

Comparative Performance Monitoring Report

**Part 2 - Work Health and Safety
Compliance and Enforcement Activities**

22nd Edition - January 2021

Comparison of work health and safety and workers'
compensation schemes in Australia and New Zealand

Disclaimer

Safe Work Australia is an Australian Government statutory agency established in 2009. Safe Work Australia includes Members from the Commonwealth, and each state and territory, Members representing the interests of workers and Members representing the interests of employers.

Safe Work Australia works with the Commonwealth, state and territory governments to improve work health and safety and workers' compensation arrangements. Safe Work Australia is a national policy body, not a regulator of work health and safety. The Commonwealth, states and territories have responsibility for regulating and enforcing work health and safety laws in their jurisdiction.

ISSN 2209-9174

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Contact information

Safe Work Australia | <mailto:info@swa.gov.au> | www.swa.gov.au

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Foreword

The Comparative Performance Monitoring (CPM) reports provide trend analyses about work health and safety (WHS) and workers' compensation schemes operating in Australia and New Zealand. This is the 22nd annual report of the CPM project.

The CPM is complemented by the:

- *Australian Workers' Compensation Statistics* report, which provides more detailed analyses of national workers' compensation data using key variables such as occupation, industry, age and gender with supporting information on the circumstances surrounding work-related injury and disease occurrences, and
- *Comparison of Workers' Compensation Arrangements in Australia and New Zealand*, which discusses the way that each scheme deals with key aspects such as coverage, benefits, self-insurance, common law and dispute resolution.

These publications can be found on the [Safe Work Australia](#) website.

Statement of purpose

The role of the CPM report is to facilitate improving work health and safety, workers' compensation and related service outcomes in Australian and New Zealand schemes through an accessible report that:

- (a) monitors the comparative performance of jurisdictions over time, and
- (b) enables benchmarking across jurisdictions and the identification of best practice to support policy making.

Data

For this report, jurisdictions supplied data for the 2018–19 financial year and provided updated data back to 2014–15.

Data in this publication may differ from jurisdictional annual reports due to the use of different definitions and the application of adjustment factors to aid in the comparability of data. Explanatory commentary on the data items is contained within each chapter with additional information included in Appendix 1 – Explanatory Notes.

The data in this report were collected from:

- workers' compensation and WHS authorities as follows:
 - New South Wales — State Insurance Regulatory Authority and SafeWork NSW
 - Victoria — WorkSafe Victoria
 - Queensland — Workplace Health and Safety Queensland, Office of Industrial Relations – Education Queensland, Queensland Workers' Compensation Regulator and WorkCover Queensland
 - Western Australia — Department of Mines, Industry Regulation and Safety, WorkSafe and WorkCover WA
 - South Australia — ReturnToWorkSA and SafeWork SA
 - Tasmania — WorkSafe Tasmania
 - Northern Territory — NT WorkSafe, Department of the Attorney-General and Justice
 - Australian Capital Territory — WorkSafe ACT
 - Australian Government — Comcare

- Seacare — Seacare Authority (Seafarers Safety, Rehabilitation and Compensation Authority), and
- New Zealand — Accident Compensation Corporation and WorkSafe New Zealand
- the National Data Set for Compensation-based Statistics and the Work-related Traumatic Injury Fatalities data set compiled by Safe Work Australia. Further information on these data sets can be found on the [Safe Work Australia](#) website
- the Return to Work Survey that replaced the Return to Work Monitor previously published by the Heads of Workers' Compensation Authorities. The full results can be accessed at the [Safe Work Australia](#) website, and
- the Australian Bureau of Statistics (ABS) which provides estimates of the number of employees and hours worked based on the Labour Force Survey, the Survey of Employment and Earnings and employee data provided by Comcare. Further adjustments are made using data from the Census, the Forms of Employment Survey and the Survey of Employment Arrangements, Retirement and Superannuation.

The CPM report (Part 2) does not currently include any information on compliance and enforcement activities relating to the mining industry, including the offshore petroleum industry. This is to ensure jurisdictional data are comparable, as not all jurisdictions' WHS authorities conduct these activities. Rather they are in some cases conducted by separate specific agencies.

The CPM also does not currently include information or data from a range of other industry-specific regulators that have responsibilities with respect to WHS and workers' compensation. These include national industry based regulators with compliance and enforcement roles such as the National Heavy Vehicle Regulator, the National Rail Safety Regulator and the National Offshore Petroleum Safety and Environmental Management Authority, and other agencies with responsibility for industry-specific compensation claims. Further information on these regulators can be found on their respective websites.

