



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0316

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: [REDACTED] FOI request - WorkSafe briefing notes annual report hearings
Date: Wednesday, 7 November 2018 2:48:08 PM

To the FOI contact officer,

I write under the Freedom of Information Act 2016 to request the following documents in the possession of the Chief Minister, Treasury and Economic Development Directorate.

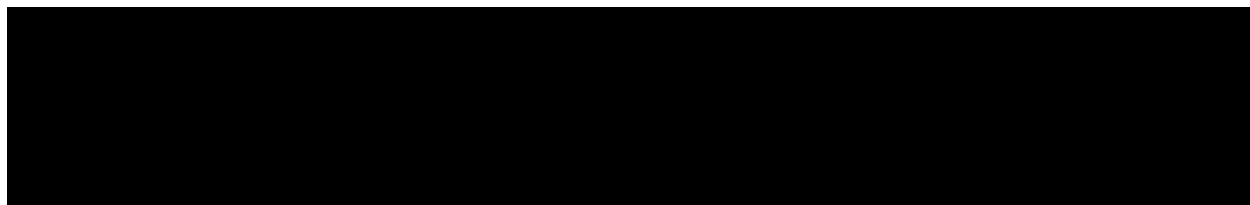
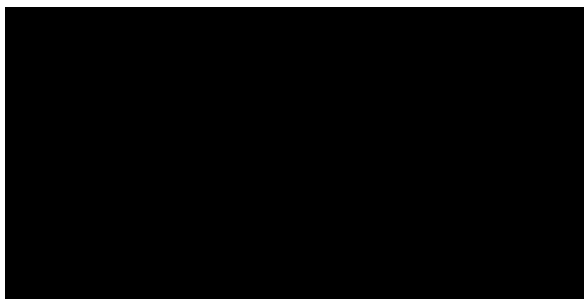
- Briefing notes on WorkSafe ACT prepared for Rachel Stephen-Smith and her officials for their annual reports hearings appearance on 6/11/2018

Please note I asked Rachel Stephen Smith's office to release this document to me administratively under open government principles, as there was some confusion as to which session would cover WorkSafe and no questions were asked of her on this topic during yesterday's hearings (the questions were instead asked today during the Access Canberra session but left unanswered). My request was denied and I was told to pursue it through the FOI Act.

I believe the release of these documents would satisfy the following public interest provisions of the Act:

- reveal the reason for a government decision and any background or contextual information that informed the decision;
- inform the community of the government's operations.

Thank you for your help on this matter.





ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0316

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 7 November 2018, in which you sought access to:

- Briefing notes on WorkSafe ACT prepared for Rachel Stephen-Smith and her officials for their annual reports hearings appearance on 6/11/2018

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 5 December 2018.

Decision on access

Searches were completed for relevant documents and 1 document pack was identified that falls within the scope of your request.

I have decided to grant partial access to this briefing pack. The information redacted in the documents I consider to be information that would be contrary to the public interest to disclose under Schedule 1, 1.14(1)(a) of the Act.

I have included as [Attachment A](#) to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request; and
- your views on the public interest in disclosing the government information applied for (as per section 37 of the Act).

Exemption claimed

My reasons for deciding not to grant full access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

Some of the information you have requested forms part of material being considered by WorkSafe ACT in the investigation of alleged non-compliance, the investigation of these individuals or businesses is not public knowledge and I am satisfied that release of the information at this time could prejudice the investigation of these matters in accordance with schedule 1, section 1.14(1)(a) of the Act.

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Schedule 2.1)

- Sch 2.1(a)(ii) - Contribute to positive and informed debate on important issues or matters of public interest
- Sch 2.1(a)(iii) - Inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community

Factors favouring non-disclosure (Schedule 2.2)

- Sch 2.2(a)(iv) - Impede the administration of justice generally, including procedural fairness

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to positive and informed debate on important issues or matters of public interest and inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community by allowing you to have a complete record of actions and achievements of WorkSafe ACT over the last 12 months and steps taken to respond to matters of non-compliance.

However, when considering this finding against the factor favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of assisting in a line of enquiry with a government agency, is a significant factor as the parties involved have provided their personal and business information for the purposes of meeting obligations under relevant legislation which, in my opinion, outweighs the benefit which may be derived from releasing the personal and business information of the parties involved in this matter. These parties are entitled to expect that the information they have supplied as part of this process will be dealt with in a manner that is not prejudicial. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the information of the parties involved.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Folios 12 and 13 of the identified documents contain information that is considered to be contrary to the public interest in accordance with section 16 of the Act.

Folios 12 and 13 of the identified documents are entirely composed of, or contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number folio's to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 10 December 2018. Your personal contact details will not be published. You may view CMTEDD disclosure log at:

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

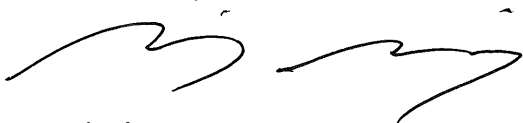
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

5 December 2018



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME		WHAT ARE THE PARAMETERS OF THE REQUEST				Reference NO.
		Briefing notes on WorkSafe ACT prepared for Rachel Stephen-Smith and her officials for their annual reports hearings appearance on 6/11/2018				2018-0316
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-26	Briefing pack.	25-Oct-2018	Partial release	Sch 1 s1.14(1)(a) Sch 2 s2.2(a)(iv)	Yes
Total No of Docs						
1						

ANNUAL REPORT HEARINGS 2017-2018
BRIEF INDEX - MINISTER FOR EMPLOYMENT AND WORKPLACE SAFETY
ACCESS CANBERRA
November 2018

Brief No.	Brief Title
1.	Workplace Safety

ANNUAL REPORT HEARING BRIEF

Portfolio/s: Employment and Workplace Safety

ISSUE: WORKPLACE SAFETY

From 1 July 2018 to 19 October 2018, WorkSafe ACT has conducted 1,092 workplace visits, issued 64 Prohibition Notices and 113 Improvement Notices. In 2018/19 WorkSafe ACT will continue to improve stakeholder engagement and community awareness on WHS as well as ensuring enforcement action for poor compliance where appropriate.

