personal space or unwelcome personal questions and comments - in person or online. It doesn't matter who the person is or how small, hidden or innocent the behaviour may appear, sexual harassment should be reported every time it occurs.

You should report all sexual harassment to your manager, human resources team or WHS representative. If these internal processes fail, you can report your concerns to WorkSafe ACT and our psychosocial team will look into it. You can even report it anonymously. If someone sexually assaults you at work, you should call ACT Policing on 131 444, or 000 if it is an emergency.

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Strategy Three

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



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

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

It does this in a range of ways, including:

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

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

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

WHS Council

The WHS Council is established under the WHS Act and provides advice to the Minister on matters relating to WHS, workers' compensation, workplace relations, bullying in the workplace and other workplace psychosocial issues. In addition, the

WHS Council has a strengthened function in advising the Minister in relation to the activities and function of the ACT WHS Regulator.

The Minister for Industrial Relations and Workplace Safety appoints WHS Council members on a part-time basis for up to 4 years. The WHS Council is comprised of 12 appointed members:

- + 5 members following consultation with employee representatives
- + 5 members following consultation with employer representatives, and
- + 2 ex-officio members – the WHS Commissioner and the Public Sector Workers' Compensation Commissioner.

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

The WHS Commissioner is required to report on the performance of the regulator as well as the operations of WorkSafe ACT, including its organisational capability, stakeholder engagement and initiatives, and compliance and enforcement activity. In 2022–23, there were 4 WHS Council meetings:

- + August 2022
- + November 2022
- + March 2023, and
- + June 2023.

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

Labour Hire Licensing Advisory Committee

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

Jacqueline Agius, the LHL Commissioner, was appointed by the Acting Minister for Industrial Relations and Workplace Safety as the Chair of the advisory committee.

The advisory committee meets quarterly and includes representatives from government, industry and unions. In 2022–23, the LHLAC met 3 times, in August and November 2022, and in May 2023.

Key stakeholder events

WorkSafe ACT worked closely with stakeholders and social partners during 2022–23 to better understand and respond to current and emerging WHS issues. Key events and activities during 2022–23 included:

- + The WHS Commissioner and WorkSafe ACT together with the Catanzariti family held a Remembrance Service at the National Workers' Memorial on 21 July 2022; the 10-year anniversary of Ben Catanzariti's death at a construction site in Kingston. At the service, the Commissioner also announced the release of the recommendations from the WHS Prosecution Review conducted by Marie Boland.
- + In September 2022, the WHS Commissioner was invited to be a keynote speaker at the 5th Asian Network of Occupational Hygienists Conference and the 7th Indonesian Industrial Hygiene Association Connect in Bali, Indonesia. The presentation provided an overview of what WorkSafe ACT is doing about work-related psychosocial hazards.
- + In October 2022, during National Safe Work Month and Mental Health Month, the Deputy WHS Commissioner participated in the National Women in Construction Mental Health Breakfast event held in the ACT. For this event, the Deputy Commissioner gave a presentation on mental health of women, the post-pandemic recovery challenges and resilience within the industry.
- + In October 2022, the WHS Commissioner was invited to speak to students at Caroline Chisholm School who were involved in the EMPOWER Program. The WHS Commissioner spoke about the importance of WHS in workplaces and students knowing their rights and responsibilities as they enter the workforce.
- + In February 2023, the WHS Commissioner was invited to attend and address the Independent Education Union on psychosocial legislation in the ACT.
- + In February 2023, the WHS Commissioner gave a presentation to Master Builders Association members and the Civil Contractors Federation on the WorkSafe ACT regulatory position in the civil construction industry, with a key focus on crystalline silica.
- + In March 2023, Jackii Shepherd, Senior Director of Specialist Operations, Capability and Communications, presented on behalf of WorkSafe ACT about managing asbestos in the ACT, at the Faculty of Asbestos Management of Australia and New Zealand (FAMANZ) 2023 Conference in New Zealand.
- + In March 2023, the WorkSafe ACT co-organised a national webinar event with the Australian and New Zealand School of Government (ANZSOG) National Regulators Community of Practice, titled 'Are We Ok: Co-design and the regulation of psychosocial hazards.' The 4 panel members representing state and federal government and an independent regulator, discussed how they work together to regulate psychosocial hazards

across workplaces and their industries, including highlighting the unique challenges they face.

- + In April 2023, the WHS Commissioner was invited to attend the International Conference on Occupational Hygiene and Occupational Medicine in Taiwan as a keynote speaker. The presentation discussed the role of principles-based legislation in meeting WHS challenges posed by the widespread adoption of working from home arrangements in Australia. The Commissioner also covered how existing WHS frameworks and legislation fared in adapting to these changes.
- + On 28 April 2023, it was International Workers' Memorial Day and it was also recognised as World Day for Safety and Health at Work. The WHS Commissioner spoke at the UnionsACT Workers' Memorial Service, focusing on key WHS topics, including silica.
- + In May 2023, the WHS Commissioner was invited to speak at the Australian Labour and Employment Relations Association (ALERA) Conference in the ACT. The Commissioner spoke on psychosocial legislation in the ACT.
- + Later in May 2023, the Commissioner was invited as a guest speaker to the ClubsACT Micro conference. She spoke on the trends and findings regarding WHS in the ACT and WHS legislation, with a particular focus on psychosocial safety and preventing harm from unseen hazards.
- + In June 2023, the WHS Commissioner was invited to participate as a keynote speaker at The Hatchery Hybrid Summit on shifting the dial to data-driven regulation in the ACT.

Collaborating with stakeholders

WorkSafe ACT understands the vastness of its responsibilities to raise awareness across the Canberra community and acknowledges that it cannot be done without collaborating with its stakeholders. Stakeholder collaboration during 2022–23 included:

- + **Working with social partners:** On 28 April each year, it is Workers' Memorial Day. The theme for 2023 was 'Remember the dead, fight for the living'. It is also World Day for Safety and Health at Work. The day provides an opportunity to reflect on and remember those workers who have lost their lives due to work. In 2023, UnionsACT held a ceremony at the National Workers' Memorial to pay homage to the workers who have died at work. WorkSafe ACT was honoured to work alongside UnionsACT to support this meaningful event. In addition to providing support, the WHS Commissioner, together with WorkSafe ACT staff, attended the UnionsACT service. Acting Minister for Industrial Relations and Workplace Safety, Chris Steel MLA, and representatives from industry associations and union groups also attended.
- + **Working with other WHS regulators:** WorkSafe ACT is a key member of HWSA, which comprises all WHS regulators across Australia and New Zealand, at both the state and federal level. The priority purpose of this group is to provide a united voice on regulatory and educational programs

across Australia and New Zealand to improve the safety and health of all workers. In 2023, WorkSafe ACT was invited to Chair the Psychosocial Hazards and Sexual Harassment HWSA Community of Practice.

- + **Working with researchers:** In December 2022, WorkSafe ACT engaged ThinkPlace to conduct a [research project](#) to explore silica dust exposure attitudes, perceptions and practices within the ACT, with a focus on the construction industry. ThinkPlace interviewed a selection of different people in the ACT, including workers, safety officers, clients and business owners. The research uncovered a range of challenges, attitudes and practices towards silica safety in the construction industry. Key findings identified in the research include:
 - *Awareness of the harmful nature of silica dust is widely known in the construction industry, however, understanding of all silica-containing materials, appreciation for the risk and the correct safety practices was inconsistent.*
 - *The silica risk present in a profession generally increased knowledge and awareness of silica, meaning professions with less obvious risk were less likely to be safety conscious.*
 - *Access to and awareness of how to properly use safety equipment was a large determinate on how safe a construction worker is at their workplace.*
 - *The understanding of, and the safety behaviour towards, silica dust risks in the ACT construction industry has improved significantly in the past 5 to 10 years, however, there are still large gaps in education that will need to be addressed to improve silica dust safety.*

Stakeholder sponsorships

During 2022–23, WorkSafe ACT supported a range of stakeholder events and activities through sponsorship or other in-kind and financial support:

- + Master Plumbers Association ACT Industry Awards
- + Master Builders Association ACT Awards
- + Construction Industry Training Council Graduating Apprentice and Industry Encouragement Awards
- + Australian Hotels Association ACT 2022 Hospitality and Tourism Awards, and
- + UnionsACT for Worker Memorial Day service.

Media engagement

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



In 2022–23, the Media and Communications team introduced a new process for determining which information should be provided as a media release or through a media news item on the website. Dependent on the purpose of the messaging and the intended audience, news items are now separated into 3 categories:

- + **Media releases** – published on the WorkSafe ACT website and issued to media outlets and targeted industries on significant matters specific to the Territory and to the health and safety of workers across the ACT.
- + **News items** – published on the WorkSafe ACT website and issued to targeted stakeholders and subscribers on safety matters, legislation changes and reminders.
- + **Media statements** – published on the WorkSafe ACT website and issued on behalf of the WHS Commissioner or the Office of the WHS Commissioner to media outlets, stakeholders and subscribers.

In 2022–23, WorkSafe ACT issued 8 media releases, down from 26 issued in 2021–22. In the same reporting period, WorkSafe ACT received 72 media enquiries, compared with 83 enquiries received in 2021–22. While the number of media releases issued decreased, the reduction in media enquiries is only minimal comparatively, indicating that high media engagement can still be achieved with the new approach.

When compared with the previous financial year, there was an increase in the safety alerts and subscriber emails WorkSafe ACT published. The safety alerts, an additional 45 emails sent to our 9,098 subscribers, as well as industry-specific data statistics, the release of new posters, web content and resources during 2022–23, helped raise awareness and encourage conversation about vital WHS, workers' compensation and LHL issues.

In 2023–24, the focus will remain on quality engagement and awareness-raising activities, targeted to WorkSafe ACT priority industries and demographics. The creation of new social media platforms will also potentially increase media engagement.

Social media

Since the launch of the WorkSafe ACT LinkedIn account, the page has reached 1,252 followers. This is an increase of 156% followers since the last reporting period. We also registered 52,866 unique impressions, which is an increase of 292% unique impressions of posted content during the reporting period.

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

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

Of its 206 LinkedIn posts for 2022–23, the top 5 performing WorkSafe ACT posts were:

Construction poster: Sexual Harassment Sounds Like

- Total impressions: 4,973



Do you know what to listen for to identify possible sexual harassment at the workplace?

Throughout 2023, we will be releasing a series of posters that highlight major psychosocial hazards in the workplace with a focus on the construction industry and other male dominated industries.

Our first poster for 2023 sheds light on what sexual harassment in the construction industry might sound like.

You can view, download and print the new poster here: <https://lnkd.in/grh75PJ2>

[#worksafect](#) [#sexualharassment](#) [#whs](#) [#constructionindustry](#)



WorkSafe ACT touring the Heart of Australia—Heart 5

- Total impressions: 2,284



On Tuesday, the Work Health and Safety Commissioner and some of our senior leadership team attended Old Parliament House where they toured the HEART 5 – a mobile screening service for occupational lung diseases.

Heart of Australia has designed and manufactured the HEART 5, the world's first battery-powered mobile CT scanning service which has been piloted in Queensland screening for occupational lung diseases, such as silicosis and mining dust in rural and remote workplaces.

If you would like to learn more about HEART 5 and the amazing work the team is doing – please check out their website: <https://lnkd.in/gmUkjEQU>

[#heartofaustralia](#) [#lungfoundation](#) [#occupationallungdisease](#) [#allworkers](#) [#allworkplaces](#) [#worksafect](#) [#workerssafety](#)



Silica Saturday: Apply silica control measures

- Total impressions: 1,946



It's Silica Saturday! Today our theme is: Know your risk and know your role.

If you know your workers are working with silica containing materials, as the PCBU you must first think about how you can eliminate the risk, do you have to use materials or products that generate silica dust?

