

Comparative Performance Monitoring Report

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

20th Edition - December 2018

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



safe work australia

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Safe Work Australia provides the information given in this document to improve public access to information about work health and safety information generally. The vision of Safe Work Australia is Australian workplaces free from injury and disease. Its mission is to lead and coordinate national efforts to prevent workplace death, injury and disease in Australia.

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Foreword

The Labour Ministers' Council released the first Comparative Performance Monitoring (CPM) report in December 1998. The CPM project was transferred to Safe Work Australia when it was established in 2009. The CPM reports provide trend analysis on the work health and safety and workers' compensation schemes operating in Australia and New Zealand. This is the 20th annual report of the CPM project.

The CPM is complemented by the *Australian Workers' Compensation Statistics* report, which provides more detailed analysis of national workers' compensation data using key variables such as occupation, industry, age and sex with supporting information on the circumstances surrounding work-related injury and disease occurrences. The CPM is also complemented by the *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. The 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

The data used in this report were supplied by jurisdictions for the 2016–17 financial year and data updates back to 2011–12. Readers should be aware that the data presented here 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, at the end of this publication.

The data in this report were collected from:

- workers' compensation schemes and work health and safety 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
 - South Australia — Return to Work South Australia and SafeWork SA
 - Tasmania — WorkSafe Tasmania
 - Northern Territory — NT WorkSafe, Department of Attorney-General and Justice
 - Australian Capital Territory — Access Canberra, Worksafe ACT within Chief Minister Treasury and Economic Development Directorate
 - 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, 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 data provided by Comcare. Further adjustments are performed using data from the Census, the Forms of Employment Survey and the Survey of Employment Arrangements, Retirement and Superannuation.

It should be noted that the CPM report currently does not include any information on compliance and enforcement activities relating to the mining industry, including the offshore petroleum industry. This is done to ensure jurisdictional data are comparable as not all jurisdictions' work health and safety authorities conduct these activities. Rather they are in some cases conducted by separate specific agencies.

In addition, currently the CPM does not include information or data from a range of other industry-specific regulators that have responsibilities with respect to work health and safety 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 Authority, and other specific jurisdictional agencies which also have responsibility with respect to certain compensation claims. Further information on these regulators can be found at their respective websites.

Coordination

This report has been compiled and coordinated by Safe Work Australia with assistance from representatives of all work health and safety and workers' compensation authorities in Australia and New Zealand. 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 to describe Comcare — the entity for indicators relating to scheme performance.

Through a partnership of governments, employers and employees, Safe Work Australia leads the development of national policy to improve work health and safety and workers' compensation arrangements across Australia.

Comparative Performance Monitoring Report

Part 2 - Work Health and Safety Compliance and Enforcement Activities

Key findings

Workplace interventions



WHS authorities across Australia undertook

236,077
workplace interventions



85,550
were proactive visits



68,312
were reactive visits



Proactive workplace visits **decreased by 4%** and reactive visits **increased by 5%** from the previous year

Breakdown of workplace interventions in Australia

29%
reactive workplace visits

36%
proactive workplace visits



32%
other reactive interventions

3%
workshops, presentations and/or seminars

Inspectors



1,107
total number of active field inspectors across Australia

Notices issued



Australian jurisdictions issued **43,940** notices

3,512
prohibition notices

40,131
improvement notices

297
infringements notices

Data note:
All figures relate to 2016-17 unless otherwise specified



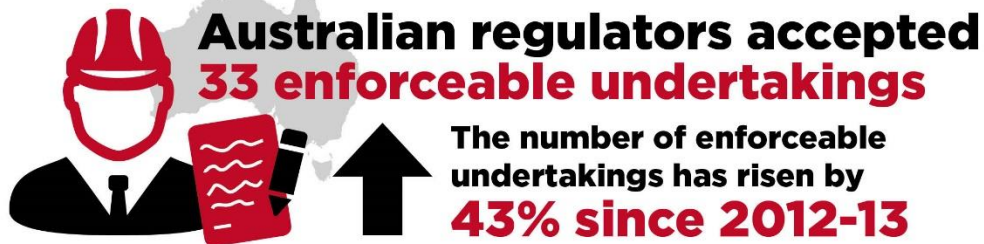
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Comparative Performance Monitoring Report