						Work Health and Safety Act 2011						Dangerous Substances Act 2004					Workers Compensation Act 1951			
	Workplace visits	Asbestos related visits	Reactive WPV	Proactive WPV	Complaints at time of inspection	Improvement Notices	Prohibition Notices	Infringement Notices	Non-disturbance Notices	Enforceable Undertaking	Fatalities	Improvement Notices	Prohibition Notices	Infringement Notices	Enforceable Undertaking	Fatalities	Infringement Notices	Default Notices	Premium Recovery	Cease Business Order
2015/16	4272	1169	2838	1434	1044	119	65	0	7	0	0	1	3	0	0	0	8	20	19	2
2016/17 ¹	4923	1838	2990	1933	1283	140	58	1	3	0	2	1	0	0	0	0	0	3	5	0
2017/18	4134	867	1710	2424	1667	205	95	37	1	2	0	4	1	0	0	0	0	3	10	0

¹ These numbers reflect the full financial year results for WorkSafe ACT and differ from what is reported in the CMTEDD Annual Report 16/17

² Asbestos related visits - are NOT to be added to Reactive and Proactive WPV's for accumulative total of Workplace visits.

Cleared as complete and accurate: 25/10/2018
 Cleared by: Director Ext: 70360
 Information Officer name: Greg Jones
 Contact Officer name: Jennifer Gray Ext: 53468
 Lead Directorate: Chief Minister, Treasury and Economic Development

Review

Key information:

- WorkSafe ACT is committed to improving the safety performance in the Territory and has increased its regulatory presence across workplaces in the Territory during 2017-18 across a range of proactive and planned activities.
- The number of workplace visits in 2017/18 decreased from 2016/17 due to the reduction in asbestos-related site inspections as the Loose-Fill Eradication Scheme nears completion. The number of Prohibition Notices increased from 58 in 2016/17 to 95 in 2017/18. Infringement Notices increased by 36 in 2017/18. Enforceable Undertakings and Prosecutions also increased from the previous year. WorkSafe ACT has delivered a number of WHS presentations to a range of businesses and industry associations to assist with compliance.
- The Construction Industry in the Territory is showing strong activity and remains a key priority area. There has been a significant increase in Infringement Notices issued by the Regulator as a result of workplace inspections, particularly in the Construction Industry, with the majority of Infringement Notices and Enforcement action for 'high risk' work activities.
- An Apprentice and Young Workers Safety Campaign commenced in March 2018 to focus on emerging concerns of incidents in relation to young workers. The campaign covers education awareness and compliance as the two main criteria. A range of information sessions, seminars and presentations have been given to RTOs, GTOs, employers and workers covering WHS responsibilities, injury reporting as well as induction, training, and supervision of the most vulnerable workers.
- WorkSafe ACT also entered into a Service Level Agreement with Skills Canberra in order to dedicate a WHS Inspector to apprentice and young workers. The "Apprentice" Inspector position commenced on 18 July 2018.

Talking points:

- The ACT Government is committed to improved workplace health and safety. Our aim is to protect against harm, reduce unnecessary compliance costs by informing and educating our duty holders and the community. Our focus includes improving stakeholder engagement to work together on improving work health and safety outcomes based on the same vision to have healthy and safe workers.
- WorkSafe Inspectors continue inspections as part of the *Apprentice and Young Workers Campaign*. WorkSafe ACT has been working closely with Skills Canberra and a range of key stakeholders such as employer and employee groups as part of the campaign engagement. The priority industries have to date covered apprentice, trainees and young workers in construction, electrical and plumbing, hairdressing and beauty, hospitality and retail. The current focus is health and community

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services industries including residential aged care and childcare. The development of an Apprentice and Young Workers Portal on the Access Canberra website will improve work health and safety awareness and provide dedicated information for parents, employers and young workers.

- Two additional WorkSafe ACT Inspectors were announced in the 2018-19 financial year budget to focus on high risk workplaces. The positions will assist WorkSafe ACT to respond to complaints or incidents on workplace health and safety concerns as well as conduct workplace inspections on the priority industries to improve the overall safety performance for the Territory. These positions have been advertised and it is anticipated that recruitment action will be finalised in November 2018.
- A strong focus continues on high risk work activities in the construction industry with still too many incidents being reported across the sector. In May 2018, additional infringement notices were introduced in relation to falls from heights.
- Cross Border Initiatives with our NSW counterparts, SafeWork NSW, continued in 2017/18 and expanded the targeted areas of focus in April 2018 from falls from heights; electrical safety; site security; housekeeping and signage; to include supervision of apprentices or young workers.
- Two industry focused Cross Border Breakfasts were held with attendance over 150 people at each event. Guest speakers covered the key themes of mental health in workplaces, with a specific focus on young workers, as well as falls from heights.
- From 1 July 2017 to 30 June 2018, WorkSafe ACT conducted 2,424 proactive workplace visits predominately covering industries such as construction, retail, health and recreation.
- The Proactive Team also engages with a number of event coordinators to monitor compliance of major events to ensure workers' and public safety is maintained. For 2017/18 this included Summernats, Multicultural Festival, the Canberra Show, Enlighten, Night Noodle festival, Canberra Day activities and Skyfire. WorkSafe works closely with the event coordinators to ensure safe systems are in place prior to the event and during their activities, to ensure that effective implementation of the safe systems is being followed.
- During 2017/18, WorkSafe ACT completed over 4,134 workplace visits, covering reactive, proactive and asbestos related inspections.