If elimination is not possible, there are specific control measures that must be used. These are known as silica control measures and include:

- 1) Isolating the area where the silica containing material is being cut
- 2) Suppressing the dust using water or another wet method
- 3) Using on tool dust extraction (vacuum), and
- 4) Using local exhaust ventilation.

And of course, where there is still a residual risk – respiratory protective equipment must be provided.

For more information on natural forms of silica read our factsheet that can be found here: <https://lnkd.in/gW4Q8NVB>

#silicasaturday #silica #worksafeact #allworkers #allworkplaces #whs #silicadust #occupationalhygiene



Musculoskeletal Disorders (MSDs)

- Total impressions: 1,597



This year, WorkSafe ACT is focusing on making sure PCBUs have control measures in place to prevent musculoskeletal disorders (MSDs) in their workplace.

MSDs include a wide range of inflammatory and degenerative conditions that affect your muscles, tendons, ligaments, joints, peripheral nerves and supporting blood vessels.

To find out more about musculoskeletal disorders and how to prevent them please visit: <https://lnkd.in/gzCxYvxy>

#workershealth #whs #worksafeact #musculoskeletaldisorders



National Youth Week 2023: Employers/PCBUs

- Total impressions: 924



Young workers make up 39% of the employed population in the ACT and they are one of the most vulnerable cohorts in our workplaces.

If you employ young people, you must help protect them from injury and illness by teaching them about the best safety practices. This might look like having regular open conversations about WHS matters, providing training and inductions, and promoting the channels for reporting unsafe work. Most importantly though, you must demonstrate the standard you expect from your young employees.

Check out the Employer/PCBU section of our Young Workers portal to see how you can support your young workers: <https://lnkd.in/gsgFyuMm>

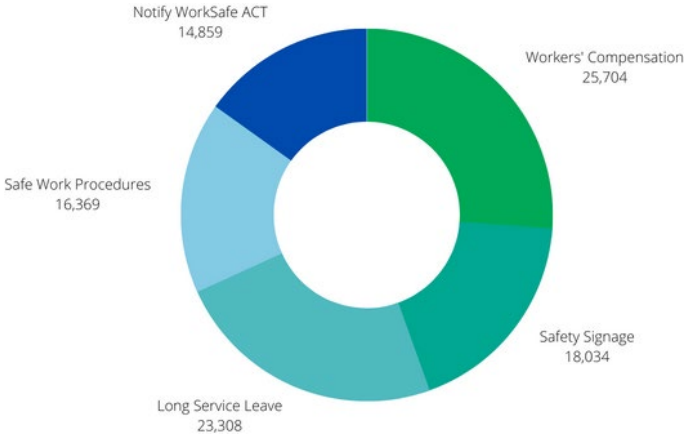
#worksafeact #whs #youngworkers #nationalyouthweek2023 #allworkers #allworkplaces



Website

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

In 2022–23, the WorkSafe ACT website achieved:



Community engagement and support

WorkSafe ACT uses a variety of engagement strategies to engage the community via traditional and non-traditional communication methods, including events and digital products.

National Safe Work Month

In Australia, October marks National Safe Work Month, a time for workplaces across the country to engage with topics to improve workplace health and safety. The month aims to encourage the creation of a strong safety culture and support all workers to return home safely at the end of each shift. In October 2022, WorkSafe ACT promoted its theme 'All workers, all workplaces' through a variety of activities, including local safety session events.

These Safety Sessions gave a chance for workers, PCBUs and members of the public to meet WorkSafe ACT Inspectors and ask questions about WHS, dangerous substances, workers' compensation, and LHL in a friendly and informal manner.

Strategy Four

Creating an exemplary regulator



Strategy Four: Creating an exemplary regulator

Implementation of the 2018 Independent Review

On 27 August 2018, the Nous Group delivered its [*Independent Review of the ACT's Work Safety Compliance Infrastructure, Policies and Procedures*](#). It 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.

In the closure report endorsed by the WHS Council in November 2022, it highlighted the considerable work that has gone into implementing the review's 27 recommendations, including amendments to the WHS Act, the creation of WorkSafe ACT as a prescribed Territory authority, the establishment of the independent statutory appointment of the WHS Commissioner as the Territory's Regulator, and development and publication of our [*Strategic Plan 2020–2024*](#) and [*Compliance and Enforcement Policy 2020–2024*](#).

Although all 27 recommendations have been implemented, WorkSafe ACT will continue to adapt, learn and grow as time progresses, with a particular focus on:

- + appropriate and effective compliance and enforcement
- + data transparency
- + regulatory and corporate governance, and
- + operational effectiveness.

Appropriate and effective compliance and enforcement

In considering the risk-based approach that WorkSafe ACT was using to shape compliance and enforcement activities, the review concluded that the collection and use of data, supported by appropriate systems, is fundamental to effective compliance targeting and resourcing. The strategic planning process in place at the time of the review offered a good foundation to establishing an intelligence and strategy-led approach to informing the program of work and priority areas of focus.

The review recommended strengthening the foundation of data integrity and information sharing. In response, WorkSafe ACT procured and implemented the use of a new case management system (Salesforce) in October 2020.

In 2022–23, the development of the WorkSafe ACT operational plan was informed by the collection and analysis of data from Salesforce, along with emerging trends; community, industry and union collaboration; and nationally agreed priorities.

Data transparency

It was recommended that making data transparent and accessible would enable stakeholders to work collaboratively with WorkSafe ACT to address and improve WHS in the Territory.

In response to recommendations, WorkSafe ACT launched a new, dedicated website in September 2020. In 2022, WorkSafe ACT started publishing its monthly

[compliance and enforcement data](#) on the website to highlight its month-to-month areas of focus.

This work was complemented by 'data snapshots' produced by the WorkSafe ACT data team in 2022–23, which provide insight into workplace hazards in the ACT.

Regulatory and corporate governance

In response to a suite of recommendations in the review, WorkSafe ACT developed a tailored governance framework to provide robust and coherent arrangements for decision-making, accountability and organisational management. In addition, the framework – delivered through the WorkSafe ACT structure, delegations and supporting standard operating procedures – is intended to build a strong organisational culture of accountability.

The framework is designed to ensure that all officers within WorkSafe ACT understand their accountabilities. Each officer has legislated responsibilities as a member of the ACTPS under the *Public Sector Management Act 1994* and *Public Sector Management Standards 2016*, and where applicable, as a delegate or appointed Inspector of the WHS Commissioner.

Organisational effectiveness

In considering the appropriate organisational structure for WorkSafe ACT, the review recommended that in support of full operational effectiveness, it would be beneficial to improve training and induction for WorkSafe ACT staff.

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

HIGHLIGHT: TRAINING

In 2022–23, the Training and Capability team successfully developed and implemented several key documents in line with the capability framework. The annual training plan, which includes the induction program, the training report and the contingency framework, are live documents that are used to plan and track progress against team goals.

A key element of work undertaken in 2022–23 is the induction program, which outlines daily training requirements through the induction process. After careful consideration and planning, the team delivered 3 end-to-end Inspector induction programs and multiple corporate induction programs.

The Inspector induction program runs for 6 weeks, incorporating corporate training, core WHS training and on-the-job training components. The program was designed and updated based on feedback from participants and managers to reflect the requirements of the work level standards as well as operational requirements of WorkSafe ACT. All new staff members have been onboarded through this program and further work will continue in 2023–24 to refine it and incorporate quality assurance measures into WorkSafe ACT processes.

The team also implemented formal qualifications for Inspectors. After a thorough procurement process, the first tranche commenced, with 12 participants enrolled in the Diploma of Government Inspections qualification provided by the Personal Injury Education Foundation. The first tranche is set to conclude in June 2024.

In addition, several key documents have been developed as the foundation for a Training and Capability Strategic Plan:

- + **Training plan** – the annual training plan describes at a high level how the Assistant Director Training and Capability will deliver the training component of the capability framework.
- + **Training report** – the annual training report will report against the capability by percentage of each element.
- + **Contingency framework** – the contingency and specialised training program has been designed to address elements 5–6 across all the work level standards. The contingency training program is a flexible approach to filling skill gaps across the organisation as needed. It also provides an opportunity to repeat key modules of element 3.

Review of the Conduct of WHS Prosecutions in the ACT

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

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

The terms of reference, which guided Ms Boland's considerations of the ACT's prosecution decision-making processes and procedures, and the legislative and policy frameworks surrounding them, support 4 key criteria:

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

The WHS Commissioner has agreed, in principle, to the implementation of all recommendations falling within the scope of WorkSafe ACT. WorkSafe ACT published the [Final report – Conduct of WHS Prosecutions in the ACT](#) in July 2022 and the [WorkSafe ACT Response](#) in March 2023.

WorkSafe ACT is committed to working with the ACT Government and relevant stakeholders to ensure the ACT's WHS prosecution model is contemporary, fit for purpose and meets community expectations. This work will continue into 2023–24.

Internal accountability

Human resources management

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

A number of new staff were engaged during 2022–23 through targeted recruitment to assist in addressing the missing skill sets required to continue to create an exemplary regulator. These staff were engaged on both a temporary and permanent basis through formal recruitment processes and arrangements with other ACT Government directorates. This has allowed the cultural transformation of the organisation to continue from the momentum of 2021–22.

The increase in the number of full time equivalent (FTE) staff from 59.9 in 2021–22 to 71.0 in 2022–23 reflects this effort, made possible by an increased budget in 2022–23. Further to this, a comparison of the recruitment rate shows a decrease from 47.8% in 2021–22 to 28.9% in 2022–23, with a separation rate of 16%, which is much lower than the previous year.

The ratio of female/male Inspectors has improved, moving from 30% female in 2021–22 to 43.2% female in 2022–23. Through targeted recruitment in 2023–24, again made possible with a higher budget, it is hoped the ratio will improve further during 2023–24.

WorkSafe ACT received additional budget funding to allow it to provide learning and development opportunities for its staff and this will increase again in 2023–24. This capability development covered a wide range of training and study assistance during 2022–23, which will continue.

WorkSafe ACT staffing profile 2022–23

Table 3: FTE and headcount for WorkSafe ACT

FTE	Headcount
71.0	72

Table 4: FTE and headcount by gender

	Female	Male	Total
FTE by gender	38.5	32.5	71.0
Headcount by gender	39	33	72
% of workforce	54.2%	45.8%	100.0%

Table 5: Headcount by classification and gender

Classification Group	Female	Male	Total
Administrative Officers	23	19	42
Executive Officers	1	0	1
Senior Officers	14	14	28
Statutory Office Holders	1	0	1
TOTAL	39	33	72

Table 6: Headcount by employment category and gender

Employment Category	Female	Male	Total
Casual	0	0	0
Permanent full-time	32	29	61
Permanent part-time	3	3	6
Temporary full-time	4	1	5
Temporary part-time	0	0	0
TOTAL	39	33	72

Table 7: Headcount by diversity group

	Headcount	% of Total Staff
Aboriginal and/or Torres Strait Islander	2	2.8%
Culturally and linguistically diverse	11	15.3%
People with disability	1	1.4%

Table 8: Headcount by age group and gender

Age Group	Female	Male	Total
Under 25	3	0	3
25-34	14	10	24
35-44	9	10	19
45-54	10	5	15
55 and over	3	8	11