Coordination

This report has been compiled and coordinated by Safe Work Australia with assistance from representatives of WHS and workers' compensation authorities in Australia and New Zealand. Through a partnership of governments, employers and employees, Safe Work Australia leads the development of national policy to improve WHS and workers' compensation arrangements across Australia.

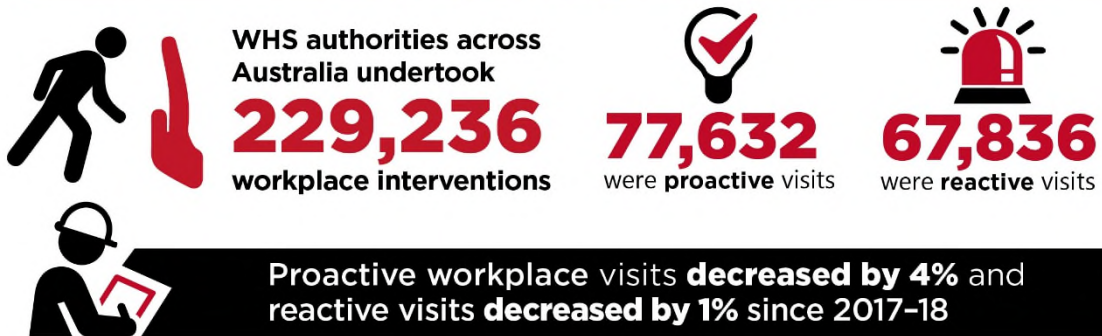
In this report the name 'Australian Government' is used for indicators relating to the Australian Government jurisdiction in work health and safety and workers' compensation matters, while 'Comcare' is used for the indicators relating to premium rates and entitlements.

Comparative Performance Monitoring Report

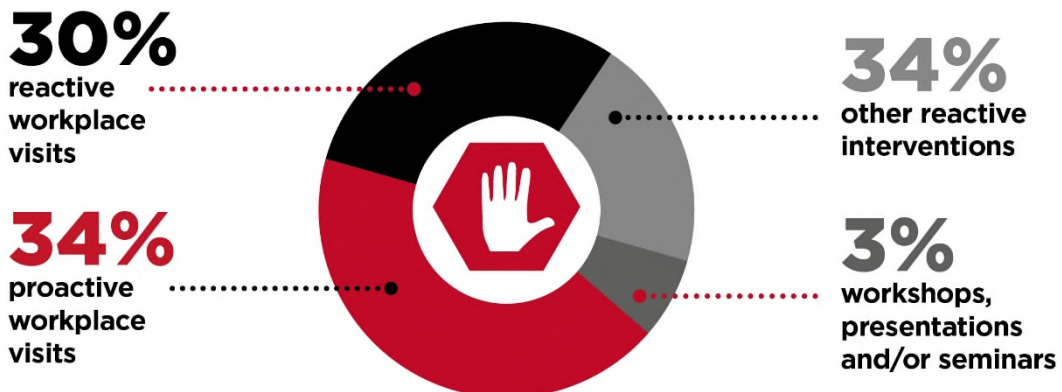
Part 2 – Work Health and Safety Compliance and Enforcement Activities

Key findings

Workplace interventions (2018-19)



Breakdown of workplace interventions in Australia (2018-19)

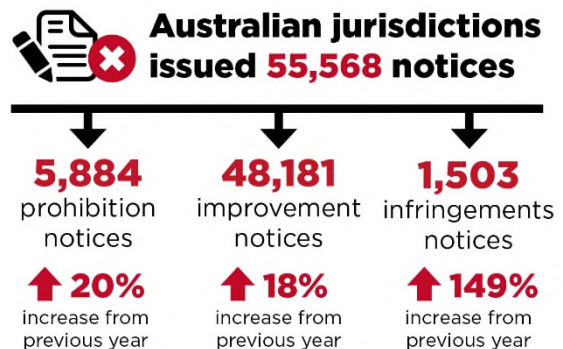


*the figures above have been rounded and therefore do not equal 100%

Inspectors (2018-19)



Notices issued (2018-19)



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Part 2 – Work Health and Safety Compliance and Enforcement Activities

Key findings

Enforceable undertakings (2018-19)