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Key Information

Light Rail Project

- The ACT Government is pleased to support WorkSafe ACT to engage additional inspectors to oversee the regulatory, legislative requirements and site safety relating to light rail.
- Light Rail is an important project for our community and is prompting significant construction activity. Our priority is to ensure all activities are undertaken as safely as possible for workers and the community.
- In 2017/18, the Government has allocated funding for three additional WorkSafe ACT inspectors to cover this project. Funding has been allocated over three years which is in line with the expected level of construction, commissioning and initial start-up activities. All three inspectors had specific training in light rail constructions and operations.
- WorkSafe ACT continues to work closely with Canberra Metro Constructions to ensure a safe worksite is provided and to make improvements to their safety management systems including implementation throughout the duration of the Light Rail Project.
- A number of significant incidents were reported earlier in the project resulting in the enforcement action tabled below. Since February 2018, WorkSafe Inspectors have been working closely with Canberra Metro Constructions and no further enforcement action has been required.

As at 30 June 2018	
Prohibition Notices	5
Improvement Notices	4
Infringement Notices	4

Financial Impacts Summary	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	Totals \$'000
Expense Impacts				
Expenses	353	240	122	715
Staffing Impact	2017-18	2018-19	2019-20	
Total Additional FTEs (number)	3	2	1	

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Young Workers

- On 17 May 2017, a Canberra Times article appeared about young Canberra workers being bullied, harassed or exposed to unsafe working conditions following a survey by Unions ACT.
- Another report was released on 14 August 2017 by Unions ACT titled *Disposable: Report into Young Workers in the ACT*.
- On 6 March 2018, City News published an article claiming that two apprentices in the construction industry are seriously injured every month while waiting for the overdue apprentice safety audit to begin.
- Most recently, on 23 April 2018, UnionsACT published a report, *Breaking Point: Young Worker Safety in the ACT*. The report, based on a survey of around 200 young workers, claimed that 40% of young workers had been injured at work and 70% of young workers had experienced bullying. A number of legislative changes were proposed by UnionsACT.
- WorkSafe ACT has developed an *Apprentice and Young Workers Safety Campaign*. The compliance inspections commenced in March 2018, focusing on supervision and training.
- To date, compliance has been relatively high, however it is apparent that there is not a common understanding of the requirements for supervision. Education and guidance material is being provided to employers and workers on these topics.
- WorkSafe ACT is delivering a number of information sessions with apprentice host employers, GTOs and RTOs to provide a consistent message across the industries about induction, training and supervision of apprentices and has engaged with a number of key stakeholders including employer and employee groups and industry associations.
- The Apprentice and Young Workers program will expand to other industries throughout 2018 covering the high risk industries for vulnerable workers such as health and community services, and automotive.
- WorkSafe ACT recognises young people are particularly vulnerable in workplaces due to being inexperienced and unfamiliar with worker rights – providing them with information and advice and good supervision is the key.

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Loose-Fill Asbestos at the Ainslie Shops

- In 2014, articles appeared in The Canberra Times regarding the presence of loose-fill amosite asbestos (loose-fill asbestos) in a residential flat above Edgar's Inn located at the Ainslie Shops (1 Edgar Street).
- While the flat had been managed in accordance with an Asbestos Management Plan since 2014, some action items to be completed under the Asbestos Management Plan had not been resolved, and as a result WorkSafe ACT issued a Prohibition Notice, on use of the upstairs unit at 1 Edgar Street.
- The Government's primary concern was the safety of tenants, customers and the broader community.
- Remediation work commenced on 9 May 2018 and was completed as of 30 June 2018. The Prohibition Notice has now been lifted under a revised Asbestos Management Plan.
- Tenants and local residents were kept informed throughout the process.
- No community concerns or issues were referred to WorkSafe ACT during this period of works being undertaken.

Investigations

Fatality at Thoroughbred Park

- A female track worker aged 22 years was critically injured after falling from a race horse while using the synthetic track at Thoroughbred Park.
- Ms Thomson died from her injuries on 3 March 2017.
- WorkSafe ACT was notified of a separate incident on 28 February 2017 where a horse suffered catastrophic injuries in the same area of the synthetic track as the fatal incident.
- A full examination of the synthetic track was conducted by WorkSafe ACT, the Australian Federal Police (AFP) and the Coroner with the assistance of a qualified synthetic track expert.
- Given the circumstances of the two accidents and the current investigation, WorkSafe ACT issued a Prohibition Notice relating to the use of the synthetic track resulting in the closure of the track.
- The Prohibition Notice has been lifted following evidence from a qualified expert there is no longer an imminent risk of serious injury.

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- A joint investigation between WorkSafe ACT and the AFP continues with assistance from Racing NSW and other parties to determine the circumstances of the accident.
- The investigation is being conducted under the direction and guidance of the ACT Coroner.

ACT Education Directorate

- On Friday 8 September 2017, WorkSafe ACT issued an Improvement Notice (the Notice) to the Education Directorate (the Directorate) after becoming aware of a staff member at a public school administering medication without appropriate training.
- The practice was inconsistent with policies and procedures issued by the Directorate.
- On Wednesday 13 September 2017, following advice from the Directorate about revised arrangements for how the student is to be managed in line with a request by the parents and the policies in place by the Directorate to manage these circumstances, the Notice was lifted.
- The lifting of the Notice was on the condition that the written agreement between the family and Directorate about the ongoing management of the student be endorsed by a medical professional and provided to WorkSafe ACT as evidence within five working days. This has been met.
- WorkSafe ACT and the Education Directorate are liaising with medical professionals to ensure that all options to appropriately manage this matter are explored.
- This is the second notice issued to the Directorate this year relating to safe systems of work. The first notice related to concerns about the management of staff subjected to occupational violence in ACT public schools.
- WorkSafe ACT and the Education Directorate continue to work closely together to ensure the best outcomes for students and staff are achieved in a timely manner.
- The Education Directorate has commenced the development and implementation of staff training in diabetes management including how to appropriately respond when required.
- Between 2016 and 2017, various incidents occurred at three ACT schools run by the ACT Education Directorate involving students causing injuries to teachers.
- Following a two year investigation into Occupational Violence in ACT public schools by WorkSafe ACT, the Education Directorate entered into an Enforceable Undertaking with the Work Health and Safety Regulator on 28 September 2018.

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- The total financial commitment for the undertaking was over \$10 million, with almost \$8 million already committed to a range of initiatives and includes commitments to improvements for employees, industry and the community.