Part 2 - Work Health and Safety Compliance and Enforcement Activities

Key findings

Enforceable undertakings



Legal proceedings in Australia



Fines in Australia



Data note:
All figures relate to 2016-17 unless otherwise specified

1. Work health and safety compliance and enforcement activities

Jurisdictions encourage work health and safety compliance using a variety of mechanisms ranging from education, advice and information through to prosecution. Inspectors appointed under legislation may visit workplaces for the purpose of providing information, presentations, training and advice, investigating incidents or dangerous occurrences, and ensuring compliance with work health and safety legislation. Where breaches are detected, the inspector, based on risk, may issue notices or escalate the action to formal procedures that are addressed through the courts for serious contraventions of the legislation.

Indicators 12a to 12d provide details on specific work health and safety compliance and enforcement activities undertaken by jurisdictions each year from 2012–13 to 2016–17. The reader should note that the compliance and enforcement data for Indicator 12 do not include the mining sector. Mine inspectors have a different mechanism for enforcement measures and have been excluded from the data due to different legislation operating across the jurisdictions. 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 2016–17 shows that there were:

- 85,550 proactive workplace visits around Australia
- 68,312 reactive workplace visits around Australia
- 1,107 field active inspectors employed around Australia
- 43,940 notices issued by Australian jurisdictions
- 33 enforceable undertakings accepted by Australian jurisdictions
- 256 legal proceedings against duty holders finalised
- 221 legal proceedings resulting in a conviction, order or agreement, and
- \$13.0 million in fines issued by Australian courts.

1.1 Interventions

In 2016–17, overall jurisdictional work health and safety authorities undertook 236,077 workplace interventions. Of these, there were 85,550 proactive workplace visits (down by 4 per cent from the previous year) and 68,312 reactive workplace visits (5 per cent increase from the previous year). In addition, there were 8,099 proactive workshops, presentations or seminars and 74,116 other reactive intervention activities, such as desk based audits, meetings, telephone advice and written correspondence that are directly involved in the resolution of an incident or complaint.

Indicator 12a shows that the number of proactive workplace visits decreased by 4 per cent and the number of proactive workshops, presentations and seminars decreased by 15 per cent in 2016–17 compared to the previous year. The number of reactive workplace visits decreased by 9 per cent, while the number of other reactive intervention activities recorded a substantial decrease (down 31 per cent) in 2016–17 compared to the previous year.

A high proportion of intervention activities in New South Wales seek to resolve issues through workplace visits, office-based follow up and stakeholder engagement. New South Wales integrates components of proactive prevention programs with reactive activities to ensure greater coverage. Both the number of proactive and reactive workplace visits decreased in New South Wales in 2016-17 compared with the previous year (down by 4 per cent and 9 per cent respectively).

In Victoria the number of proactive workplace visits decreased by 3 per cent in 2016–17, while number of reactive workplace visits increased by 1 per cent compared to the previous year.

South Australia recorded a substantial increase in the number of proactive workplace visits (up 71 per cent), while the number of proactive workshops, presentations and seminars decreased by 14 per cent in 2016–17 compared to the previous year. The number of reactive workplace visits increased by 19 per cent during the same period. In 2014–15, SafeWork SA reassessed what it counts as a reactive intervention to better ensure it aligns with the nationally agreed definitions.