**Australian regulators accepted
23 enforceable undertakings**



The number of enforceable undertakings has **increased by 5%** since **2017-18**

Legal proceedings in Australia (2018-19)



**264
legal proceedings
in 2018-19**

resulted in a conviction, order or agreement
**compared to 266
in 2017-18**

Fines in Australia (2018-19)



\$18.6 million the total amount of fines awarded by Australian courts in 2018-19



decrease of \$0.3 million since 2017-18



safe work australia

1. Work health and safety compliance and enforcement activities

Jurisdictional work health and safety (WHS) authorities play a critical role in reducing workplace deaths and injuries by encouraging, monitoring and enforcing compliance with relevant WHS laws. Authorities undertake activities ranging from educational activities, such as providing information, presentations, training and advice, to enforcement actions, such as fines and court proceedings. All Australian and New Zealand WHS authorities take a risk-based approach to compliance activities, applying interventions that are proportionate to the identified risk of workplace harm.

Indicators 12a to 12d provide details on specific WHS compliance and enforcement activities undertaken by jurisdictions each year from 2014–15 to 2018–19. Compliance and enforcement data for these indicators do not include the mining sector. This is because WHS for the mining industry is not dealt with in the same way across Australia and the mechanism for enforcement measures in some jurisdictions is not covered by WHS legislation. Due to this exclusion, it is possible that the number of field active inspectors shown in this report may differ from inspectorate numbers shown in jurisdictional reports.

A summary of the compliance and enforcement activities in 2018–19 shows that there were:

- 77,632 proactive workplace visits around Australia
- 67,836 reactive workplace visits around Australia
- 1,187 field active inspectors employed around Australia
- 55,568 notices issued by Australian jurisdictions
- 23 enforceable undertakings accepted by Australian jurisdictions
- 307 legal proceedings against duty holders finalised
- 264 legal proceedings resulting in a conviction, order or agreement, and
- \$18.6 million in fines issued by Australian courts.

Each of these activities is discussed in more detail in the sections below.

1.1 Interventions

In 2018–19, jurisdictional work health and safety authorities undertook a total of 229,236 workplace interventions. Of these, there were 77,632 proactive workplace visits and 67,836, reactive workplace visits. In addition, there were 6,230 proactive workshops, presentations or seminars and 77,538 other reactive intervention activities, such as desk-based audits, meetings, telephone advice and written correspondence that were directly related to the resolution of an incident or complaint.

Indicator 12a shows that the number of proactive workplace visits decreased by 4% and the number of proactive workshops, presentations and seminars increased by 8% in 2018–19 compared to the previous year. The number of reactive workplace visits decreased by 1%, while the number of other reactive intervention activities recorded a 4% increase in 2018–19 compared to the previous year.

In 2018–19 proactive visits increased in Queensland (up 24%), Western Australia (up 14%), and the Australian Government (up by 12%). There were slight decreases in the number of proactive workplace visits in Victoria (down by 2%). More substantial decreases occurred in New South Wales (down by 13%), South Australia (down by 42%), Tasmania (down by 41%), the Northern Territory (down by 44%) and the Australian Capital Territory (down 50%).

A decrease in proactive workshops, presentations and seminars was recorded for most jurisdictions (ranging from a 3% reduction in the Australian Government to a 64% reduction in Tasmania). However, increases in proactive workshops, presentations and seminars occurred in the Australian Capital Territory (48%), New South Wales (74%) and the Northern Territory (13%).

Reactive visits increased in Queensland (up 11%), Victoria (4%) and the Australian Government (2%). They remained relatively stable (less than 1% increase or decrease) in New South Wales and Western Australia. Reactive visits decreased in South Australia (by 10%), Tasmania (by 28%), the Northern Territory (by 22%) and the Australian Capital Territory (by 52%).

Other reactive intervention activities increased by 22% in New South Wales and by 10% in Queensland. They decreased by 17% in Western Australia, 10% in South Australia and 7% in the Australian Government. New Zealand reported the combined number of proactive and reactive workplace visits which decreased by 2% in 2018–19 compared to the previous year (disaggregation by type of visit is not possible).

Approach to interventions

Approaches to interventions vary across jurisdictions. For example, New South Wales seeks to integrate its proactive prevention programs with reactive activities to ensure greater reach while Queensland applies a triaging framework 'WHSQ Response Activity Process' to all incident notifications, complaints and statutory requests.