Fatal accident at University of Canberra Hospital site

- On 4 August 2016, a 62 year old male from Sydney was tragically killed when a mobile crane rolled over impacting the worker.
- Following 20 months of extensive investigations by WorkSafe ACT and the AFP, charges have been served against several parties, including a manslaughter charge, five category 1 offences of reckless conduct, and three category 2 offences for failing to comply with health and safety duty.
- The first court mention was heard on 17 May 2018 and the second mention was heard on 12 July 2018. During the second court mention it was decided that the crane driver's manslaughter charges will be heard in the Supreme Court and the remaining WHS charges will be heard in the Industrial Magistrates Court.
- The third court mention for the WHS charges was heard on 4 October 2018 when two defendants entered a not guilty plea and the next mention was adjourned to 8 February 2019. The manslaughter charge had a further mention on 22 August 2018 and again on 17 October 2018 where he entered a not guilty plea. The next mention for the manslaughter charge is scheduled for 28 November 2018.

Enforcement Action by Worksafe ACT

From 1 July 2017 to 30 June 2018, WorkSafe ACT conducted 4,134 workplace visits, some resulting in compliance and enforcement action. Details tabled below.

Finalised Prosecutions

Two matters were subject to prosecution:

- One involved fines totalling \$1980 in addition to clean-up costs of \$249,634;
- Another involved fines totalling \$60,000.

Enforceable Undertakings

Milin Builders

The ACT Work Safety Commissioner accepted an Enforceable Undertaking on 21 December 2017, including a financial commitment of \$402,800 with a range of actions from local company Milin Builders following an incident on 12 May 2017 where a licensed dogman sustained an injury when a large concrete screen fell and pinned him on the ground.

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Glass Tech

The ACT Work Safety Commissioner accepted an Enforceable Undertaking that included a financial commitment of \$300,000 with a range of actions from local company Glass Tech following an incident where a delivery driver was seriously injured during the unloading of glass panels at their Hume workplace in May 2017.

	2015-16	2016-17	2017-18
<i>Workplace Visits</i>	4,272	4,923	4134
<i>Prohibition Notices</i>	68	58	96
<i>Improvement Notices</i>	120	141	209
<i>Infringement Notices</i>	8	1	19
<i>Enforceable Undertakings</i>	0	0	2
<i>Premium Recoveries²</i>	19	5	10

² Premium recoveries are as a result of under reporting or failing to maintain a compulsory workers compensation insurance policy.

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Work Safety Commissioner's Report - YTD

WORKPLACE VISITS and ENFORCEMENT ACTIONS UNDERTAKEN

	Workplace visits	Asbestos related visits	Reactive WPV	Proactive WPV	Complaints at time of inspection	Work Health and Safety Act 2011						Dangerous Substances Act 2004					Workers Compensation Act 1951			
						Improvement Notices	Prohibition Notices	Infringement Notices	Non-disturbance Notices	Enforceable Undertaking	Fatalities	Improvement Notices	Prohibition Notices	Infringement Notices	Enforceable Undertaking	Fatalities	Infringement Notices	Default Notices	Premium Recovery	Cease Business Order
2015/16	4272	1169	2838	1434	1044	119	65	0	7	0	0	1	3	0	0	0	8	20	19	2
2016/17 ¹	4923	1838	2990	1933	1283	140	58	1	3	0	2	1	0	0	0	0	0	3	5	0
2017/18	4134	867	1710	2424	1667	205	95	37	1	2	0	4	1	0	0	0	0	3	10	0
2018/19 YTD (As at 26 October 2018)								13												

¹ These numbers reflect the full financial year results for WorkSafe ACT and differ from what is reported in the CMTEDD Annual Report 16/17

² Asbestos related visits - are NOT to be added to Reactive and Proactive WPV's for accumulative total of Workplace visits.

Prosecutions

- There have been two successful prosecutions this financial year:
 - Paul Papas - October 2017 – fines totalling \$1,980 plus clean-up costs of \$248,000; and
 - Samarkos Earthmoving – November 2017 - \$60,000.

Court Matters scheduled

UC Crane Fatality

- On 4 August 2016, a 62 year old male from Sydney was tragically killed when a mobile crane rolled over impacting the worker at the UC Hospital site.
- Following 20 months of extensive investigations by WorkSafe ACT and the AFP, several charges were laid in April 2018 which included a manslaughter charge, five category 1 offences of reckless conduct, and three category 2 offences for failing to comply with health and safety duty.
- 1st mention was 17 May and 2nd mention has been scheduled for 12 July 2018

Lifestyle Homes

- During a cross border workplace inspection on 10 October 2017, a number of WHS contraventions were noted.
- Directions Hearing is scheduled for 18 July 2018 before the Industrial Magistrate.

Enforceable Undertakings

Two Enforceable Undertakings were agreed to during the 2017-18 financial year, up from 0 the year before (totalling a collective financial component over \$700,000)

Milin Builders

- Enforceable Undertaking accepted on 21 December 2017, which included a financial commitment of \$402,800 with a range of actions from local company Milin Builders following an incident on 12 May 2017 where a licenced dogman sustained an injury when a large screen fell and pinned him on the ground.

Glass Tech

- The ACT Work Safety Commissioner accepted an Enforceable Undertaking that included a financial commitment of \$300,000 with a range of actions from local company Glass Tech following an incident where a delivery driver was seriously injured during the unloading of glass panels at their Hume workplace in May 2017.