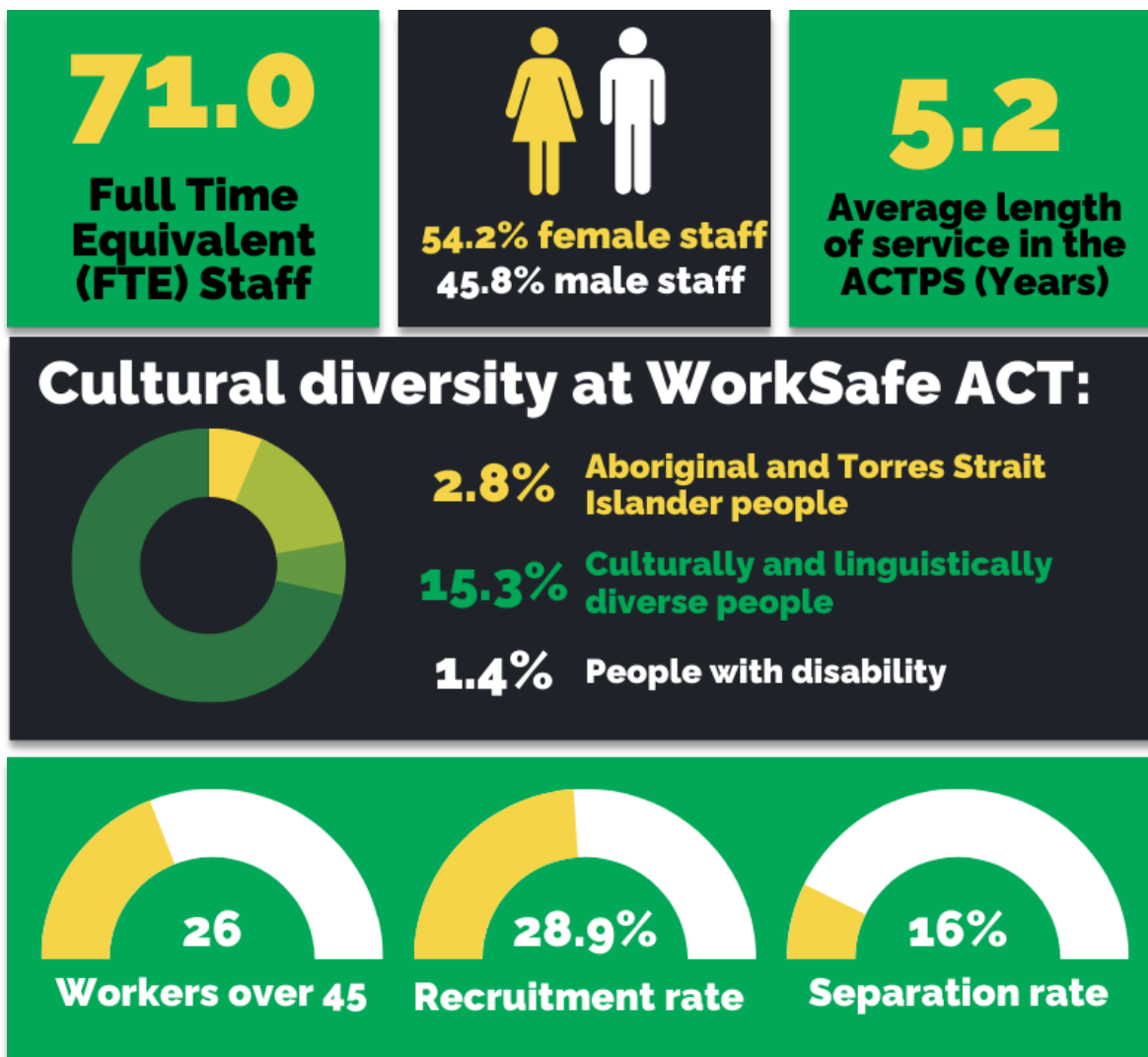
Table 9: Headcount by average length of service and gender

Gender	Female	Male	Total
Average years of service	4.7	4.0	5.2 years

Table 10: Recruitment and separation rates

Classification Group	Recruitment Rate	Separation Rate
Total	28.9%	16.0%

WorkSafe ACT at a glance



Senior Executives and their responsibilities

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

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

Executive remuneration

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

Risk management, internal audit and fraud prevention

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

The WorkSafe ACT Audit and Risk Committee with Mr Finn Pratt AO PSM as its external, independent chair, was established in 2021–22. Its composition, authorities and responsibilities are set out in its charter, with its main purpose to assist the WHS Commissioner in fulfilling her oversight and governance responsibilities. The committee does this by providing independent assurance and assistance on WorkSafe ACT risk, control and compliance frameworks and its external accountability responsibilities. The committee will review the 2022–23 annual financial statements at its meeting in July 2023 and provide advice on significant risks, audit outcomes and the implementation of appropriate mitigation strategies.

In conjunction with the establishment of the committee, an arrangement with Bellchambers Barrett Consulting Pty Ltd for the provision of internal audit services was put in place for 2022–23. An internal audit charter was developed, agreed to by the committee and approved by the WHS Commissioner. An internal audit program was considered by the Senior Leadership Team, agreed to by the committee and approved by the WHS Commissioner. The program recommended that 2 audits be conducted in 2022–23: the first on the agency's risk culture and risk appetite, and the second on culture and governance. The results of both audits were tabled and presented by Bellchambers Barrett Consulting Pty Ltd at committee meetings held in 2022–23.

The financial delegations for the agency, put in place when WorkSafe ACT was created as an independent prescribed Territory authority on 1 July 2020, were deliberately kept at a high level. These were maintained in 2022–23 and will be revisited in 2023–24 as the agency matures. A formal risk register for corporate and strategic risks was developed in 2021–22 to complement the existing register of operational risks, and this was promoted during 2022–23.

There were no known instances of potential fraud during 2022–23.

WorkSafe ACT put in place its own corporate fraud and risk management plans in 2021–22 and these are discussed at induction training. The areas of risk of potential fraud in the agency are:

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

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

The human resource delegations were adapted from CMTEDD in 2021–22 and are currently under review. These delegations will be consistent and align with the new enterprise agreements currently being negotiated and included on iDelegate for ease of reference.

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

Business continuity management is a risk control that supports the WorkSafe ACT commitment to the ongoing delivery of critical business functions. This was evidenced during 2022–23 with the enactment of the WorkSafe ACT COVID-19 Safe Plan, a document which aims to identify and manage known and new risks as far as is reasonably practicable. Ongoing COVID-19 risk assessments are regularly undertaken, as circumstances change and for specific events. The plan is regularly updated and consulted on to take account of changing conditions and is consistent with the whole of ACT Government approach.

Aboriginal and Torres Strait Islander reporting

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

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

The focus areas in 2022–23 for WorkSafe ACT were:

- + Improving employment outcomes for Aboriginal and Torres Strait Islander people by increasing recruitment, retention and professional development. WorkSafe ACT maintained its representation of Aboriginal and Torres Strait Islander staff in the reporting period with a view to increasing this in 2023–24.
- + 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 2022–23, an Aboriginal and Torres Strait Islander artist, Ms Leah Brideson was commissioned to produce artwork for the new WorkSafe ACT premises and designs to be used as part of collateral and livery. Leah is a proud Aboriginal woman born on Ngunnawal country. Leah's mob are Kamilaroi from her grandmother's country in the Gunnedah region. Leah is the 2022 ACT and Region NAIDOC artist of the year.
- + Building relationships through celebrating NAIDOC Week. All staff were actively encouraged to attend events throughout the week.

- + Increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, history, knowledge and rights through cultural learning. Cultural learning is considered a key foundation skill and has been included in the WorkSafe ACT induction program.

WorkSafe ACT established a Diversity Committee in 2021–22 and has put steps in place to develop its own RAP 2023–26 in 2023–24.



Image credit: Leah Brideson. Winanga-li, 2022. Acrylic on canvas. Commissioned by WorkSafe ACT.

Work health and safety

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

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

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

There was one serious illness/injury in 2022–23. The top 3 risks to WorkSafe ACT employees were from:

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

The induction process for new staff includes a WHS component and this was strengthened during 2022–23 and complemented by training, both formal and on the job.⁶

Ecologically sustainable development

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

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

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

WorkSafe ACT reviewed its vehicle fleet requirements and kept it at 11 during 2022–23. The fleet will increase with the addition of 2 hybrid vehicles in 2023–24 in line with an increase in staff numbers. The 2 remaining non-hybrid vehicles will be replaced during 2023–24 to make use of the large number of charging stations in the basement of the Nara Centre. This, along with a continuation of minimising the home garaging of vehicles, will continue to reduce fleet emissions.

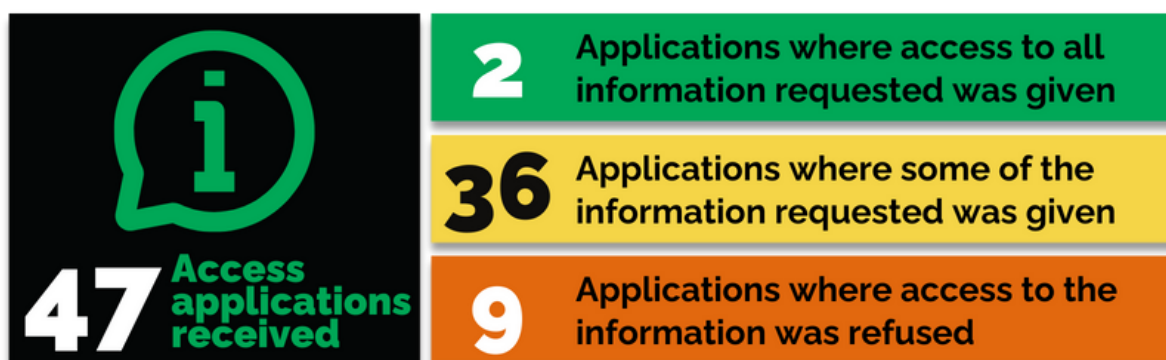
During 2022–23, WorkSafe ACT was not subject to any investigations, requests or recommendations from the Commissioner for Sustainability and the Environment.

Table 11: Sustainable development performance 2022–23 financial year

Indicator as at 30 June	Unit	2022–23
Stationary energy usage		
Electricity use	Kilowatt hours	This data is unavailable at a tenancy level.
Natural gas (non-transport)	Megajoules	0
Diesel use (non-transport)	Kilolitres	0
Transport fuel usage		
Electric vehicles	Number	0
Hybrid vehicles	Number	9
Hydrogen vehicles	Number	0
Total number of vehicles	Number	11
Fuel use – petrol	Kilolitres	2
Fuel use – Diesel	Kilolitres	0
Fuel use – LPG	Kilolitres	0
Fuel use – CNG	Gigajoules	0
Water usage		
Water use	Kilolitres	This data is unavailable at a tenancy level.
Resource efficiency and waste		
Reams of paper purchased	Reams	60
Recycled content of paper purchased	Percentage	100
Waste to landfill	Litres	This data is unavailable at a tenancy level.
Co-mingled material recycled	Litres	
Paper and cardboard recycled (including secure paper)	Litres	
Organic material recycled	Litres	
Greenhouse gas emissions		
Emissions from natural gas use (non-transport)	Tonnes CO ₂ -e	0
Emissions diesel use (non-transport)	Tonnes CO ₂ -e	0
Emissions transport fuel use	Tonnes CO ₂ -e	Unknown (not measured)
Emissions from refrigerants	Tonnes CO ₂ -e	Unknown (not measured)
Total emissions	Tonnes CO ₂ -e	0

Freedom of information (FOI) reporting

In 2022–23, WorkSafe ACT received:



These figures reflect FOI requests either transferred, withdrawn, completed outside of the FOI Act or still pending a decision at 30 June 2023.

Further information in relation to requests made under the FOI Act related to the business of WorkSafe ACT can be sourced from the 2022–23 annual report of CMTEDD.

Contacts for further information:

Senior Director/Information Officer, Information Access, CMTEDD

02 6207 3153

ACT Ombudsman

1300 362 072

actfoi@ombudsman.gov.au

Scrutiny

WorkSafe ACT was not named by reporting entities charged with responsibility for scrutiny in 2022–23.