Changes from one year to the next can be impacted by a number of factors. In South Australia, the latest decrease in the number of proactive workplace visits was primarily due to the significant change and reform activities that occurred over the same period, including an organisational restructure, which created higher than normal turnover and staff recruitment.

The decrease in the number of interventions undertaken in the Northern Territory was due to a significant increase in the number of comprehensive investigations, which reduced inspectors' on the ground activities. The Best Practice Review of Work Health and Safety in the Northern Territory was also finalised during this period, culminating in the acceptance of 23 recommendations that incorporated divisional restructure resulting in a delay in the recruitment to vacant positions.

The number of interventions undertaken in Tasmania has reduced due to an increase in staff turnover leading to greater time being spent on recruitment and training new inspectors and advisory staff. A significant increase in the number of investigations of notifiable incidents further reduced the amount of available field active time.

Indicator 12a – Work health and safety intervention activity by jurisdiction

Activity	Financial year	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Aus Gov	Seacare	^a Total Aus	NZ
Number of workplace visits: Proactive	2014–15	25,164	^b 22,403	^c 16,024	^d 5,116	6,157	2,823	1,793	^{d,e} 442	2,953	97	82,972	^f 17,320
	2015–16	23,089	^b 24,369	^c 22,097	^d 5,847	5,157	2,185	2,166	^{d,e} 1,430	1,697	93	88,130	^f 17,611
	2016–17	22,139	^b 23,669	^c 17,386	^d 5,168	8,815	3,826	1,477	^{d,e} 1,933	2,000	72	86,485	^f 13,405
	2017–18	22,765	^b 23,997	^c 16,063	^d 4,269	5,680	1,913	872	^{d,e} 2,424	2,981	71	81,035	^f 14,270
	2018–19	19,809	^b 23,606	^c 19,845	^d 4,861	3,282	1,137	486	^{d,e} 1,207	3,326	73	77,632	^f 14,005
Number of workshops/ presentations / seminars: Proactive	2014–15	649	u/a	4,633	^g 336	539	n/a	157	100	2,000	u/a	8,414	u/a
	2015–16	826	u/a	4,007	^g 315	414	878	271	173	1,125	u/a	8,009	u/a
	2016–17	706	u/a	4,017	^g 275	358	1,126	240	191	1,198	u/a	8,111	u/a
	2017–18	818	u/a	2,092	^g 264	329	351	240	176	1,521	u/a	5,791	u/a
	2018–19	1,421	u/a	2,175	^g 236	269	125	272	261	1,471	u/a	6,230	u/a
Number of workplace visits: Reactive	2014–15	10,818	18,317	9,379	^d 3,263	7,988	2,717	3,499	^d 2,247	308	u/a	58,536	^f u/a
	2015–16	10,937	21,897	9,551	^d 3,184	10,512	1,668	3,850	^d 2,861	226	u/a	64,686	^f u/a
	2016–17	9,917	22,141	9,515	^d 2,951	12,525	2,028	4,429	^d 2,990	342	u/a	66,838	^f u/a
	2017–18	12,739	24,921	10,610	^d 3,170	8,261	1,533	4,299	^d 1,710	1,566	u/a	68,809	^f u/a
	2018–19	12,669	25,907	11,742	^d 3,184	7,465	1,109	3,343	^d 815	1,602	u/a	67,836	^f u/a
Other reactive interventions	2014–15	13,227	u/a	34,730	14,250	3,684	0	u/a	0	3,323	0	69,214	^h 773
	2015–16	7,269	u/a	36,841	13,280	4,317	0	u/a	0	3,304	0	65,011	^h 556
	2016–17	5,020	u/a	41,899	15,253	4,107	0	u/a	0	2,925	0	69,204	^h 354
	2017–18	7,651	u/a	44,051	16,333	4,538	0	u/a	0	2,198	0	74,771	^h 242
	2018–19	9,302	u/a	48,551	13,555	4,092	0	u/a	0	2,038	0	77,538	^h 212

u/a – Data is unavailable or not collected. n/a – Data is not applicable. Refer to Appendix 1 for further explanatory notes.

1.2 Inspectors

Field active inspectors are gazetted inspectors whose role is to spend the majority of their time ensuring compliance with the provisions of WHS legislation. Duties of field active inspectors may include worksite visits, investigations, conducting audits or other activities to improve the work health and safety capability of businesses and workplaces. Vacant positions, staff on extended leave, managers of the inspectorate and auditors are included in the data for field active inspectors. Staff involved in giving advice and information packs from the office, and business advisory officers and community education officers, are excluded.