Since the model laws came into effect Queensland started to apply a triaging framework 'WHSQ Response Activity Process (WRAP)' to all incident notifications, complaints and statutory requests resulting in a better reporting system for categorising matters between reactive and proactive interventions. Before the introduction of WRAP a proportion of reactive work (namely response assessments) was obscured in proactive work within the Queensland inspectorate activity database due to limitations of the system at the time. This resulted in considerably lower reporting of reactive workplace visits prior to 2013–14. Queensland has developed a new, more contemporary methodology and has provided Safe Work Australia with updated inspectorate data since 2012–13 based on this new methodology. Queensland recorded a decrease in the number of proactive workplace visits (down 27 per cent), while the number of reactive workplace visits increased by 13 per cent in 2016–17 compared to the previous year.

Tasmania recorded a substantial increase in the numbers of proactive workplace visits (up 35 per cent), and a small increase in proactive workshops, presentations, seminars (up 3 per cent) in 2016–17 compared to the previous year. The number of reactive workplace visits in Tasmania also increased in 2016–17 (up 25 per cent) compared to the previous year.

The Australian Capital Territory recorded a substantial increase in the number of proactive workplace visits (up 35 per cent) in 2016–17 compared to the previous year. This was due to increased levels of engagement and education activities combined with the inspection of retail spaces and visits to events since last year. The number of reactive workplace visits increased by 5 per cent during the same period.

The Northern Territory recorded a decrease in the number of proactive workplace visits (down 32 per cent) in 2016–17 compared to the previous year. The introduction of harmonised laws has resulted in increased focus on education and advice activities, which has been reflected in the increase in proactive visits since 2013–14. The number of reactive workplace visits increased by 15 per cent compared to the previous year.

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	2012–13	10,162	^b 21,040	^c 28,402	^d 5,245	8,409	3,224	935	195	3,091	43	80,746	^f 8,261
	2013–14	19,505	^b 22,721	^c 19,249	^d 5,663	8,915	3,439	1,514	490	2,856	57	84,409	^f 13,022
	2014–15	25,164	^b 22,403	^c 18,151	^d 5,113	6,157	2,823	1,793	442	2,953	97	85,096	^f 17,320
	2015–16	23,089	^b 24,369	^c 22,672	^d 5,845	5,157	2,185	2,166	1,430	1,697	93	88,703	^f 17,611
	2016–17	22,139	^b 23,669	^c 16,450	^d 5,169	8,815	2,958	1,477	1,933	2,000	72	85,550	^f 13,405
Number of workshops/ presentations / seminars: Proactive	2012–13	223	u/a	2,616	^e 335	377	257	94	168	1,776	u/a	5,846	219
	2013–14	644	u/a	2,549	^e 311	279	125	51	159	2,001	u/a	6,119	u/a
	2014–15	649	u/a	4,643	^e 336	475	n/a	157	100	2,000	u/a	8,360	u/a
	2015–16	826	u/a	4,002	^e 315	414	878	271	173	1,125	u/a	8,004	u/a
	2016–17	706	u/a	4,006	^e 274	358	907	240	191	1,198	u/a	8,099	u/a
Number of workplace visits: Reactive	2012–13	12,782	19,782	3,372	^d 4,573	9,698	3,298	2,875	1,886	536	u/a	58,802	^f u/a
	2013–14	10,403	18,845	8,022	^d 4,150	9,338	3,623	3,514	2,384	384	u/a	60,663	^f u/a
	2014–15	10,818	18,317	8,569	^d 3,267	7,988	2,717	3,499	2,247	308	u/a	57,730	^f u/a
	2015–16	10,937	21,897	9,742	^d 3,185	10,512	1,668	3,850	2,861	226	u/a	64,878	^f u/a
	2016–17	9,917	22,141	10,985	^d 2,955	12,525	2,088	4,429	2,990	342	u/a	68,312	^f u/a
Other reactive interventions	2012–13	28,777	u/a	22,540	19,739	8,110	0	357	0	3,098	0	82,621	^g 5,380
	2013–14	17,019	u/a	30,026	20,361	9,278	0	259	0	2,372	0	79,315	^g 1,224
	2014–15	13,227	u/a	32,613	20,006	* 3,684	0	u/a	0	3,323	0	72,853	^h 773
	2015–16	7,269	u/a	35,077	20,998	4,317	0	u/a	0	3,304	0	70,965	556
	2016–17	5,020	u/a	40,790	21,274	4,107	0	u/a	0	2,925	0	74,116	354

u/a – Data unavailable as some jurisdictions do not collect this information. For rest of footnotes, please refer to Appendix 1 – Explanatory Notes.