For further information:

WorkSafe ACT

WorkSafe@worksafe.act.gov.au

13 22 81

Outlook for 2023–24

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

Revision of key foundation documents

Safe Work Australia released a new Australian WHS Strategy in 2023.

WorkSafe ACT is now in a position to review and update its *Strategic Plan 2020–2024*. WorkSafe ACT will also take the opportunity to revise its Compliance and Enforcement Policy 2020–2024.

Implementing and evaluating the strategies

In 2021–22, WorkSafe ACT launched 5 strategies. WorkSafe ACT will continue the implementation and evaluation of these strategies and plans in 2023–24. Several of these strategies are set to conclude in 2023, including:

- + *Strategy for Managing Work-Related Psychosocial Hazards 2021–23*
- + *Young Workers Strategy 2021–2023*, and
- + *Strategy for Preventing Occupational Lung Diseases 2021–2023*.

The key focus in 2023–24 for these strategies will involve conducting a thorough evaluation to determine the elements of the strategy that were successful, what elements could potentially be improved, and whether standalone strategies are effective or necessary.

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

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

Further to evaluation, a key focus for 2023–24 will be continuing to implement activities under the strategies into WorkSafe ACT 'business as usual' operations. WorkSafe ACT is committed to ongoing compliance and enforcement activities, resource development, and engagement with relevant stakeholders to ensure the intended outcomes of the strategies are met.

The focus of the updated [Residential Construction Strategy](#) is on improving safety behaviours and compliance in the residential construction sector. Planned implementation activities to support the strategy in 2023–24 will include:

- + determining appropriate regulatory action against identified repeat offenders
- + building on existing training and information for Inspectors, including in-house training for improved data granularity through reporting mechanisms, including the use of iAuditor checklists to tie residential construction with other WorkSafe ACT priorities and strategies
- + development of resources for PCBUs in the residential construction industry, and
- + continuing stakeholder engagement through workplace visits, education activities and industry events.

The [Strategy to Prevent Musculoskeletal Disorders 2022–2024](#) captures the WorkSafe ACT approach to preventing MSDs in ACT workplaces. The following will be implemented in 2023–24 to support the strategy:

- + targeted engagement with duty holders about managing the risks that lead to MSDs

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

Strategy development

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

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

Implementing the WHS prosecutions review

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

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

The WHS Commissioner has agreed, in principle, to the implementation of all recommendations falling within the scope of WorkSafe ACT. WorkSafe ACT is committed to working with the ACT Government and relevant stakeholders to ensure the ACT's WHS prosecution model is contemporary, fit for purpose and meets community expectations. This work will continue into 2023–24.

Increased labour hire licensing and workers' compensation compliance activities

In 2023–24, WorkSafe ACT will focus on increasing compliance and enforcement activities to ensure labour hire providers are licensed, and Territory employers are meeting their workers' compensation insurance obligations.

For LHL, this will be supported by:

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

For workers' compensation, this will be supported by:

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

Engaging with the Labour Hire Licence Advisory Committee

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

In 2023–24, WorkSafe ACT will continue its active engagement with the committee by providing quarterly reports on LHL scheme performance and through consultation on the LHL scheme's compliance and enforcement policy, including the Minister's complaint handling guidelines.

Embedding capability

WorkSafe ACT established a new team in 2022 to deliver and embed a 12- to 24-month training program aimed at improving and embedding capability according to the capability framework. The WHS Inspector training will continue into 2023–24, building on WorkSafe ACT-specific and WHS induction training.

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

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

Salesforce is undergoing constant improvement focused on 2 key areas:

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

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

Engaging with the WHS Council

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

Financial Management Reporting



Management Discussion and Analysis for Office of the Work Health and Safety Commissioner for the Financial Year Ended 30 June 2023

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.

General overview

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

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

Risk management

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

Financial performance

The following financial information is based on the audited annual financial statement for 2021-22 and 2022-23, the budget in the 2022-23 Statement of Intent and the 2023-24 Statement of Intent for the estimate.

Total Net Cost of Services

Table 1: Total Net Cost of Services

	Prior Year Actual 2021-22 \$'000	Budget 2022-23 \$'000	Actual 2022-23 \$'000	Forward Estimate 2023-24 \$'000	Forward Estimate 2024-25 \$'000	Forward Estimate 2025-26 \$'000
Total Expenditure	12,613	14,209	16,440	18,796	21,760	22,697
Total Own Source Revenue	208	25	24	25	26	26
Net cost of Services	12,405	14,184	16,416	18,771	21,734	22,671

Comparison to Budget

Total 2022-23 Net Cost of Services of \$16.416 million was \$2.232 million or 15.7 per cent higher than the 2022-23 Budget of \$14.184 million. The variance is explained in the *Total Expenses* below.

Comparison to 2021-22 Actual Net Cost of Services

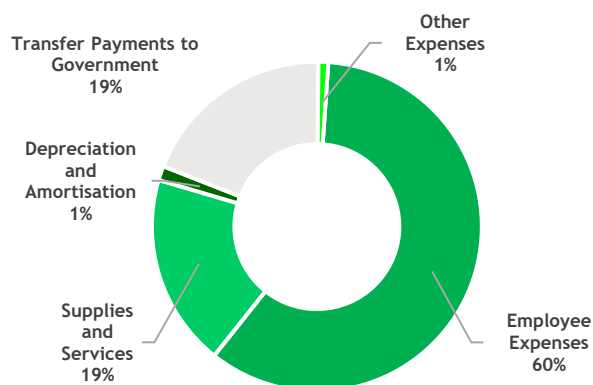
Total 2022-23 Net Cost of Services of \$16.416 million was \$4.011 million or 32.3 per cent higher than the 2021-22 Net Cost of Services. The variance is explained in the *Total Expenses* and *Total Own Source Revenue* below.

Total Expenses

Components of Expenses

Figure 1 below identifies the components of WorkSafe ACT's expenses for the year ended 30 June 2023.

Figure 1: Components of Expenditure



Comparison to Budget

Total expenses of \$16.440 million was \$2.231 million or 15.7 per cent higher than the 2022-23 Budget of \$14.209 million. This is mainly due to:

- higher than budgeted Supplies and Services which largely resulted from increased professional services including silica dust exposure research, development of a stakeholder engagement strategy, engineering reports and legal services;
- higher than budgeted Transfer Payments to Government mainly related to higher than expected revenue collected from Labour Hire Licence applications which transferred back to the Territory Banking Account; and
- higher than budgeted Employee Expenses due to increases in annual leave and long service leave carried by new employees transferred from other ACT Government agencies.

Comparison to 2021-22 Actual Expenditure

Total expenses of \$16.440 million was \$3.827 million or 30.3 per cent higher than the 2021-22 total expenses of \$12.613 million. This primarily resulted from:

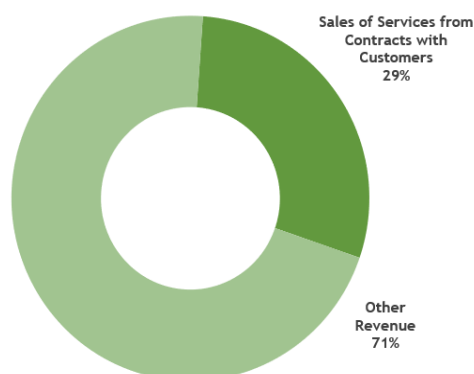
- higher Employee Expenses of \$2.355 million is mostly relating to increased resources for administrating the Labour Hire Licensing scheme and back payments associated with the proposed Enterprise Agreement which is agreed in-principle as at 30 June 2023;
- higher Supplies and Services of \$0.948 million mainly due to:
 - o higher consultancy expenses for professional services engaged during the year including silica dust exposure research, development of a stakeholder engagement strategy, engineering reports and legal services; and
 - o higher office rent due to additional office space occupied by WorkSafe ACT during the year.
- higher Transfer Payments to the Government of \$0.520 million resulting from higher licence application receipts under the Labour Hire Licence scheme.

Total Own Source Revenue

Component of Own Source Revenue

Figure 2 below identifies the components of WorkSafe ACT's own source revenue for the year ended 30 June 2023.

Figure 2: Components of Own Source Revenue



Comparison to Budget

Total Own Source Revenue for 2022-23 was consistent with the 2022-23 Budget of \$0.025 million.

Comparison to 2021-22 Actual Own Source Revenue

Total Own Source Revenue for the 2022-23 of \$0.024 million was \$0.184 million or 88.5 per cent lower than the 2021-22 revenue of \$0.208 million. This largely resulted from the termination of a service level agreement to provide compliance and reporting support to the Asbestos Response Taskforce.

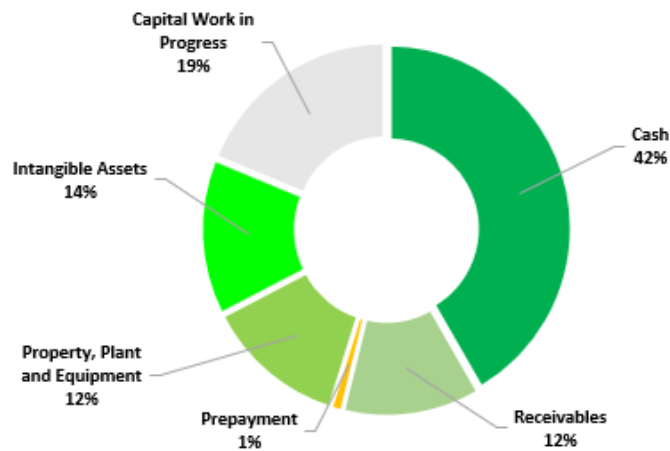
Financial position

Total Assets

Component of Total Assets

Total Assets as of 30 June 2023 were \$1.847 million. Figure 3 below shows the majority components of WorkSafe ACT's assets relate to Cash (\$0.768 million), Capital Work in Progress (\$0.347 million) and Intangible Assets (\$0.254 million).

Figure 3: Total Assets



Comparison to Budget

Total Assets of \$1.847 million were \$0.221 million or 10.7 per cent lower than the 2022-23 Budget of \$2.068 million. The decrease is primarily from lower Receivables due to less than expected outstanding debts. This was partially offset by higher Cash balances associated with the timing of end of year payments.

Comparison to 2021-22 Total Assets

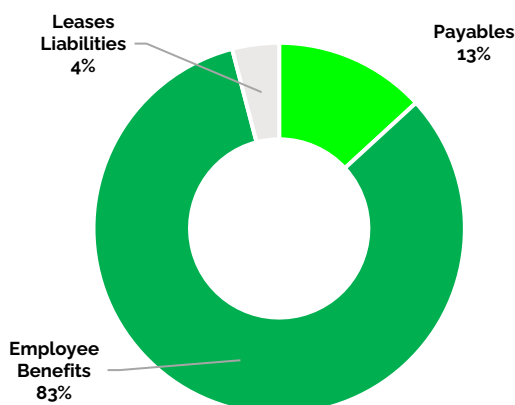
Total Assets of \$1.847 million were \$0.229 million or 14.2 per cent higher than the previous year's total of \$1.618 million. This mainly relates to an increase in Capital Work in Progress associated with the Salesforce development project to improve the efficiency of licensing and collecting data associated with WorkSafe ACT's regulatory activities.

Total Liabilities

Component to Total Liabilities

Total Liabilities at 30 June 2023 were \$3.429 million. Figure 4 illustrates that 95.9 per cent of Total Liabilities consist of Employee Benefits (\$2.837 million) and Payables (\$0.452 million).

Figure 4: Total Liabilities



Comparison to Budget

Total Liabilities as of 30 June 2023 were \$0.791 million or 30.0 per cent higher than the 2022-23 Budget of \$2.638 million. This increase is largely related to higher than budgeted Employee Benefits resulted from:

- leave balances carried by new employees transferred from other ACT Government agencies; and
- accrued back payment associated with the Enterprise Agreement bargaining which is agreed in-principle as at 30 June 2023.