Indicator 12b shows that over the four years from 2014–15 to 2017–18, the number of field active inspectors employed around Australia has remained relatively stable. However, in 2018–19 the overall number of field active inspectors in Australia increased slightly (up 6%) compared to the previous year. This was driven by growth in Tasmania (up 46%), Queensland (up 15%), Western Australia (up 6%), New South Wales (up 5%), and Victoria (up 3%). The number of field active inspectors in Tasmania increased significantly due to a review in 2018–19 of positions previously excluded.

No changes were recorded in the number of field active inspectors in other Australian jurisdictions over the previous year.

In 2018–19, the total number of field active inspectors in New Zealand was 187, which is slightly higher (up 2%) compared to the previous year.

Indicator 12b – Work health and safety inspectorate activity by jurisdiction

Activity	Financial year	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Aus Gov	Seacare	^a Total Aus	NZ
Number of field active inspectors	2014–15	315	ⁱ 261	210	103	93	23	25	u/a	46	2	1,108	^j 181
	2015–16	315	ⁱ 264	217	93	96	25	26	u/a	46	2	1,114	^j 181
	2016–17	315	ⁱ 253	217	93	96	25	26	u/a	50	2	1,107	^j 181
	2017–18	315	ⁱ 271	227	93	96	26	32	u/a	52	2	1,142	^j 183
	2018–19	330	ⁱ 278	260	99	96	38	32	u/a	52	2	1,216	^j 187
Number of field active inspectors per 10 000 employees	2014–15	1.0	1.0	1.0	0.9	1.3	1.1	2.0	u/a	1.2	2.9	1.0	0.9
	2015–16	0.9	1.0	1.0	0.8	1.3	1.2	2.0	u/a	1.2	3.3	1.0	0.9
	2016–17	0.9	0.9	1.0	0.8	1.3	1.2	2.0	u/a	1.2	4.4	1.0	0.8
	2017–18	0.9	0.9	1.0	0.8	1.3	1.2	2.4	u/a	1.3	3.9	1.0	0.8
	2018–19	0.9	0.9	1.2	0.9	1.2	1.7	2.4	u/a	1.2	4.5	1.0	0.8
Number of other staff undertaking non-inspectorate activities	2014–15	0	u/a	86	3	13	0	0	u/a	41	2	148	0
	2015–16	0	u/a	67	3	11	9	0	u/a	49	2	145	0
	2016–17	0	u/a	68	3	11	9	2	u/a	49	2	148	0
	2017–18	0	u/a	82	4	11	9	2	u/a	22	2	139	0
	2018–19	0	u/a	82	4	11	8	2	u/a	22	1	137	0

u/a – Data is unavailable or not collected. n/a – Data is not applicable. Refer to Appendix 1 for further explanatory notes.

1.3 Notices

In line with the requirements under the model WHS laws, some jurisdictions have created infringement notice schemes for certain offences. Where inspectors identify a breach under their WHS legislation, a notice may be issued. Data on notices cannot be compared directly across jurisdictions as notices are issued differently in each jurisdiction. In some instances a single notice may be issued for multiple breaches of the legislation, while in other instances separate notices are issued for each breach identified.

In 2018–19 there was a significant increase in the number of infringement, improvement and prohibition notices issued in Australia compared to the previous year (Indicator 12c). Australian jurisdictions issued 55,568 notices in 2018–19 (up 20%), comprising 1,503 infringement notices (up 149%), 5,884 prohibition notices (up 20%) and 48,181 improvement notices (up 18%).

There were substantial increases from the previous year in the number of notices issued by the Australian Capital Territory (up 150%), Queensland (up 127%), Tasmania (up 66%), New South Wales (up 12%), and Western Australia (up 6%). However, the number of notices issued decreased in the Northern Territory (down 36%), the Australian Government (down 17%), Victoria (down 9%) and South Australia (down 3%). Infringement notices almost doubled (up 96%) in New South Wales and almost tripled in Queensland (up 267%).

New Zealand recorded a 46% increase in the number of total notices issued in 2018–19 compared to the previous year, with a 50% rise in improvement notices and 35% rise in prohibition notices. However, the number of infringement notices decreased by 40% in 2018–19 compared to the previous year.