1.2 Inspectors

The number of field active inspectors employed around Australia remained relatively stable between 2012–13 and 2016–17, as shown in Indicator 12b. Field active inspectors are defined as gazetted inspectors whose role is to spend the majority of their time ensuring compliance with the provisions of the work health and safety legislation. In some jurisdictions inspectors engage in other activities to improve the work health and safety capabilities of businesses and workplaces (i.e. a compliance field role). They include investigators (where applicable) who are appointed to work with the enforcement provisions by doing worksite visits, gathering evidence and drawing conclusions. They also include current vacancies and staff on extended leave, managers of the inspectorate regardless of whether undertaking field active work, and auditors (who are gazetted as inspectors) who are responsible for creating an audit template, completing the auditing process and providing feedback. Staff involved in giving advice and information packs from the office, and business advisory officers and community education officers, have been excluded.

The number of field active inspectors has remained stable since 2012–13 in New South Wales. In line with the recommendations of the *Getting Home Safely* report, the Australian Capital Territory Government funded additional inspector positions for WorkSafe ACT in 2013–14, resulting in a substantial increase in the number of field active inspectors in the Australian Capital Territory (up 36 per cent) since 2012–13. The overall number of field active inspectors in Australia has decreased slightly (down 1 per cent) in 2016–17 compared to the previous year, due to a 4 per cent decrease in the number of Victorian field active inspectors.

Although repeat visits and the number of inspectors in attendance are counted separately for both proactive and reactive workplace intervention measures, this is not the case in Western Australia where inspectors in attendance are not counted separately. Please refer to the Explanatory notes for more details.

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	2012–13	315	ⁱ 261	210	103	93	31	17	22	44	1	1,097	^{h, k} 135
	2013–14	315	ⁱ 261	211	103	93	31	17	30	46	0	1,107	^k 160
	2014–15	315	ⁱ 261	210	103	93	23	25	30	46	2	1,108	^k 180
	2015–16	315	ⁱ 264	217	93	96	25	26	30	46	2	1,114	^k 181
	2016–17	315	ⁱ 253	217	93	96	25	26	30	50	2	1,107	^k 181
Number of field active inspectors per 10 000 employees	2012–13	1.0	1.0	1.1	0.9	1.3	1.5	1.5	1.8	1.1	1.3	1.1	0.8
	2013–14	1.0	1.0	1.0	0.9	1.3	1.5	1.4	2.4	1.2	0.0	1.1	0.8
	2014–15	1.0	1.0	1.0	0.9	1.3	1.1	2.0	2.3	1.2	3.3	1.0	0.9
	2015–16	0.9	1.0	1.0	0.8	1.3	1.2	2.1	2.3	1.2	2.2	1.0	1.0
	2016–17	1.0	0.9	1.0	0.8	1.3	1.2	2.1	2.0	1.2	4.0	1.0	1.0
Number of other staff undertaking non-inspectorate activities	2012–13	35	u/a	71	^j 4	11	0	0	4	27	2	154	0
	2013–14	0	u/a	81	^j 5	12	0	0	4	36	2	140	0
	2014–15	0	u/a	86	3	13	0	0	3	41	2	148	0
	2015–16	0	u/a	67	3	11	9	0	4	49	2	145	0
	2016–17	0	u/a	68	3	11	9	0	4	49	2	146	0

u/a – Data unavailable as some jurisdictions do not collect this information. For rest of footnotes, please refer to Appendix 1 – Explanatory Notes.