Comparison to 2021-22 Total Liabilities

Total Liabilities of \$3.429 million were \$0.996 million or 41.0 per cent higher than the previous year's total of \$2.433 million. This increase is related to Employee Benefits for new employees transferred from other ACT Government agencies and accrued one-off cost of living and estimated salary increases in the proposed Enterprise Agreement which is agreed in-principle as at 30 June 2023.

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 below 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	Prior Year Actual	Budget	Actual	Forward Estimate	Forward Estimate	Forward Estimate
	2021-22 \$'000	2022-23 \$'000	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000
Current Assets	9,15	1,184	1,012	1,342	1,548	1,751
Current Liabilities	2,218	2,364	3,207	2,491	2,568	2,688
Current Ratio	0.41:1	0.5:1	0.32:1	0.54:1	0.6:1	0.65:1

The current ratio of 0.32:1 for the year ended 30 June 2023 is lower than the budget current ratio of 0.50:1 and lower than the previous year's ratio of 0.41:1 mainly due to higher Employee Benefits as described in *Total Liabilities* above.

At 30 June 2023, WorkSafe ACT'S current assets (\$1.012 million) were less than the total current liabilities (\$3.206 million) by \$2.194 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.

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

Financial Statements

**For the Year Ending
30 June 2023**

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 2023 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 2023, 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.



Tim Larnach
Audit Principal, Financial Audit
27 September 2023

**Office of the Work Health and Safety Commissioner
Financial Statements
For the Year Ended 30 June 2023**

Statement of Responsibility

In my opinion, the Office of Work Health and Safety Commissioner (WorkSafe ACT)'s financial statements fairly reflect the financial operations for the year ended 30 June 2023 and its financial position on that date.

A handwritten signature in black ink, appearing to read 'JA 26/9/23', is positioned above the printed name and title.

Jacqueline Agius
Work Health and Safety Commissioner
26 September 2023

**Office of the Work Health and Safety Commissioner
Financial Statements
For the Year Ended 30 June 2023**

Statement by the Chief Finance Officer

In my opinion, the Office of the Work Health and Safety Commissioner (WorkSafe ACT)'s financial statements have been prepared in accordance with the Australian Accounting Standards, are in agreement with its accounts and records and fairly reflect its financial operations for the year ended 30 June 2023 and the financial position on that date.



Midori Kobayashi
Chief Finance Officer
Office of the Work Health and Safety Commissioner
26 September 2023

Office of the Work Health and Safety Commissioner

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Office of the Work Health and Safety Commissioner Operating Statement for the Year Ended June 2023

	Note No.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Income				
Controlled Recurrent Payments ^a		11 760	11 294	9 427
Licence Fees and Fines	3	3 377	2 700	2 649
Sales of Services from Contracts with Customers		7	25	197
Grants and Contributions Revenue		331	261	219
Other Income		16	-	11
Gains from Disposal of Assets		12		13
Total Income		15 503	14 280	12 516
Expenses				
Employee Expenses	4	9 796	9 259	7 441
Supplies and Services	5	3 102	2 320	2 154
Depreciation and Amortisation		230	144	202
Transfer Payments to Government ^b		3 155	2 484	2 635
Other Expenses	6	157	2	181
Total Expenses		16 440	14 209	12 613
Operating Result		(937)	71	(97)
Total Comprehensive Result		(937)	71	(97)

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

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

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

a. Refer to the Statement of Appropriation

b. The increase of \$0.520 million in Transfer Payments to Government compared to 2021-22 mainly relates to higher revenue received from Labour Hire Licence applications.

Office of the Work Health and Safety Commissioner
Balance Sheet
As at 30 June 2023

	Note No.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Current Assets				
Cash	7	768	510	743
Receivables	8	226	674	142
Prepayments		18	-	30
Total Current Assets		1 012	1 184	915
Non-Current Assets				
Plant and Equipment	9	234	279	265
Intangible Assets	10	254	605	363
Capital Works in Progress	11	347	-	75
Total Non-Current Assets		835	884	703
Total Assets		1 847	2 068	1 618
Current Liabilities				
Payables	12	452	293	345
Employee Benefits	13	2 678	1 899	1 772
Leases Liabilities		76	172	101
Total Current Liabilities		3 206	2 364	2 218
Non-Current Liabilities				
Employee Benefits	13	159	139	154
Lease Liabilities		64	135	61
Total Non-Current Liabilities		223	274	215
Total Liabilities		3 429	2 638	2 433
Net Assets		(1 582)	(570)	(815)
Equity				
Accumulated Funds		(1 582)	(570)	(815)
Total Equity		(1 582)	(570)	(815)

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

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

Office of the Work Health and Safety Commissioner
Statement of Changes in Equity
For the Year Ended 30 June 2023

	Actual 2023 \$'000	Original Budget 2023 \$'000
Balance at 1 July 2022	(815)	(799)
Comprehensive Income		
Operating Result	(937)	71
Total Comprehensive Result	(937)	71
Transactions Involving Owners Affecting Accumulated Funds		
Capital Injections	170	158
Total Transactions Involving Owners Affecting Accumulated Funds	170	158
Balance at 30 June 2023	(1 582)	(570)

	Actual 2022 \$'000
Balance at 1 July 2021	(910)
Comprehensive Income	
Operating Result	(97)
Total Comprehensive Result	(97)
Transactions Involving Owners Affecting Accumulated Funds	
Capital Injections	192
Total Transactions Involving Owners Affecting Accumulated Funds	192
Balance at 30 June 2022	(815)

The above Statement of Changes in Equity is to 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 2023

	Note No.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Cash Flows from Operating Activities				
Receipts				
Controlled Recurrent Payments		11 760	11 294	9 427
Licence Fees and Fines		3 302	2 751	2 649
Sales of Services from Contracts with Customers		7	25	206
Goods and Services Tax Input Tax Credits from the Australian Taxation Office		261	158	200
Other		17	-	445
Total Receipts from Operating Activities		15 347	14 228	12 927
Payments				
Employee Payments		8 884	9 171	7 410
Supplies and Services		2 653	2 229	3 347
Goods and Services Tax Paid to Suppliers		270	211	182
Transfer of Territory Receipts to the ACT Government		3 155	2 484	2 635
Other		157	-	175
Total Payments from Operating Activities		15 119	14 095	13 749
Net Cash Inflows/(Outflows) from Operating Activities	7	228	133	(822)
Cash Flows from Investing Activities				
Receipts				
Proceeds from Sale of Plant and Equipment		12	-	13
Total Receipts from Investing Activities		12	-	13
Payments				
Purchase of Plant and Equipment		6	158	103
Purchase of Capital Works		272	-	75
Total Payment from Investing Activities		278	158	178
Net Cash (Outflows) from Investing Activities		(266)	(158)	(165)
Cash Flows from Financing Activities				
Receipts				
Capital Injections		170	158	192
Total Receipts from Financing Activities		170	158	192
Payments				
Repayment of Lease Liabilities		107	-	128
Total Payments from Financing Activities		107	-	128
Net Cash Inflows from Financing Activities		63	158	64

Office of the Work Health and Safety Commissioner
Statement of Cash Flows
For the Year Ended 30 June 2023

		Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Net Increase/(Decrease) in Cash		25	133	(923)
Cash at the Beginning of the Reporting Period		743	377	1 666
Cash at the End of the Reporting Period	7	768	510	743

The above Statement of Cash Flows is to 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 2023

Description and Material Accounting Policies relating to Controlled Recurrent Payments

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

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

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

Column Heading Explanations

The *Original Budget* column shows the amounts that appear in the Statement of Cash Flows in WorkSafe ACT's 2022-23 Statement of Intent. These amounts also appear in the Statement of Cash Flows.

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

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

	Original Budget 2023 \$'000	Total Appropriated 2023 \$'000	Appropriation Drawn 2023 \$'000	Appropriation Drawn 2022 \$'000
Appropriation				
Controlled Recurrent Payments	11 294	11 987	11 760	9 427
Capital Injections	158	568	170	192
Total Appropriation	11 452	12 555	11 930	9 619

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

Variances between '2022-23 Controlled Recurrent Payments Appropriation Drawn' and '2021-22 Controlled Recurrent Payments Appropriation Drawn'

The increase of \$2.333 million in 2022-23 compared to 2021-22 is largely due to additional funding to support increases in licensing, compliance and enforcement activities of the Labour Hire Licensing scheme.

**Office of the Work Health and Safety Commissioner
Statement of Appropriation
For the Year Ended 30 June 2023**

Reconciliation of Appropriation for 2022-23	Controlled Recurrent Payments (CRP) \$'000	Capital Injections (CI) \$'000
Original Appropriation	11 294	158
Supplementary Appropriation (Financial Management Act (FMA) s.13)	693	410
Total Appropriated	11 987	568
Budget Rollover ^a	-	(398)
Undrawn Funds ^b	(227)	-
Appropriation Drawn	11 760	170

Variiances between 'Total Appropriated' and 'Appropriation Drawn'

Controlled Recurrent Payments

The difference of \$0.227 million is due to the funding allocated for estimated back payments associated with the proposed Enterprise Agreement which is agreed in-principle as at 30 June 2023.

Capital Injection

The difference of \$0.398 million relates to a transfer of capital injection from 2022-23 to 2023-24 due to delays in software enhancements.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 1. OBJECTIVES OF WORKSAFE ACT

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

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

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

In response to the Minister for Industrial Relations and Workplace Safety's 2022 Statement of Expectations, WorkSafe ACT developed its Statement of Operational Intent which sets out the key priorities for the 12-month period from October 2022 to September 2023. This includes addressing present and emerging WHS risks such as psychosocial risks, sexual harassment and silica dust as well as improving the safety culture across the construction sector. The key priorities aim to protect all workers and ensure workplace obligations are met.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 2. BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS

Legislative Requirement

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

- i. an Operating Statement for the year;
- ii. a Balance Sheet at the end of the year;
- iii. a Statement of Changes in Equity for the year;
- iv. a Statement of Cash Flows for the year;
- v. a Statement of Appropriation for the year;
- vi. other statements as necessary to fairly reflect the financial operations of WorkSafe ACT during the year and its financial position at the end of the year.

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

- 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 2023 together with the financial position of WorkSafe ACT as at 30 June 2023.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

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

Comparative Figures

Budget Figures

To facilitate a comparison with the Budget papers, as required by the FMA, the budget information for 2022-23 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Statement of Intent.

Prior Year Comparatives

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

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

Rounding

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

Going Concern

The 2022-23 financial statements have been prepared on a going concern basis as WorkSafe ACT has been funded in the ACT Government 2023-24 Budget and the Statement of Intent includes forward estimates for WorkSafe ACT.

At 30 June 2023, WorkSafe ACT'S current assets were less than the total current liabilities by \$2.194 million. However, 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.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

INCOME NOTES

Material Accounting Policies – Income

Income Recognition

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

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

AASB 15

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

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

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

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

AASB 1058

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

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 3. LICENCE FEES AND FINES

Description and Material Accounting Policies relating to Licence Fees and Fines

Licence Fees

Application fees received for issuing licences are recognised as Licence Fees revenue under AASB 15 which applies to statutory required licences issued by not-for-profit public sector licensors. Licence Fees are recognised as revenue at the time of application fee receipt as these licence fees are low value for periods of no more than 12 months.

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

Fines

Fines are recorded as income arising from statutory requirements in accordance with AASB 1058. Fine revenue is recognised on the issue of infringement notices under the *Work Health and Safety Act 2011* and *Workers Compensation Act 1951*.