Programs and activities

The significant increase in the improvement and prohibition notices issued by the Australian Capital Territory in 2018–19 was due to a targeted proactive program conducted by WorkSafe ACT with automotive workshops. WorkSafe ACT inspectors have been focusing on high risk industries such as construction, health care, retail, hospitality and young workers. Field active inspectors have undertaken close to 4,000 inspections and visits to worksites and workplaces across the ACT over the 2018–19 financial year.

1.4 Enforceable undertakings

An enforceable undertaking is a legally binding agreement made in response to the contravention of a WHS law, which is entered into as an alternative to legal proceedings. An enforceable undertaking provides an opportunity for significant work health and safety remediation to be undertaken, while avoiding the costs and time burden associated with court actions. Typically, the activities associated with an undertaking are substantial with the aim of delivering tangible benefits to the workplace, industry or the broader community.

Enforceable undertakings are an important compliance tool under the model WHS legislation. An enforceable undertaking will generally not be accepted where the offence relates to reckless conduct or where an infringement notice has been issued for the contravention.

Twenty-two enforceable undertakings were accepted by regulators in 2017–18 compared with 23 in 2018–19 (Indicator 12c).

The New Zealand *Health and Safety at Work Act 2015* came into effect on 4 April 2016. This introduced a broader suite of enforcement tools such as enforceable undertakings. There were 14 enforceable undertakings accepted by the regulators in New Zealand in 2017–18 and eight in 2018–19 as shown in Indicator 12c.

Indicator 12c – Work health and safety notices and enforceable undertakings by jurisdiction

Activity	Financial year	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Aus Gov	Seacare	^a Total Aus	NZ
Number of infringement notices issued	2014–15	92	^k u/a	29	^k n/a	2	14	1	^l n/a	^k n/a	^k n/a	151	100
	2015–16	88	^k u/a	57	^k n/a	1	14	3	^l n/a	^k n/a	^k n/a	163	35
	2016–17	160	^k u/a	123	^k n/a	1	12	1	^l n/a	^k n/a	^k n/a	298	12
	2017–18	324	^k u/a	221	^k n/a	0	20	2	^l n/a	^k n/a	^k n/a	604	10
	2018–19	636	^k u/a	812	^k n/a	1	26	4	^l 24	^k n/a	^k n/a	1,503	6
Number of improvement notices issued	2014–15	6,545	15,730	1,749	12,039	1,728	241	74	^l n/a	8	43	38,526	5,809
	2015–16	7,266	16,733	1,755	11,893	1,575	308	103	^l n/a	18	51	39,832	3,683
	2016–17	7,513	15,912	2,485	11,341	2,342	212	169	^l n/a	8	3	40,126	2,117
	2017–18	9,210	15,170	4,899	8,526	2,468	251	208	^l n/a	24	0	40,961	3,595
	2018–19	10,157	13,871	11,398	9,049	2,441	460	116	^l 669	20	0	48,181	5,385
Number of prohibition notices issued	2014–15	673	542	760	427	832	106	131	^l n/a	7	0	3,611	2,048
	2015–16	718	527	542	279	688	85	117	^l n/a	8	3	3,038	1,304
	2016–17	1,041	576	659	278	650	95	148	^l n/a	9	0	3,514	1,131
	2017–18	1,810	555	1,249	233	791	79	80	^l n/a	17	0	4,909	1,194
	2018–19	1,905	477	2,218	256	703	94	66	^l 151	14	0	5,884	1,614
Number of enforceable undertakings	2014–15	5	8	7	^m n/a	1	0	0	2	0	n/a	23	^m n/a
	2015–16	12	5	10	^m n/a	4	0	3	1	0	n/a	35	^m n/a
	2016–17	10	12	5	^m n/a	3	0	2	2	0	n/a	34	^m 2
	2017–18	7	5	3	^m n/a	2	0	3	2	0	n/a	22	^m 14
	2018–19	5	7	1	^m n/a	2	0	4	4	0	n/a	23	^m 8

u/a – Data is unavailable or not collected. n/a – Data is not applicable. Refer to Appendix 1 for further explanatory notes.

1.5 Legal proceedings

Legal proceedings are any investigation activity where a complaint has been laid or a summons issued against a company or individual under the relevant WHS laws. Data collected on legal proceedings in Indicator 12d focuses on:

- legal proceedings finalised
- finalised legal proceedings that have resulted in a conviction, order or agreement, and
- total amount of fines ordered by the court (see 1.6 Fines).