1.3 Notices

Where inspectors identify a breach under their work health and safety legislation a notice may be issued. Indicator 12c shows that Australian jurisdictions issued 43,940 notices in 2016–17, comprising 297 infringement notices (up 80 per cent), 3,512 prohibition notices (up 16 per cent) and 40,131 improvement notices (up 1 per cent) compared to the previous year.

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 2016–17, there was a substantial increase from the previous year in the number of notices issued by the Northern Territory (up 43 per cent), Queensland (up 38 per cent), South Australia (up 32 per cent) and New South Wales (up 8 per cent). By contrast, decreases were recorded in Seacare (down 94 per cent), the Australian Government (down 35 per cent), Tasmania (down 22 per cent), Western Australia (down 5 per cent) and Victoria (down 4 per cent).

In line with the requirements under the model work health and safety laws, some jurisdictions have created infringement notice schemes, but for certain offences only. The national compliance and enforcement policy sets out the offences for which infringement notices can be issued and in some jurisdictions this may be less than they were able to issue under previous legislation. This may, at least in part, explain the decrease (down 28 per cent) in the national number of infringement notices issued in 2016–17 compared to 2012–13. The Australian Capital Territory issued one infringement notice in 2016–17 compared to none in the previous year.

New Zealand recorded a 35 per cent decrease in the total number of notices issued during the same period. The New Zealand *Health and Safety at Work Act 2015* came into effect on 4 April 2016. The decrease in notices may be attributable to the transition to the new legislation and access to a broader range of enforcement tools.

1.4 Enforceable undertakings

An enforceable undertaking is a legally binding agreement entered into as an alternative to having the matter decided through legal proceedings for contravention of a work health and safety law. An enforceable undertaking provides an opportunity for significant work health and safety reform to be undertaken. Typically the activities associated with an undertaking are substantial and must aim to deliver tangible benefits to the workplace, industry or the broader community.

Enforceable undertakings are an important compliance tool under the model work health and safety 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.

There were 33 enforceable undertakings accepted by regulators in 2016–17, compared to 35 in the previous year and 23 in 2012–13, as shown in 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. As a result there were 2 enforceable undertakings accepted by the regulators in New Zealand in 2016–17.

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	2012–13	124	l u/a	61	l n/a	l 0	18	0	29	l n/a	0	232	54
	2013–14	55	l u/a	58	l n/a	2	22	0	43	l n/a	0	180	101
	2014–15	92	l u/a	30	l n/a	2	14	1	13	l n/a	0	152	100
	2015–16	88	l u/a	59	l n/a	1	14	3	0	l n/a	0	165	35
	2016–17	160	l u/a	122	l n/a	1	12	1	1	l n/a	0	297	12
Number of improvement notices issued	2012–13	6,118	16,137	5,495	11,959	1,951	105	138	544	19	31	42,497	2,047
	2013–14	5,098	15,834	4,430	12,568	1,347	160	108	832	20	32	40,429	4,947
	2014–15	6,545	15,730	1,753	12,039	1,728	241	74	369	8	43	38,530	5,809
	2015–16	7,266	16,733	1,761	11,893	1,575	308	103	130	18	51	39,838	3,683
	2016–17	7,513	15,912	2,490	11,341	2,342	212	169	141	8	3	40,131	2,117
Number of prohibition notices issued	2012–13	551	476	1,363	553	832	122	109	177	18	1	4,202	1,146
	2013–14	498	499	1,222	550	629	121	122	195	14	0	3,850	2,423
	2014–15	673	542	760	427	832	106	131	133	7	0	3,611	2,048
	2015–16	718	527	542	279	688	85	117	71	8	3	3,038	1,304
	2016–17	1,041	576	657	278	650	95	148	58	9	0	3,512	1,131
Number of enforceable undertakings	2012–13	0	6	17	^m n/a	0	0	0	0	0	n/a	23	n/a
	2013–14	1	13	10	^m n/a	0	0	0	0	0	n/a	24	n/a
	2014–15	5	8	7	^m n/a	1	0	0	2	0	n/a	23	n/a
	2015–16	12	5	10	^m n/a	4	0	3	1	0	n/a	35	n/a
	2016–17	10	12	5	^m n/a	3	0	2	1	0	n/a	33	2

u/a – Data unavailable as some jurisdictions do not collect this information. For rest of footnotes, please refer to Appendix 1 – Explanatory Notes.