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

	2023	2022
	\$'000	\$'000
Licence Fees		
Labour Hire Licences ^a	2 892	2 477
Dangerous Goods/Dangerous Substance Licences	36	25
Total Licences	2 928	2 502
Fines		
Infringement Notices ^b	449	147
Total Fines	449	147
Total Licence Fees and Fines	3 377	2 649

a. The increase of \$0.415 million in Labour Hire Licences from 2021-22 is mainly due to higher number of Labour Hire Licence applications received for Labour Hire Licences including annual licence renewals.

b. The increase of \$0.302 million in fine revenue reflects a higher number of infringement notices issued under the *Work Health and Safety Act 2011* resulted from undertaking strong enforcement activities.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 4. EMPLOYEE EXPENSES

Description and Material Accounting Policies relating to Employee Expenses

Employee benefits include:

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

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 Chief Minister, Treasury and Economic Development Directorate (CMTEDD). WorkSafe ACT also makes productivity superannuation contribution payments on behalf of these employees to the Commonwealth Superannuation Corporation, which is responsible for administration of the schemes.

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

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

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 4. EMPLOYEE EXPENSES – CONTINUED

	2023 \$'000	2022 \$'000
Salaries and Wages ^a	7 570	6 105
Annual Leave Expense	318	273
Long Service Leave Expense ^b	466	(85)
Workers' Compensation Insurance Premium	248	125
Termination Expense	8	61
Other Employee Expenses ^c	88	-
Superannuation Contributions to the Territory Banking Account	273	359
Productivity Benefit	25	35
Superannuation to External Providers ^d	800	568
Total Employee Expenses	9 796	7 441

- a. The increase of \$1.465 million in Salaries and Wages is mostly relates to increased resources for administrating the Labour Hire Licensing scheme and back payments associated with the proposed Enterprise Agreement which is agreed in-principle as at 30 June 2023;
- b. The increase of \$0.551 million in Long Service Leave Expense is mainly due to leave balances carried by new employees transferred from other ACT Government agencies.
- c. This amount relates to a one off cost of living payment proposed as part of the current ACT Public Sector Enterprise Agreement bargaining.
- d. The increase of \$0.232 million in Superannuation to External Providers is mainly due to an increase in the number of employees who are under a fund of choice scheme.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 5. SUPPLIES AND SERVICES

Description and Material Accounting Policies Relating to Supplies and Services

General - Supplies and Services

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

Auditor Service Fees

Auditors' remuneration consists of financial audit services provided to WorkSafe ACT by the ACT Audit Office. WorkSafe ACT audit fees for the audit of its 2022-23 financial statements and statement of performance were \$41,300 (\$40,000 in 2021-22). No other services were provided by the ACT Audit Office.

Computing, Software Licences and Telecommunications

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

Contractors and Consultants

Contractors and Consultants expenses include a variety of professional services provided by suppliers with specialised knowledge.

Finance, Human Resources and Information Technology

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

Legal Expenses

Legal expenses relate to legal services received free of charge from the ACT Government Solicitor's Office (GSO), costs of a legal consultant on secondment from GSO and external legal advice.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 5. SUPPLIES AND SERVICES – CONTINUED

	2023 \$'000	2022 \$'000
Advertising/Promotions	133	100
Auditor's Remuneration	41	40
Computing, Information Technology and Telecommunications	298	379
Contractors and Consultants ^a	836	368
Finance, Procurement and Human Resources Charges ^b	622	467
Insurance Expenses	48	48
Legal Expenses ^c	314	201
Office Rent and Relocation ^d	505	231
Staff Development and Recruitment	164	145
Other	141	175
Total Supplies and Services	3 102	2 154

- a. The increase of \$0.468 million is mainly due to consultancy services provided including silica dust exposure research, development of a stakeholder engagement strategy and consolidation of standard operating procedures.
- b. The increase of \$0.155 million is due to increases in HR, Finance and ICT services provided for additional employees.
- c. The increase of \$0.113 million mainly relates to a seconded legal officer from GSO and external legal advice provided on various Work Health and Safety related matters.
- d. The increase of \$0.274 million is largely due to additional office spaces allocated during the year.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 6. OTHER EXPENSES

Description and Material Accounting Policies Relating to Other Expenses

Impairment Losses and Write-Offs – Accounts Receivables

A matrix is used to calculate the amount of lifetime expected credit loss which factors practical and justifiable forward-looking information, including the nature of the receivables and forecast economic changes expected to impact WorkSafe ACT's receivables (see Note 9 *Receivables*). This method is based on the possibility of default events occurring over the lifetime of the receivables.

	2023	2022
	\$'000	\$'000
Impairment Losses		
Expected Credit Loss Expenses (also see Note 9)	38	88
Write-Offs		
Irrecoverable Debts ^a	72	-
Other Expenses	47	93
Total Other Expenses	157	181

- a. The increase in write-off expense of \$0.072 million in 2022-23 mainly resulted from outstanding infringement notices which reached the statutory limitation period for prosecutions under the *Work Health and Safety Act 2011*.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

ASSET NOTES

Material Accounting Policies – Assets

Assets – Current and Non-Current

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

NOTE 7. CASH

Description and Material Accounting Policies Relating to Cash

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

(a) Cash Balances

	2023 \$'000	2022 \$'000
Cash at Bank	768	742
Cash on Hand ^a	-	1
Total Cash	768	743

- a. Petty cash was closed in 2022-23 due to limited usage. The remaining balance was transferred into WorkSafe ACT's Operating bank account.

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

	2023 \$'000	2022 \$'000
Cash	768	743
Cash at the End of the Reporting Period as Recorded in the Statement of Cash Flows	768	743

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 7. CASH - CONTINUED

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

	2023	2022
	\$'000	\$'000
Operating Result	(937)	(97)
Add/(Less) Non-Cash Items		
Depreciation and Amortisation	230	202
Net (Gain)/Loss on Disposal of Non-Current Assets	(12)	14
Cash Before Changes in Operating Assets and Liabilities	(719)	119
Changes in Operating Assets and Liabilities		
(Increase)/Decrease in Receivables	(84)	243
Decrease/(Increase) in Prepayment	12	(30)
Increase/(Decrease) in Payables	107	(1 185)
Increase in Employee Benefits	912	31
Net Changes in Operating Assets and Liabilities	947	(941)
Net Cash Inflows/(Outflow) from Operating Activities	228	(822)

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 8. RECEIVABLES

Description and Material Accounting Policies Relating to Receivables

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

Impairment loss

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

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

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

WorkSafe ACT applied the simplified approach under AASB 9 *Financial Instruments*, meaning that the allowance for expected credit losses of accounts receivables is measured at the lifetime expected credit losses at each reporting date. WorkSafe ACT has made a significant estimate in the calculation of the allowance for impairment losses for receivables in the Financial Statements.

A provision matrix was established based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment. Loss rates are calculated separately for groupings of customers with similar loss patterns. The calculations reflect historical observed default rates using past transactions during the last three years preceding 30 June 2023. The historical default rates are then adjusted by reasonable and supportable forward-looking information for expected changes in macroeconomic indicators that affect the future recovery of those receivables.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 8. RECEIVABLES – CONTINUED

	2023	2022
	\$'000	\$'000
Current Receivables		
Trade Receivables	6	28
Less: Allowance for Expected Credit Losses	(2)	-
Fines Receivables	330	196
Less: Allowance for Expected Credit Losses	(124)	(88)
Good and Services Tax (GST) Receivable	16	6
Total Current Receivables	226	142

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 8. RECEIVABLES – CONTINUED

Expected Credit Loss Allowance

Ageing of Receivables

	Estimated Total Gross Carrying Amount at Default \$'000	Accounts Receivable Expected Credit Loss Allowance \$'000	Expected Credit Loss Rate %
30 June 2023			
Not Overdue	67	1	1.6%
1-30 Days Past Due	11	3	27.9%
31-60 Days Past Due	10	4	36.5%
61-90 Days Past Due	4	2	38.1%
>91 Days Past Due	243	116	47.9%
Total	335	126	37.5%
30 June 2022			
Not Overdue	6	-	3.3%
1-30 Days Past Due	26	7	26.4%
31-60 Days Past Due	11	4	36.0%
61-90 Days Past Due	24	9	38.2%
>91 Days Past Due	129	68	52.6%
Total	196	88	45.0%

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 8. RECEIVABLES – CONTINUED

	2023	2022
	\$'000	\$'000
Reconciliation of the Loss Allowance		
Expected Credit Loss Allowance at the Beginning of the Reporting Period	88	-
Reduction in Allowance from Amounts Recovered during the Reporting Period	(4)	-
Reduction in Allowance from Amounts Written off during the Reporting Period	(42)	-
Expected Credit Loss Expense	84	88
	84	88
Expected Credit Loss Allowance at the End of the Reporting Period	126	88
	126	88

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 9. PLANT AND EQUIPMENT

Description and Material Accounting Policies relating to Plant and Equipment

WorkSafe ACT has the following three classes of Plant and Equipment:

- **Plant and equipment** are tangible assets like appliances and tools that are used by an agency to produce goods or assist in providing services to the community. Plant and Equipment are assets that are used directly by the agency rather than directly by the general community. These include mechanical and electronic equipment.
- **Motor vehicles – Right-of-use Assets** include long-term leased motor vehicles.
- **Heritage assets** refer to assets that have unique cultural, historical, geographical, scientific, and/or environmental attributes and that the Government intends to preserve indefinitely because of those attributes. Heritage assets held by WorkSafe ACT are Aboriginal artworks.

Acquisition And Recognition of Plant and Equipment

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

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

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

Measurement of Plant and Equipment After Initial Recognition

Plant and equipment is valued at cost.

After the lease commitment date, right-of-use assets are measured at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of the lease liability. Right-of-use assets are presented in their own separate asset class in plant and equipment.

Impairment of Assets

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

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

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 9. PLANT AND EQUIPMENT - CONTINUED

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

Depreciation and Useful Life

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

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

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

Depreciation for non-current assets is determined as follows:

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

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

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 9. PLANT AND EQUIPMENT - CONTINUED

Reconciliation of Plant and Equipment – 2022-23

	Right-of-Use			Total \$'000
	Plant and Equipment \$'000	Motor Vehicles \$'000	Heritage Assets \$'000	
Carrying Amount at the Beginning of the Reporting Period	90	168	7	265
Additions	6	85	-	91
Depreciation	(19)	(103)	-	(122)
Carrying Amount at the End of the Reporting Period	77	150	7	234
Carrying Amount at the End of the Reporting Period is represented by:				
Gross Book Value	96	430	7	533
Accumulated Depreciation	(19)	(280)	-	(299)
Total Carrying Amount	77	150	7	234

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 9. PLANT AND EQUIPMENT - CONTINUED

Reconciliation of Plant and Equipment – 2021-22

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

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 10. INTANGIBLE ASSETS

Description and Material Accounting Policies Relating to Intangible Assets

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

Recognition

Computer software is recognised and capitalised when:

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

Measurement

Intangible Assets are measured at cost.

Impairment

WorkSafe ACT assesses, at each reporting date, whether there is any indication that an intangible asset may be impaired. Intangible assets are also reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. However, intangible assets that are not yet available for use are tested annually for impairment regardless of whether there is an indication of impairment, or more frequently if events or circumstances indicate they might be impaired. The carrying amount of the intangible asset is reduced to its recoverable amount.

Amortisation

Capitalised software has a finite useful life. Software is amortised on a straight-line basis over its useful life, over a period of five years.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 10. INTANGIBLE ASSETS - CONTINUED

	Computer Software	
Reconciliation of Intangible Assets	2023	2022
	\$'000	\$'000
Carrying Amount at the Beginning of the Reporting Period	363	453
Addition	-	9
Amortisation	(109)	(99)
Carrying Amount at the End of the Reporting Period	254	363
Carrying Amount at the End of the Reporting Period is represented by:		
Gross Book Value	512	512
Accumulated Amortisation	(258)	(149)
Total Carrying Amount	254	363

NOTE 11. CAPITAL WORKS IN PROGRESS

Description and Material Accounting Policies Relating to Capital Work in Progress

Capital works in progress include software under construction. Capital works in progress are recognised at the time the construction activity occurs. These assets are measured at the cost of constructing the asset. The cost includes direct construction costs (e.g. direct labour), and 'directly attributable' costs in bringing the asset to a condition ready for use. Directly attributable costs included in capital works in progress by WorkSafe ACT are the cost of software development fees.