Other Investigations underway

Sch 1 s14(1)(a), Sch 2 s2(a)(iv)

Sch 1 s14(1)(a), Sch 2 s2(a)(iv)

PFAS – Under investigation

- Potential contamination and exposure to PFAS (Plant, Equipment and People)
- AFF fire-fighting foam containing PFAS is no longer used in the Territory and hasn't since 2005
- EPA are considering all the environmental aspects and WorkSafe ACT investigating any potential WHS breaches (people safety)
- Preliminary assessment of information and documentation is currently underway

Sch 1 s14(1)(a), Sch 2 s2(a)(iv)

Asbestos Safety

- WorkSafe ACT has continued to maintain an Asbestos Safety Team to ensure regulatory compliance of the Loose Fill Asbestos Insulation Eradication Scheme. (LFAIE)
- WorkSafe ACT have attended to 843 inspections for removal and demolitions for the 17-18 Financial Year (as at 20 June 2018). This included regulatory compliance of two private demolitions.
- Currently 53 affected properties remain occupied in the ACT. Of those 21 are ACR compliant with 4 partially compliant and 28 properties non-compliant.
- Current Status as at 20 June 2018:
 - 53 occupiers of properties on the Affected Residential Premises Register are subject to these requirements;
 - 21 properties are fully compliant (the ACR is completed and recommended works have been undertaken);
 - 4 property is partially compliant (the occupant has engaged the services of an assessor but has not completed the works required by the AMP); and
 - 28 properties are fully non-compliant, meaning no current AMP documents have been lodged with WorkSafe ACT

Ainslie Shops

- The Government's primary concern continues to be the safety of tenants, customers and the broader community.
- Work commenced on 9 May 2018. The works include removal of the existing tiles and replacement with new tiles;
 - Replacement of electrical wiring and sarking;

- Environmental cleansing of roof cavities in shops 3 and 5; and
- Replacement of eaves, downpipes and guttering.
- To date, the Ainslie Shops has undergone a further environmental cleansing in the roof cavity of number 3 & 5 with a full roof replacement and refurbishment of the entire roof from number 1 to 7 inclusive.
- The currently occupied shops remain safe in the short to medium term under asbestos management plans which have been put together by an independent, licensed asbestos assessor.
- WorkSafe ACT are keeping all affected premises nearby of the works being undertaken and any progress.

Light Rail

- In 2017/18, the Government has allocated funding for three additional WorkSafe ACT inspectors to cover this project. Funding has been allocated over three years which is in line with the expected level of construction, commissioning and initial start-up activities.
- WorkSafe ACT work closely with Canberra Metro Constructions to ensure a safe workplace is provided and to make improvements to their safety management systems including implementation throughout the duration of the Light Rail Project.
 - On 24 November 2017, three Prohibition Notices were issued as a result of a fire from refuelling in a 'hot' works area. An additional Improvement Notice was issued to develop safe systems of work to manage these risks. Following this incident, four Infringement Notices were issued, two to the PCBU (Canberra Metro Constructions) and two to subcontractors, each were \$3,600;
 - On 29 November 2017, an Improvement Notice was issued for insufficient controls in place to maintaining site security to prevent unauthorised access;
 - On 4 December 2017, an Improvement Notice was served for failing to notify a notifiable incident;
 - On 7 December 2017, a Prohibition Notice was served to prohibit use of hydra vacuuming works as a result of an electrical shock;
 - On 15 February 2018, a Prohibition Notice was served as a result of service utilities being struck during excavation works. The Prohibition Notice prevented Canberra Metro Constructions from carrying out any mechanical excavations on site until they reviewed, revised and implemented an effective safe system of work to manage risks associated with mechanical excavations. An Improvement Notice was also issued requiring Canberra Metro Constructions to review the established emergency management procedures.
- No further notices have been issued to date.

Healthier Work

- The Healthier Work service continues to deliver practical support services to employers to create healthy workplaces. The Healthier Work team provides an advisory and facilitation services to assist businesses improve health and safety performance by establishing health and wellbeing programs, ongoing monitoring and reporting.
- This ongoing commitment to workplace health and wellbeing has seen **seven** businesses recognised at **Platinum Status** this year, meaning they have been consistently implementing organisational changes to workplace policy, programs, culture and physical environment over more than four years.
- **15** businesses achieved **Third Year Gold Status** and **23** were recognised as **Second Year Silver Status**.
- We were also thrilled to welcome another **25 Recognised Status** businesses to Healthier Work this year.

Apprentice and Young Workers

- The *Apprentice and Young Workers Campaign* kicked off in **March 2018** starting with a focus on the **electrical and plumbing** industries due to risk profile of the industry.
- The Campaign has two components in the program:
 - Engagement and Education is provided through a range of information sessions and presentations to industry groups, host employers, Registered Training Organisations and to supervisors and workers; and
 - Compliance inspections to ensure apprentice and young worker
 - To date there has been over **123 workplace inspections**, covering **144 apprentices**
 - **7 presentations** have been delivered to date as well as **14 industry engagement** workshops
- The Apprentice and Young Workers program will expand to other industries throughout 2018 covering the high risk industries for vulnerable workers. These are:
 - construction;
 - hospitality;
 - hairdressing and beauty (Commencing **JULY**);
 - health and community ; and
 - automotive workers.

Workers Compensation

Premium Recoveries

The *Workers Compensation Act 1951* allows the regulator to recover premiums of up to double the avoided amount for a period of up to 5 years for failing to maintain a compulsory workers' compensation insurance policy or under-declaring workers' wages, a statutory requirement to enable the insurer to calculate a fair premium.

The ACT Government is keen to continuously make improvements on red-tape reduction and create a fair and equitable playing field for employers. As such, following investigations 7 employers received premium recoveries from the regulator up 2 from the year before

16/17	5	\$43,508.93
July 17 to May 18	9	\$56,887.13

Auditor General's Report Recommendation Implementation Summary

- The Auditor-General conducted an audit into WorkSafe ACT's Management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses.
- The purpose of the performance audit was to examine the effectiveness of WorkSafe ACT's management of its workplace health and safety regulatory responsibilities for the demolition of Mr Fluffy houses.
- Eight recommendations were made and Government agreed to each of the recommendations and the implementation of these recommendations were completed in November 2017.
- Actions taken to implement the recommendations of the Auditor-General included:
 - A new regulatory strategy and program of activities governance frameworks were developed with reference to the specific requirements in the recommendations. In addition to the new governance frameworks, revised operational procedures for the Asbestos Team have been completed.
 - Resources for the Asbestos Safety Team up until 30 June 2018.
 - Work to strengthen agency-wide procedures for managing notifiable incidents and the conduct of investigations noting the importance of having consistency in these arrangements across Access Canberra was completed.