1.5 Legal proceedings

A conviction, order or agreement is defined (with or without penalty) once it has been recorded against a company or an individual in the judicial system. All legal proceedings recorded 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. Prior to the introduction of the model work health and safety legislation in January 2012 which allows for enforceable undertakings, Queensland legislation did not allow for such agreements. Western Australian legislation does not provide for orders or agreements.

Indicator 12d shows that most Australian jurisdictions recorded a decrease in both the number of legal proceedings finalised and the number of legal proceedings resulting in a conviction, order or agreement. Across Australia there was a 7 per cent fall from the previous year in the number of legal proceedings finalised and an 8 per cent fall in the number of legal proceedings resulting in a conviction, order or agreement. Queensland recorded the largest increase (up 44 per cent) in the number of legal proceedings finalised, followed by Western Australia (up 11 per cent). The Northern Territory recorded the largest decrease (down 67 per cent) followed by the Australian Government (down 50 per cent), New South Wales (down 44 per cent) and South Australia (down 30 per cent). The Northern Territory recorded a 100 per cent increase in the number of legal proceedings resulting in a conviction, order or agreement, followed by Queensland (up 52 per cent).

In New Zealand, there was a substantial decrease in both the number of legal proceedings finalised and the number of legal proceedings resulting in a conviction, order or agreement (down 32 per cent and 34 per cent respectively), compared to the previous year.

1.6 Fines

The total amount of fines awarded by the courts in 2016–17 was \$13.0 million, an 8 per cent increase from the previous year, as shown in Indicator 12d. In some instances the courts declare that penalty amounts are to remain confidential. Therefore the data recorded in Indicator 12d are only those amounts known publicly.

In 2016–17, the Northern Territory recorded the largest decrease (down 82 per cent) in the amount of fines awarded by the courts compared to the previous year, followed by the Australian Capital Territory (down 41 per cent), Western Australia (down 35 per cent), Victoria (down 22 per cent) and South Australia (down 7 per cent).

Tasmania recorded the largest increase (up 200 per cent) in the amount of fines awarded in 2016-17 compared to the previous year, followed by Queensland (up 135 per cent), the Australian Government (up 97 per cent) and New South Wales (up 10 per cent).

The total amount of fines ordered by the courts in New Zealand was \$1.8 million during 2016–17, which was 48 per cent lower than that reported in 2015–16.

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	2012–13	ⁿ 85	85	98	31	29	8	1	3	2	1	343	58
	2013–14	ⁿ 46	109	53	20	27	5	1	4	0	0	265	97
	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	20	16	5	1	6	2	0	256	65
Number of legal proceedings resulting in a conviction, order or agreement	2012–13	ⁿ 83	71	78	24	23	7	1	2	2	1	292	47
	2013–14	ⁿ 41	94	47	16	21	5	1	4	0	0	229	83
	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
Total amount of fines ordered by the courts (\$'000)	2012–13	\$5,259	\$4,182	\$2,470	\$846	\$1,386	\$60	\$120	\$48	\$330	\$180	\$14,881	\$1,464
	2013–14	\$2,481	\$3,673	\$1,910	\$485	\$956	\$33	\$5	\$58	\$0	\$0	\$9,601	\$3,529
	2014–15	\$7,012	\$4,097	\$1,800	\$547	\$737	\$0	\$0	\$311	\$1,033	\$0	\$15,537	\$2,857
	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

u/a – Data unavailable as some jurisdictions do not collect this information. For rest of footnotes, please refer to Appendix 1 – Explanatory Notes.