All legal proceedings finalised in the reference year are counted regardless of when the initial legal action commenced. Data for Victoria and the Australian Capital Territory is limited to the number of successful prosecutions resulting in a conviction, fine or both. Data for these jurisdictions do not include other finalised proceedings.

In 2018–19, there was a 6% increase in the overall number of legal proceedings finalised compared to the previous year – although this was mostly driven by relatively large increases in Victoria (up 21%) and the Northern Territory (up 33%). The Australian Government recorded an increase from no finalised legal proceedings in 2017–18 to two in 2018–19. Tasmania recorded the largest decrease (down 50%) in the number of legal proceedings finalised, followed by South Australia (down 44%), and Western Australia (down 9%). The small number of prosecutions in Tasmania should be taken into consideration when considering the percentage decrease. This represents a reduction from four prosecutions commenced down to two in 2018–19.

Most jurisdictions recorded a decrease or no change in the number of proceedings that resulted in a conviction, order or agreement, with a total decrease in these proceedings of 1% in 2018–19 compared to the previous year. Victoria was the only jurisdiction to record an increase (up 12%) in the number of legal proceedings resulting in a conviction, order or agreement. South Australia (down 67%) recorded the largest yearly decrease in the number of legal proceedings resulting in a conviction, order or agreement, followed by Tasmania (down 50%), and Western Australia (down 18%). The reduction in Tasmania should again be interpreted carefully given its small population and the small number of prosecutions commenced.

In New Zealand, there was a 15% increase in the number of legal proceedings finalised in 2018–19 compared to the previous year, and a 41% increase in the number of legal proceedings resulting in a conviction, order or agreement in 2018–19 compared to the previous year.

1.6 Fines

Fines data for Indicator 12d only includes fines known publicly and not amounts that have been ordered to remain confidential by a court. Fines, like legal proceedings, are recorded in the year the court makes a judgement and not when the case was initiated.

The total amount of fines awarded by the courts in 2018–19 was \$18.6 million, a 2% decrease from the previous year. Queensland and the Northern Territory recorded increases in the amounts of fines awarded by the courts compared to the previous year (up 135% and 87% respectively). The Australian Government recorded \$200,000 in fines in 2018–19 compared to none in the previous year. Other jurisdictions recorded decreases ranging from a 60% decrease in Tasmania to a 13% decrease in New South Wales in 2018–19 compared to the previous year. The 60% decrease in fines in Tasmania reflects the decrease in the number of prosecutions from four to two, however the scale of fines issued remains proportionate to the trend in the scale of fines in previous years.

The total amount of fines ordered by the courts in New Zealand is not available for 2018–19.

Indicator 12d – Work health and safety legal proceedings and fines by jurisdiction

Activity	Financial year	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Aus Gov	Seacare	^a Total Aus	NZ
Number of legal proceedings finalised	2014–15	ⁿ 91	113	54	19	19	0	0	5	5	0	306	98
	2015–16	ⁿ 61	105	48	18	23	6	3	7	3	0	274	96
	2016–17	ⁿ 34	103	69	14	16	5	1	6	2	0	250	65
	2017–18	ⁿ 61	127	65	11	16	4	3	2	0	0	289	71
	2018–19	ⁿ 60	154	64	10	9	2	4	2	2	0	307	82
Number of legal proceedings resulting in a conviction, order or agreement	2014–15	ⁿ 88	104	42	13	17	0	0	4	5	0	273	90
	2015–16	ⁿ 55	98	42	17	19	2	1	4	3	0	241	88
	2016–17	ⁿ 33	93	64	13	12	1	2	1	2	0	221	58
	2017–18	ⁿ 59	116	56	11	15	4	3	2	0	0	266	49
	2018–19	ⁿ 59	130	53	9	5	2	3	2	1	0	264	69
Total amount of fines ordered by the courts (\$'000)	2014–15	\$7,012	\$4,097	\$1,800	\$547	\$737	\$0	\$0	\$311	\$1,033	\$0	\$15,537	\$4,590
	2015–16	\$4,063	\$4,451	\$1,104	\$640	\$778	\$75	\$152	\$238	\$460	\$0	\$11,961	\$3,521
	2016–17	\$4,464	\$3,460	\$2,594	\$415	\$721	\$225	\$27	\$140	\$908	\$0	\$12,954	\$1,823
	2017–18	\$4,112	\$9,467	\$2,569	\$788	\$1,395	\$335	\$196	\$61	\$0	\$0	\$18,923	\$4,348
	2018–19	\$3,570	\$6,894	\$6,043	\$382	\$996	\$135	\$366	\$32	\$200	\$0	\$18,618	u/a

u/a – Data is unavailable or not collected. n/a – Data is not applicable. Refer to Appendix 1 for further explanatory notes.