	Software Works in Progress	
Reconciliation of Capital Works in Progress	2023	2022
	\$'000	\$'000
Carrying Amount at the Beginning of the Reporting Period	75	-
Additions ^a	272	75
Carrying Amount at the End of the Reporting Period	347	75

- a. The increase of \$0.197 million in Software Works in Progress is associated with the capitalisation of system administrators' salaries, costs of project management and system engineers directly attributed to the Salesforce development project.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

LIABILITY NOTES

Material Accounting Policies – Liability

Liabilities – Current and Non-Current

Liabilities are classified as current when they are due to be settled within 12 months after the reporting date or when WorkSafe ACT does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date. Liabilities, which do not fall within the current classification, are classified as non-current.

NOTE 12. PAYABLES

Description and Material Accounting Policies Relating to Payables

Payables include Trade Payables and Accrued Expenses.

Payables are initially recognised at fair value based on the transaction cost and subsequent to initial recognition at amortised cost, with any adjustments to the carrying amount being recorded in the Operating Statement. All amounts are now normally settled within 14 days after the invoice date given the ACT Government accelerated the payments of invoices for local enterprises recognising the importance of cash flow to small and medium enterprises since the COVID-19 pandemic.

	2023	2022
	\$'000	\$'000
Current Payables		
Trade Payables	7	27
Accrued Expenses	445	318
Total Current Payables	452	345
 Payables are aged as follows:		
Not Overdue	450	321
Overdue for More than 60 Days	2	24
Total Payables	452	345

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 13. EMPLOYEE BENEFITS

Description and Material Accounting Policies Relating to Employee Benefits Liabilities

Accrued Salaries and Wages

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

Annual and Long Service Leave

Annual and long service leave, including applicable on-costs, that are not expected to be wholly settled before 12 months after the end of the reporting period when the employees render the related service are measured at the present value of estimated future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to the future wage and salary levels, experience of employee departures and periods of service. At the end of each reporting period end, the present value of future annual leave and long service leave payments is estimated using market yields on Commonwealth Government bonds with terms to maturity that match, as closely as possible, the estimated future cash flows.

Annual leave liabilities have been estimated on the assumption that they will be wholly settled within three years. This financial year the rate used to estimate the present value of future:

- annual leave payments is 98.2% (101.8% in the previous financial year); and
- payments for long service leave is 93.0% (95.3% in the previous financial year).

The long service leave liability is estimated with reference to the minimum period of qualifying service. For employees with less than the required minimum period of seven years qualifying service, the probability that employees will reach the required minimum period has been taken into account in estimating the provision for long service leave and applicable on-costs.

The provision for annual leave and long service leave includes estimated on-costs. As these on-costs only become payable if the employee takes annual and long service leave while in-service, the probability that employees will take annual and long service leave while in service has been taken into account in estimating the liability for on-costs.

Significant judgements have been applied in estimating the liability for employee benefits, given that WorkSafe ACT uses the Whole-of-Government present value, probability and on-cost factor. These factors are issued by ACT Treasury and apply to all ACT Government Agencies. ACT Treasury organises an actuarial review to be undertaken every three years by the Australian Government Actuary to estimate each of these factors. The latest assessment was undertaken in December 2021, with the next review expected to be undertaken by late 2024.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 13. EMPLOYEE BENEFITS - CONTINUED

Annual and long service leave liabilities are classified as current liabilities in the Balance Sheet where there are no unconditional rights to defer the settlement of the liability for at least 12 months. Conditional long service leave liabilities are classified as non-current because WorkSafe ACT has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Superannuation Liability

The employer superannuation benefits payable to WorkSafe ACT employees, who are members of the defined benefit CSS or PSS Schemes, are recognised in the financial statements of the Superannuation Provision Account.

	2023	2022
	\$'000	\$'000
Current Employee Benefits		
Annual Leave ^a	1 064	847
Long Service Leave ^a	1 102	639
Accrued Salaries	372	245
Other Benefits	140	41
Total Current Employee Benefits	2 678	1 772
Non-Current Employee Benefits		
Long Service Leave	159	154
Total Non-Current Employee Benefits	159	154
Total Employee Benefits	2 837	1 926

- a. The increase in Annual Leave and Long Service Leave Expense are mainly due to leave balances carried by new employees transferred from other ACT Government agencies.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 13. EMPLOYEE BENEFITS - CONTINUED

	2023	2022
	\$'000	\$'000
Estimate of when Leave is Payable		
Estimated Amount Payable within 12 months		
Annual Leave	804	500
Long Service Leave	122	147
Accrued Salaries	372	245
Other Benefits	140	-
Total Employee Benefits Payable within 12 months	1 438	892
Estimated Amount Payable after 12 months		
Annual Leave	260	347
Long Service Leave	1 139	646
Other Benefits	-	41
Total Employee Benefits Payable after 12 months	1 399	1 034
Total Employee Benefits	2 837	1 926

As at 30 June 2023, WorkSafe ACT employed 71.0 full time equivalent (FTE) staff. There were 59.9 FTE staff at 30 June 2022.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 14. FINANCIAL INSTRUMENTS

Material Accounting Policies Relating to Financial Instruments

Details of the material accounting policies and methods adopted, including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised, with respect to each class of financial asset and financial liability are disclosed in the note to which they relate. In addition to these policies, the following are also accounting policies relating to financial assets and liabilities.

Financial assets are 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	Held to collect	Yes	Amortised cost
Receivables	Held to collect	Yes	Amortised cost

Financial liabilities are measured at amortised cost.

Credit Risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss.

Financial assets consist of cash and receivables. WorkSafe ACT credit risk is limited to the carrying amount of the financial assets it holds net of any allowance made for impairment. WorkSafe ACT manages the credit risk for trade receivables by undertaking an assessment of the credit worthiness of larger debtors as well as an analysis of the concentration of credit risk to ensure that it is not too high. No concentration of credit risk was identified in this analysis.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 14. FINANCIAL INSTRUMENTS - CONTINUED

Liquidity Risk

Liquidity risk is the risk that WorkSafe ACT will encounter difficulties in meeting its financial obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

To limit its exposure to liquidity risk, WorkSafe ACT is able to draw down Controlled Recurrent Payments in the next reporting or a fortnightly basis over the period to cover its financial liabilities when they fall due. This ensures WorkSafe ACT has enough liquidity to meet its emerging financial liabilities. See the maturity analysis below for further details of when financial liabilities mature.

WorkSafe ACT's exposure to liquidity risk and the management of this risk have not changed since the previous reporting period.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED

The following tables set out WorkSafe ACT's maturity analysis for financial liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2022 and 30 June 2023. All amounts appearing in the following maturity analysis are shown on an undiscounted cash flow basis.

2023	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 Liabilities						
Payables	13		-	-	452	452
Lease Liabilities		5.21%	76	64	-	140
Total Financial Liabilities			76	64	452	592

All Financial Liabilities are measured at amortised cost and their carrying amount reflect their fair value.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 14. FINANCIAL INSTRUMENTS – CONTINUED

2022	Note No.	Weighted Average Interest Rate	Fixed Interest Maturing In:		Non-Interest Bearing \$'000	Total \$'000
			1 Year or Less \$'000	Over 1 Year to 5 Years \$'000		
Financial Liabilities						
Payables	13		-	-	345	345
Lease Liabilities		3.23%	101	61	-	162
Total Financial Liabilities			101	61	345	507

All Financial Liabilities are measured at amortised cost and their carrying amount reflect their fair value.

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 15. OTHER EXPENDITURE COMMITMENTS

Other expenditure commitments that have not been recognised as liabilities are contracts for ICT equipment with Shared Services. These are less than 12 months and/or leases with low value underlying assets.

Other expenditure commitments contracted at reporting date but not recognised as liabilities, are payable as follows:

	2023	2022
	\$'000	\$'000
Within One Year	56	39
Later than One Year but not later than Five Years	102	66
Later than Five Years	17	7
Total Other Expenditure Commitments	175	112

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

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 16. RELATED PARTY DISCLOSURES

Description and Material Accounting Policies Relating to Related Party Disclosures

A related party is a person that controls or has significant influence over the reporting entity, or is a member of the Key Management Personnel (KMP) of the reporting entity or its parent entity, and includes their close family members and entities in which the KMP and/or their close family members individually or jointly have controlling interests.

KMP are those persons having authority and responsibility for planning, directing and controlling the activities of WorkSafe ACT, directly or indirectly.

KMP of WorkSafe ACT are the Portfolio Minister, the WHS Commissioner and the Deputy WHS Commissioner. The Head of Service and the ACT Executive comprising the Cabinet Ministers are KMP of the ACT Government and therefore related parties of WorkSafe ACT.

This note does not include typical citizen transactions between the KMP and WorkSafe ACT that occur on terms and conditions no different to those applying to the general public.

(a) Controlling Entity

WorkSafe ACT is an ACT Government controlled entity.

(b) Key Management Personnel

1) Compensation of Key Management Personnel

Compensation of all Cabinet Ministers, including the Portfolio Minister, is disclosed in the note on related party disclosures included in the ACT Executive's financial statements for the year ended 30 June 2023.

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 2023.

Compensation by WorkSafe ACT to KMP is set out below.

	2023	2022
	\$'000	\$'000
Short-term employee benefits	589	533
Post-employment benefits	111	94
Other long-term benefits	14	13
Total Compensation by WorkSafe ACT to KMP	714	640

Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023

NOTE 16. RELATED PARTY DISCLOSURES - CONTINUED

2) Transactions with Key Management Personnel

There was no transaction with KMP that were material to the Financial Statements.

3) Transactions with Parties Related to Key Management Personnel

There was no transaction with parties related to KMP, including transaction with KMP close family members or other related entities that were material to the Financial Statements.

(c) Transactions with other ACT Government Controlled Entities

WorkSafe ACT has entered into transactions with other ACT Government entities in 2022-2023 consistent with day-to-day business operations provided under varying terms and conditions. The notes to the Financial Statements provide the details of transactions with other ACT Government Entities. Below is a summary of the material transactions with other ACT Government entities.

- Appropriation (Statement of Appropriation) – WorkSafe ACT's main ongoing source of funding is received from the ACT Government through the Territory Banking Account. This funding is in the form of Controlled Recurrent Payment appropriation and Capital Injection appropriation.
- Transfer Payments to Government – licence fees and fines of \$3.155 million received by WorkSafe ACT were transferred to the ACT Government through the Territory Banking Account.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 17. BUDGETARY REPORTING

Significant Accounting Judgements and Estimates – Budgetary Reporting

Significant judgements have been applied in determining what variances are considered “major variances”. Variances are considered major if both of the following criteria are met:

- 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, Assets, Liabilities and Equity totals) or more than 10% of sub-element (e.g. Current Liabilities and Receipts from Operating Activities totals) of the financial statements; and
- b) The variances (original budget to actual) are greater than plus (+) or minus (-) 10% and \$500,000 of the budget for the financial statement line item.

Original Budget refers to the amounts presented to the Legislative Assembly in the original budgeted financial statements in respect of the reporting period Budget Statements. These amounts have not been adjusted to reflect supplementary appropriation or appropriation instruments.