Appendix 1 — Explanatory notes

Enforcement data

In 2009–10, Safe Work Australia, in collaboration with the Heads of Workplace Safety Authorities (HWSA) and states and territories reviewed a number of compliance and enforcement definitions. A number of changes to these definitions were proposed and have been implemented since the 11th edition of the report. They include:

- the number of legal proceedings finalised is now requested in place of legal proceedings commenced
- the HWSA definition of the number of legal proceedings resulting in a conviction, order or agreement is implemented in place of the number of prosecutions resulting in a conviction
- the number of field active inspectors has been amended to include managers of the field inspectors. The data also include investigators (where applicable) who are appointed to work with the enforcement provisions. Staff on extended leave are also included
- proactive workplace intervention is now split into two measures: (A) Workplace visits and (B) Workshops\Presentations\Seminars\Forums and data are now supplied separately, and
- reactive workplace intervention is also split into two measures: (A) Workplace visits and (B) Other reactive interventions.

Data provided by Western Australia in relation to proactive and reactive interventions include the number of visits (including repeat visits) for investigations with a completion date within the reporting period. In an effort to provide stable and reliable data and to prevent double counting, visits pertaining to open investigations have been excluded.

Indicator 12 – Footnotes

Footnotes for Indicator 12a

* In 2014–15, SafeWork SA reassessed what it counts as a reactive intervention. SafeWork SA recalculated previous figures (2012–13 to 2016–17) to align with reassessed reactive intervention data.

- (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 conducted during 2016–17 involving inspectorate data collection. The updated data provided goes back to the 2012–13 financial year.
- (d) The number of inspectors in attendance in Western Australia is not counted separately.
- (e) Western Australia figures may be inflated when inspectors and community education officers, on occasions, present or attend the same event. It is not possible to identify and separate such events from these figures. In addition, the ThinkSafe Small Business Program officially ceased in March 2014. Program data is included in figures up to 2013–14 for this activity, and as such, data reported in 2014–15 and beyond are not directly comparable to previous years.
- (f) The numbers provided were the number of total workplace assessments.
- (g) Other reactive intervention activities mean investigation activity. The definition of investigation was changed in July 2013.

(h) The drop is due to budget cuts.

Footnotes for Indicator 12b

(h) The drop is due to budget cuts.

(i) Amended to include managers of inspectorate.

(j) Data provided up to 2013–14 include FTE figures for external consultants, the ThinkSafe Small Business Manager, and Community Education Officers. The ThinkSafe Small Business Program officially ceased in March 2014. Therefore, data reported in 2014–15 and beyond are not comparable to previous years.

(k) 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

(l) There is no legislative requirement for infringement notices in Western Australia, Victoria and the Australian Government, while in South Australia it commenced in January 2013 under its WHS legislation.

(m) Enforceable undertakings are included in Western Australia under Section 55H of the *Occupational Safety and Health Act 1984*; however none have been accepted since that time.

Footnote for Indicator 12d

(n) Data are for number of defendants in successful work health and safety prosecutions.

Appendix 2 – Jurisdictional contact information

Jurisdiction	Organisation	Contact details
New South Wales	State Insurance Regulatory Authority SafeWork NSW Customer Service Centre	www.sira.nsw.gov.au www.safework.nsw.gov.au 13 10 50
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 Department of Mines, Industry Regulation and Safety – WorkSafe	(08) 9388 5555 www.workcover.wa.gov.au 1300 307 877 www.dmirs.wa.gov.au
South Australia	Return to WorkSA (rtwsa) SafeWork SA	13 18 55 www.rtwsa.com 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.workcover.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	Access Canberra WorkSafe ACT within Chief Minister Treasury and Economic Development Directorate	(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