Staffing/ Structure

- Access Canberra was formed in 2014 and with great success has amalgamated a number of government services and counter shopfront facilities to improve client service to the community. Whilst there is still room for improvement and we have faced many juggles we are continuing to work with industry stakeholders (such as employer and employee groups) and the community to continuously review and make improvements.
- Access Canberra went through structure changes in February 2018 and both CFMEU (now CFMMEU) and CPSU were consulted as part of this process and were provided with the organisation chart for Workplace Protection a split of what was formerly identified as Construction, Environment and Workplace Protection.
- Workplace protection combined the regulatory functions of WorkSafe ACT and the Utilities Technical Regulator

Combining Functions – Streamlining Services

- A number of functions have been combined such as HR, Training, Licensing, Finance, Policy, Governance and Support are housed within Access Canberra and assist in supporting Worksafe ACT therefore some of the numbers once reflected in the agency are now providing customer services within other areas of Access Canberra or CMTEDD.
- Additionally to the support within Access Canberra, CMTEDD and Shared Services also provide a number of services on behalf of our agency such as CMTEDD Corporate are responsible for all FOI's, the Events teams from CMTEDD and Access Canberra assist in the facilitation and coordination of events including appropriate insurances and risk mitigation strategies, People Safety, and other corporate functions such as fleet management and communications.
- Shared Services provide a HR and ICT facilitation and support service on behalf of a number of Directorates including CMTEDD and in particular Access Canberra.
- For the 17/18 financial year, Workplace Protection are budgeted for **46.5 FTE** within Access Canberra which combines WorkSafe ACT and the Utilities Technical Regulator (UTR).

Budgeted Total	46.5 FTE
Worksafe	32.5 FTE (includes 28 inspectors)
Utilities Technical Regulator	9 FTE
Other- Admin + Commissioner	5 FTE

Budgeted Total	46.5 FTE
Permanent	28
Temporary	12
Fixed Term Contracts	7

- As at 31 March 2018, Workplace Protection are right on the staffing budget for the financial year.

Going Forward

- The Director of Workplace Protection recently signed an SLA with Skills Canberra CMTEDD to secure additional funding for another WCO6 within the division that will increase our FTE in 18/19 by 1.
- No budget allocation for Divisions within Access Canberra has been handed down for the 18/19 but we are anticipating an additional 2 Inspector roles to be announced in the Budget.

General Discussion Points

- WorkSafe ACT is committed to risk-based regulation, accountability and transparency being front and centre in all our governance structures.
- A core function of WorkSafe ACT is to monitor and determine levels of compliance with requirements of legislation, licences and other statutory instruments. The aim is to assess the extent of compliance by duty holders with work health and safety laws, and to support compliance by providing advice and increasing awareness of persons with obligations under the Act.
- WorkSafe ACT uses routine site inspections as a method of collecting information and monitoring compliance. During inspections, inspectors may collect samples, view records, and take photographs.
- Proactive and planned site inspections are an important method by which WorkSafe ACT can determine compliance and prevent incidents and minimise risks. An inspector may also visit a workplace to promote better awareness of tools, processes and options for achieving a compliant safe workplace.
- While significant inroads have been made with regard to improving work place safety in the ACT, there is still more work to do.

Future Direction

WorkSafe ACT are currently reviewing the 2017/18 objectives and finalising the 18/19 priorities. This Strategic Plan outlines our priorities and strategic focus for 2018 to 2022 in line with the National Work Health and Safety Strategy 2012-2022 to cover our core business functions of Utilities Technical Regulation, Work Health and Safety, Dangerous Substances, Workers' Compensation, Workplace Privacy and Long Service Leave.

Our vision is to create healthy and safe workplaces and safe and reliable utilities for the community.

Our priorities are to:

- Focus on High-Risk Industries
- Target high consequence activities
- Provide information and advice to the community
- Be a responsive and efficient regulator
- Ensure safe and reliable utilities

Our priority industries for the Territory are:

- Construction
- Health Care and Social Assistance (increase in lost time injuries has significantly increased for Psychological Injuries over the past 3 years)
- Retail (Muscular-skeletal injuries)
- Accommodation and Food Services

Our focus areas will include:

- Apprentice and Young Workers
- Mental Health (Awareness, Reporting and Managing MH in workplaces)
- Occupational Violence (Awareness, prevention and Effective Systems to Manage Incidents)
- HRW activities such as:
 - Falls From Heights
 - Crane Operations (including vehicle loading cranes)
 - Pre-cast concrete
- Light Rail Project
- Asbestos Safety

These areas have been identified following analysis of a range of indicators, including lost time injury rates, notifiable incidents and complaints received by Access Canberra. Our strategic direction will be underpinned by business plans to outline the specific programs and key projects to be undertaken. We will be considering using other sources of data across Access Canberra and more broadly across ACT Government to inform our programs into the future.

ANNUAL REPORT HEARING BRIEF

Portfolio/s: Employment and Workplace Safety

ISSUE: WORKPLACE SAFETY

From 1 July 2018 to 19 October 2018, WorkSafe ACT has conducted 1,092 workplace visits, issued 64 Prohibition Notices and 113 Improvement Notices. In 2018/19 WorkSafe ACT will continue to improve stakeholder engagement and community awareness on WHS as well as ensuring enforcement action for poor compliance where appropriate.

						Work Health and Safety Act 2011						Dangerous Substances Act 2004					Workers Compensation Act 1951			
	Workplace visits	Asbestos related visits	Reactive WPV	Proactive WPV	Complaints at time of inspection	Improvement Notices	Prohibition Notices	Infringement Notices	Non-disturbance Notices	Enforceable Undertaking	Fatalities	Improvement Notices	Prohibition Notices	Infringement Notices	Enforceable Undertaking	Fatalities	Infringement Notices	Default Notices	Premium Recovery	Cease Business Order
2015/16	4272	1169	2838	1434	1044	119	65	0	7	0	0	1	3	0	0	0	8	20	19	2
2016/17 ¹	4923	1838	2990	1933	1283	140	58	1	3	0	2	1	0	0	0	0	0	3	5	0
2017/18	4134	867	1710	2424	1667	205	95	37	1	2	0	4	1	0	0	0	0	3	10	0

¹ These numbers reflect the full financial year results for WorkSafe ACT and differ from what is reported in the CMTEDD Annual Report 16/17

² Asbestos related visits - are NOT to be added to Reactive and Proactive WPV's for accumulative total of Workplace visits.