Operating Statement Line Item		Actual 2023 \$'000	Original Budget 2023 \$'000	Variance \$'000	Variance¹ %
	Variance Explanation				
Licence Fees and Fines	1	3 377	2 700	677	25%
Supplies and Services	2	3 102	2 320	782	34%
Transfer Payments to Government	3	3 155	2 484	671	27%

Variance Explanations

- The higher than budgeted Licence Fees and Fines is largely due to higher than estimated applications received for Labour Hire Licences including annual licence renewals.
- The higher than budgeted Supplies and Services mainly resulted from increased professional services including silica dust exposure research, development of stakeholder engagement strategy, engineering reports and legal services.
- The higher than budgeted Transfer Payments to Government mainly relates to higher than expected revenue collected from Labour Hire Licence applications which transferred back to the Territory Banking Account.

**Office of the Work Health and Safety Commissioner
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2023**

NOTE 17. BUDGETARY REPORTING – CONTIUNED

Balance Sheet Line Items	Variance Explanation	Actua 2023 \$'000	Origina Budget 2023 \$'000	Variance \$'000	Variance¹ %
Current Employee Benefits	4	2 678	1 899	779	41%

Variance Explanations

- Higher than budgeted Current Employee Benefits is mainly resulted from
 - leave balances carried by new employees transferred from other ACT Government agencies; and
 - additional accrued leave liabilities and employee benefits associated with the proposed Enterprise Agreement which is agreed in-principle as at 30 June 2023.

Asset Management

Capital Works

In 2022–23, WorkSafe ACT received capital funding of \$568,000 for Salesforce enhancement to improve the efficiency of licensing and collecting data associated with WorkSafe ACT's regulatory activities.

The 2022–23 capital funding was partially transferred to 2023–24 due to delays in software enhancements.

Asset Managed

In accordance with the ACT Government Asset Management Strategy and *Financial Management Act 1996*, the WorkSafe ACT managed assets with a total value of \$0.488 million as at 30 June 2023. A breakdown is provided in the table below.

Table 1: Assets managed

Asset Class	Net Book Value	Appropriate Measure	Total Units
Computer Software	254	Number of Assets	1
Motor Vehicles – Right-of-use Asset	150	Number of Motor Vehicles	11
Plant and Equipment	77	Number of Plant and Equipment	6
Heritage and Community	7	Number of Assets	1

Table 2: Additions to WorkSafe ACT's Asset Register during 2022–23

Asset Class	No. of Assets	Asset Details
Plant and Equipment	1	1 digital camera
Motor Vehicles – Right-of-use Asset	2	Leased motor vehicles

Table 3: Removals from WorkSafe ACT's Asset Register during 2022–23

Asset Class	No. of Assets	Asset Details
Motor Vehicles – Right-of-use Asset	2	Retirement of 2 leased motor vehicles

Asset Maintenance and Upgrade

No WorkSafe ACT assets required maintenance or upgrade during 2022–23.

Office Accommodation

WorkSafe ACT had 71.0 FTE at 30 June 2023, occupying 907 m² on Levels 4 and 5, 3 Constitution Avenue, City 2601. The average area occupied by each employee is 12.8 m².

Further information regarding financial matters can be obtained from:

Midori Kobayashi

Chief Finance Officer

02 6205 3943

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 2022 to 30 June 2023 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 is required to report on the Aboriginal and Torres Strait Islander Procurement Policy (ATSIPP) against three performance measures. These measures can be found in the table below.

Number	Performance Measure	Result
1	The number of unique Aboriginal and Torres Strait Islander Enterprises that respond to the reporting entity's tender and quotation opportunities	3
2	The number of unique Aboriginal and Torres Strait Islander Enterprises attributed a value of addressable spend in the financial year	1
3	Percentage (%) of the financial year's addressable spend	2.52%

Creative Services Panel

Under the Communication and Engagement Panel, WorkSafe ACT spent \$20,625 (including GST).

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

Andrew Craig

Director, Corporate and Human Resources
0434 563 568

Andrew.Craig@worksafe.act.gov.au

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

Statement of Performance

**For the Year
Ended 30 June
2023**

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 2023.

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 2023 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 ASQM 1 *Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or 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.



Tim Larnach
Audit Principal, Financial Audit
27 September 2023

Office of the Work Health and Safety Commissioner
Statement of Performance for the Year Ended 30 June 2023
Statement of Responsibility

In my opinion, the Statement of Performance is in agreement with the records of the Office of Work Health and Safety Commissioner (WorkSafe ACT). It fairly reflects the service performance of WorkSafe ACT for the year ended 30 June 2023 and also fairly reflects the judgements exercised in preparing it.

A handwritten signature in black ink, appearing to read 'JA' followed by a stylized flourish.

Jacqueline Agius
Work Health and Safety Commissioner

27 September 2023

**Office of the Work Health and Safety Commissioner
Statement of Performance
for the Year Ended 30 June 2023**

The following Statement of Performance sets out the performance of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) against the Accountability Indicator targets set during the 2021-22 Budget process.

Note that during 2022-23 WorkSafe ACT reviewed and amended its Accountability Indicators for the 2023-24 period, to provide greater alignment with the strong community and workplace presence expected of WorkSafe ACT and to demonstrate our capability building investments.

Output Class 1 (Output 1.1) Regulatory Compliance and Enforcement

Description Ensure fair and firm enforcement against non-compliance; minimise physical and psychological harm and improve work health and safety (WHS) practice and culture; engage with stakeholders to better understand and respond to current and emerging WHS issues; and create an exemplary Regulator.

<i>Accountability Indicators</i>	2022-23 Target	2022-23 Actual	Variance %	Note
a. Number of 2018 independent review recommendations implemented	N/A	N/A	-	1
b. WHS compliance activities in line with the Compliance and Enforcement Policy: education and improvement, prevention, enforcement	Ratio 65:25:10	Ratio: 75:21:4	15:(16):(60)	2
c. Compliance rate during workers' compensation inspections	90%	83%	(8)	3
d. Compliance rate during inspections of labour hire providers and hosts are appropriately licensed and compliant with the licence conditions	90%	100%	11	4
e. Investigations commenced within 14 days of notification of incident	100%	27%	(73)	5
f. Major investigations completed within 12 months of commencing investigation, with the exception of fatalities.	60%	71%	18	6

Office of the Work Health and Safety Commissioner
Statement of Performance
for the Year Ended 30 June 2023

g. All EU sanctioned entities meet EU obligations for the financial year	100%	100%	-	7
h. Media engagement to improve awareness	100%	100%	-	8

The above Accountability Indicators should be read in conjunction with the accompanying notes.

The above Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

All variances are rounded to the nearest whole number.

Negative variances are indicated using brackets.

Explanation of Accountability Indicators

- a. The 2018 Independent review of the ACT's work safety compliance infrastructure, policies and procedures by the Nous Group offered recommendations for improving the ACT's WHS compliance and enforcement arrangements. The phased implementation of recommendations is being overseen by the WHS Council and will continue into the next financial year.

This indicator is considered complete when all 27 recommendations have been implemented.

- b. This indicator sets a ratio for the activities which WorkSafe ACT employs to meet its goal of preventing work-related deaths, injuries and diseases and protecting property and the environment. Education activities principally involve the issuing of improvement notices. Prevention activities involve the issuing of prohibition notices, along with proactive audits and targeted campaigns. Enforcement activities include the issuing of infringement notices and other sanctions.
- c. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy.
- d. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a labour hire licence as well as host employers only using licensed providers.
- e. This accountability indicator measures the percentage of investigations opened within 14 days of WorkSafe ACT being notified of a serious WHS incident within WorkSafe ACT's jurisdiction which the Regulator considers requires investigation.
- f. This accountability indicator measures the percentage of major investigations completed (referred for enforcement/regulatory action) within 12 months of the investigation's commencement. The major investigations relevant to this indicator are those completed (not commenced) in a financial year.
- g. This accountability indicator concerns ongoing Enforceable Undertakings (EUs) in a financial year. Persons Conducting a Business or Undertaking

Office of the Work Health and Safety Commissioner
Statement of Performance
for the Year Ended 30 June 2023

(PCBU) subject to EUs have a period of 2-3 years to complete their obligations. WorkSafe ACT provides general monitoring through the Case Management Panel as EUs may be varied or withdrawn during their life span. WorkSafe ACT assesses evidence of compliance within 3-6 months of the completion date. If the PCBU has complied with its obligations on the date the EU is discharged. If an entity fails to meet its obligations, WorkSafe ACT refers the entity to the Director of Public Prosecutions (DPP). A decision about whether to prosecute is taken by the DPP. This decision is not reviewable by WorkSafe ACT.

- h. This accountability indicator measures coverage because of media releases.

Notes – explanation of material variances (≥ +/- 5%)

1. The [*2018 Independent review of the ACT's Work Safety Compliance Infrastructure, Policies and Procedures*](#) included 27 recommendations for improving the ACT's work health and safety compliance and enforcement arrangements. As all the recommendations were implemented in 2021-22, a closure report was provided to the WHS Council during 2022-23. The Treasurer approved an amendment of the performance criteria to remove this indicator under Section 19D of the *Financial Management Act 1996*.

2. The result achieved against accountability indicator (b) is an example of increased educative engagement with PCBU's focusing on the relaunched Residential Construction Strategy. WorkSafe ACT issued 15% more improvement notices in 2022-23 compared to the 2022-23 target.

Although the intent of indicator (b) is to set, and achieve, a proportional approach to WHS regulation, an outcome which shows increased education delivered through active engagement is viewed as a positive result for WorkSafe ACT.

Note: This indicator has been discontinued for 2023-24 as it is difficult to interpret.

3. WorkSafe ACT achieved 83% against the target (90%). During 2022-23 the resourcing of the workers' compensation team was impacted which is a contributing factor to this result.

Note: This indicator has been discontinued for 2023-24 as measured performance was outside of WorkSafe ACT's control.

4. In 2022-23 the labour hire licence scheme continued to mature. WorkSafe ACT made a conscious decision to change its methodology to report against this indicator. In 2021-22 the focus was on workplace visits to identify non-compliance. In 2022-23, inspectors conducted 20 inspections using the iAuditor checklist to identify non-compliance, with no instances of non-compliance being identified.

Note: This indicator has been discontinued for 2023-24 as measured performance was outside of WorkSafe ACT's control.

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5. Out of the 11 investigations which arose during 2022-23 from notifiable incidents, WorkSafe ACT opened three (27%) of these within 14 days. A further five investigations commenced within 30 days. WorkSafe ACT has reviewed its internal regulatory governance processes and is increasing resources to this area to ensure the timely triaging of matters, so investigations agreed by the WHS Commissioner are opened as soon as possible following notification.
6. The result reflects WorkSafe ACT's capability to finalise major investigations within 12 months. The investigations team is supported by a regulatory governance structure for referral, review and evaluation of the conduct of investigations through the Case Management Panel.
7. Discontinued indicator for 2023-24 as measured performance was outside of WorkSafe ACT's control.
8. The newly formed Media and Communications team issued seven media releases throughout 2022-23 and generated media engagement for each release. To ensure media engagement is achieved for media releases, and to maximise the impact of messaging, the Media and Communications team changed the approach for issuing media releases during the reporting period.

Dependent on the purpose of the messaging and the intended audience, news items are separated into three categories:

- Media Releases – Published on the WorkSafe ACT website and issued to media outlets and targeted industries on significant matters specific to the Territory and to the health and safety of workers across the ACT.
- News Items – Published on the WorkSafe ACT website and issued to targeted stakeholders and subscribers on safety matters, legislation changes and reminders.
- Media Statements – Published on the WorkSafe ACT website and issued on behalf of the Work Health and Safety Commissioner or the Office of the Work Health and Safety Commissioner to media outlets, stakeholders and subscribers.

Note: This indicator has been discontinued for 2023-24 as measured performance was outside of WorkSafe ACT's control.