Appendix 1 — Explanatory notes

Indicator 12 – Footnotes

Footnotes for Indicator 12a

- (a) Totals only include jurisdictions that supplied the relevant data.
- (b) Does not include industry forums/presentations where an inspection also occurs.
- (c) Queensland provided updated enforcement data following a major review of inspectorate data collection during 2016–17. The updated data provided goes back to the 2013–14 financial year.
- (d) Workplace visits have been counted as number of workplaces visited, irrespective of how many inspectors attended.
- (e) Figures prior to 2018–19 are likely inflated due to a duplication error created by the software used to record workplace visits. While the 2018–19 year has been corrected, data prior to this point cannot be corrected.
- (f) The numbers provided were the number of total workplace assessments undertaken.
- (g) Western Australia figures may be inflated when inspectors and community education officers, on occasions, present at or attend the same event. These figures cannot currently be identified or separated.
- (h) The drop was reported by the jurisdiction due to budget cuts.

Footnotes for Indicator 12b

- (i) Amended to include managers of inspectorate.
- (j) The number of field active inspectors for New Zealand excludes field active inspectors operating in Maritime, Aviation and High Hazard areas.

Footnotes for Indicator 12c

- (k) There is no legislative requirement for infringement notices in Western Australia, Victoria and the Australian Government, while in South Australia infringement notices became an option from January 2013 under its WHS legislation. There is no provision under the *Occupational Health and Safety (Maritime Industry) Act 1993* for issuing of infringement notices in the Seacare scheme.
- (l) Australian Capital Territory notices correspond to individual legislative breaches. Figures prior to 2018–19 were likely inflated due to a duplication error created by the software used to record workplace visits and hence have not been included.
- (m) Enforceable undertakings are included in Western Australia under Section 55H of the *Occupational Safety and Health Act 1984*; however, none have been finalised since that time. New Zealand introduced enforceable undertakings in 2016, and the first full year of data for this is 2017–18.

Footnote for Indicator 12d

- (n) Data shows the number of defendants in successful work health and safety prosecutions only.

Appendix 2 – Jurisdictional contact information

Jurisdiction	Organisation	Contact details
New South Wales	State Insurance Regulatory Authority	13 10 50 contact@sira.nsw.gov.au www.sira.nsw.gov.au
	SafeWork NSW	contact@safework.nsw.gov.au www.safework.nsw.gov.au
	NSW Workers Compensation Commission	1300 368 040 registry@wcc.nsw.gov.au www.wcc.nsw.gov.au
	icare NSW	www.icare.nsw.gov.au
Victoria	WorkSafe Victoria	Advisory Service 1800 136 089 info@worksafe.vic.gov.au www.worksafe.vic.gov.au
Queensland	Workplace Health and Safety Queensland – Office of Industrial Relations – Education Queensland	Infoline 1300 362 128 www.worksafe.qld.gov.au
Western Australia	WorkCover WA	(08) 9388 5555 www.workcover.wa.gov.au
	Department of Mines, Industry Regulation and Safety – WorkSafe	1300 307 877 www.dmirs.wa.gov.au
South Australia	ReturnToWorkSA	13 18 55 www.rtwsa.com
	SafeWork SA	1300 365 255 www.safework.sa.gov.au
Tasmania	WorkSafe Tasmania	Helpline 1300 366 322 (inside Tas) (03) 6166 4600 (outside Tas) wstinfo@justice.tas.gov.au www.worksafe.tas.gov.au
Northern Territory	NT WorkSafe	1800 019 115 ntworksafe@nt.gov.au www.worksafe.nt.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000 www.worksafe.act.gov.au
Seafarers	Seacare Authority	(02) 6275 0070 seacare@comcare.gov.au www.seacare.gov.au
Australian Government	Comcare	1300 366 979 www.comcare.gov.au
New Zealand	Accident Compensation Corporation	64 7 848 7400 www.acc.co.nz
	WorkSafe New Zealand	0800 030 040 www.worksafe.govt.nz