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 Information Officer name: Greg Jones
 Contact Officer name: Jennifer Gray Ext: 53468
 Lead Directorate: Chief Minister, Treasury and Economic Development

Review

Key information:

- WorkSafe ACT is committed to improving the safety performance in the Territory and has increased its regulatory presence across workplaces in the Territory during 2017-18 across a range of proactive and planned activities.
- The number of workplace visits in 2017/18 decreased from 2016/17 due to the reduction in asbestos-related site inspections as the Loose-Fill Eradication Scheme nears completion. The number of Prohibition Notices increased from 58 in 2016/17 to 95 in 2017/18. Infringement Notices increased by 36 in 2017/18. Enforceable Undertakings and Prosecutions also increased from the previous year. WorkSafe ACT has delivered a number of WHS presentations to a range of businesses and industry associations to assist with compliance.
- The Construction Industry in the Territory is showing strong activity and remains a key priority area. There has been a significant increase in Infringement Notices issued by the Regulator as a result of workplace inspections, particularly in the Construction Industry, with the majority of Infringement Notices and Enforcement action for 'high risk' work activities.
- An Apprentice and Young Workers Safety Campaign commenced in March 2018 to focus on emerging concerns of incidents in relation to young workers. The campaign covers education awareness and compliance as the two main criteria. A range of information sessions, seminars and presentations have been given to RTOs, GTOs, employers and workers covering WHS responsibilities, injury reporting as well as induction, training, and supervision of the most vulnerable workers.
- WorkSafe ACT also entered into a Service Level Agreement with Skills Canberra in order to dedicate a WHS Inspector to apprentice and young workers. The "Apprentice" Inspector position commenced on 18 July 2018.

Talking points:

- The ACT Government is committed to improved workplace health and safety. Our aim is to protect against harm, reduce unnecessary compliance costs by informing and educating our duty holders and the community. Our focus includes improving stakeholder engagement to work together on improving work health and safety outcomes based on the same vision to have healthy and safe workers.
- WorkSafe Inspectors continue inspections as part of the *Apprentice and Young Workers Campaign*. WorkSafe ACT has been working closely with Skills Canberra and a range of key stakeholders such as employer and employee groups as part of the campaign engagement. The priority industries have to date covered apprentice, trainees and young workers in construction, electrical and plumbing, hairdressing and beauty, hospitality and retail. The current focus is health and community

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services industries including residential aged care and childcare. The development of an Apprentice and Young Workers Portal on the Access Canberra website will improve work health and safety awareness and provide dedicated information for parents, employers and young workers.

- Two additional WorkSafe ACT Inspectors were announced in the 2018-19 financial year budget to focus on high risk workplaces. The positions will assist WorkSafe ACT to respond to complaints or incidents on workplace health and safety concerns as well as conduct workplace inspections on the priority industries to improve the overall safety performance for the Territory. These positions have been advertised and it is anticipated that recruitment action will be finalised in November 2018.
- A strong focus continues on high risk work activities in the construction industry with still too many incidents being reported across the sector. In May 2018, additional infringement notices were introduced in relation to falls from heights.
- Cross Border Initiatives with our NSW counterparts, SafeWork NSW, continued in 2017/18 and expanded the targeted areas of focus in April 2018 from falls from heights; electrical safety; site security; housekeeping and signage; to include supervision of apprentices or young workers.
- Two industry focused Cross Border Breakfasts were held with attendance over 150 people at each event. Guest speakers covered the key themes of mental health in workplaces, with a specific focus on young workers, as well as falls from heights.
- From 1 July 2017 to 30 June 2018, WorkSafe ACT conducted 2,424 proactive workplace visits predominately covering industries such as construction, retail, health and recreation.
- The Proactive Team also engages with a number of event coordinators to monitor compliance of major events to ensure workers' and public safety is maintained. For 2017/18 this included Summernats, Multicultural Festival, the Canberra Show, Enlighten, Night Noodle festival, Canberra Day activities and Skyfire. WorkSafe works closely with the event coordinators to ensure safe systems are in place prior to the event and during their activities, to ensure that effective implementation of the safe systems is being followed.
- During 2017/18, WorkSafe ACT completed over 4,134 workplace visits, covering reactive, proactive and asbestos related inspections.

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Key Information

Light Rail Project

- The ACT Government is pleased to support WorkSafe ACT to engage additional inspectors to oversee the regulatory, legislative requirements and site safety relating to light rail.
- Light Rail is an important project for our community and is prompting significant construction activity. Our priority is to ensure all activities are undertaken as safely as possible for workers and the community.
- In 2017/18, the Government has allocated funding for three additional WorkSafe ACT inspectors to cover this project. Funding has been allocated over three years which is in line with the expected level of construction, commissioning and initial start-up activities. All three inspectors had specific training in light rail constructions and operations.
- WorkSafe ACT continues to work closely with Canberra Metro Constructions to ensure a safe worksite is provided and to make improvements to their safety management systems including implementation throughout the duration of the Light Rail Project.
- A number of significant incidents were reported earlier in the project resulting in the enforcement action tabled below. Since February 2018, WorkSafe Inspectors have been working closely with Canberra Metro Constructions and no further enforcement action has been required.

As at 30 June 2018	
Prohibition Notices	5
Improvement Notices	4
Infringement Notices	4

Financial Impacts Summary	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	Totals \$'000
Expense Impacts				
Expenses	353	240	122	715
Staffing Impact	2017-18	2018-19	2019-20	
Total Additional FTEs (number)	3	2	1	

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Young Workers

- On 17 May 2017, a Canberra Times article appeared about young Canberra workers being bullied, harassed or exposed to unsafe working conditions following a survey by Unions ACT.
- Another report was released on 14 August 2017 by Unions ACT titled *Disposable: Report into Young Workers in the ACT*.
- On 6 March 2018, City News published an article claiming that two apprentices in the construction industry are seriously injured every month while waiting for the overdue apprentice safety audit to begin.
- Most recently, on 23 April 2018, UnionsACT published a report, *Breaking Point: Young Worker Safety in the ACT*. The report, based on a survey of around 200 young workers, claimed that 40% of young workers had been injured at work and 70% of young workers had experienced bullying. A number of legislative changes were proposed by UnionsACT.
- WorkSafe ACT has developed an *Apprentice and Young Workers Safety Campaign*. The compliance inspections commenced in March 2018, focusing on supervision and training.
- To date, compliance has been relatively high, however it is apparent that there is not a common understanding of the requirements for supervision. Education and guidance material is being provided to employers and workers on these topics.
- WorkSafe ACT is delivering a number of information sessions with apprentice host employers, GTOs and RTOs to provide a consistent message across the industries about induction, training and supervision of apprentices and has engaged with a number of key stakeholders including employer and employee groups and industry associations.
- The Apprentice and Young Workers program will expand to other industries throughout 2018 covering the high risk industries for vulnerable workers such as health and community services, and automotive.
- WorkSafe ACT recognises young people are particularly vulnerable in workplaces due to being inexperienced and unfamiliar with worker rights – providing them with information and advice and good supervision is the key.

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Loose-Fill Asbestos at the Ainslie Shops

- In 2014, articles appeared in The Canberra Times regarding the presence of loose-fill amosite asbestos (loose-fill asbestos) in a residential flat above Edgar's Inn located at the Ainslie Shops (1 Edgar Street).
- While the flat had been managed in accordance with an Asbestos Management Plan since 2014, some action items to be completed under the Asbestos Management Plan had not been resolved, and as a result WorkSafe ACT issued a Prohibition Notice, on use of the upstairs unit at 1 Edgar Street.
- The Government's primary concern was the safety of tenants, customers and the broader community.
- Remediation work commenced on 9 May 2018 and was completed as of 30 June 2018. The Prohibition Notice has now been lifted under a revised Asbestos Management Plan.
- Tenants and local residents were kept informed throughout the process.
- No community concerns or issues were referred to WorkSafe ACT during this period of works being undertaken.

Investigations

Fatality at Thoroughbred Park

- A female track worker aged 22 years was critically injured after falling from a race horse while using the synthetic track at Thoroughbred Park.
- Ms Thomson died from her injuries on 3 March 2017.
- WorkSafe ACT was notified of a separate incident on 28 February 2017 where a horse suffered catastrophic injuries in the same area of the synthetic track as the fatal incident.
- A full examination of the synthetic track was conducted by WorkSafe ACT, the Australian Federal Police (AFP) and the Coroner with the assistance of a qualified synthetic track expert.
- Given the circumstances of the two accidents and the current investigation, WorkSafe ACT issued a Prohibition Notice relating to the use of the synthetic track resulting in the closure of the track.
- The Prohibition Notice has been lifted following evidence from a qualified expert there is no longer an imminent risk of serious injury.

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- A joint investigation between WorkSafe ACT and the AFP continues with assistance from Racing NSW and other parties to determine the circumstances of the accident.
- The investigation is being conducted under the direction and guidance of the ACT Coroner.

ACT Education Directorate

- On Friday 8 September 2017, WorkSafe ACT issued an Improvement Notice (the Notice) to the Education Directorate (the Directorate) after becoming aware of a staff member at a public school administering medication without appropriate training.
- The practice was inconsistent with policies and procedures issued by the Directorate.
- On Wednesday 13 September 2017, following advice from the Directorate about revised arrangements for how the student is to be managed in line with a request by the parents and the policies in place by the Directorate to manage these circumstances, the Notice was lifted.
- The lifting of the Notice was on the condition that the written agreement between the family and Directorate about the ongoing management of the student be endorsed by a medical professional and provided to WorkSafe ACT as evidence within five working days. This has been met.
- WorkSafe ACT and the Education Directorate are liaising with medical professionals to ensure that all options to appropriately manage this matter are explored.
- This is the second notice issued to the Directorate this year relating to safe systems of work. The first notice related to concerns about the management of staff subjected to occupational violence in ACT public schools.
- WorkSafe ACT and the Education Directorate continue to work closely together to ensure the best outcomes for students and staff are achieved in a timely manner.
- The Education Directorate has commenced the development and implementation of staff training in diabetes management including how to appropriately respond when required.
- Between 2016 and 2017, various incidents occurred at three ACT schools run by the ACT Education Directorate involving students causing injuries to teachers.
- Following a two year investigation into Occupational Violence in ACT public schools by WorkSafe ACT, the Education Directorate entered into an Enforceable Undertaking with the Work Health and Safety Regulator on 28 September 2018.

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- The total financial commitment for the undertaking was over \$10 million, with almost \$8 million already committed to a range of initiatives and includes commitments to improvements for employees, industry and the community.

Fatal accident at University of Canberra Hospital site

- On 4 August 2016, a 62 year old male from Sydney was tragically killed when a mobile crane rolled over impacting the worker.
- Following 20 months of extensive investigations by WorkSafe ACT and the AFP, charges have been served against several parties, including a manslaughter charge, five category 1 offences of reckless conduct, and three category 2 offences for failing to comply with health and safety duty.
- The first court mention was heard on 17 May 2018 and the second mention was heard on 12 July 2018. During the second court mention it was decided that the crane driver's manslaughter charges will be heard in the Supreme Court and the remaining WHS charges will be heard in the Industrial Magistrates Court.
- The third court mention for the WHS charges was heard on 4 October 2018 when two defendants entered a not guilty plea and the next mention was adjourned to 8 February 2019. The manslaughter charge had a further mention on 22 August 2018 and again on 17 October 2018 where he entered a not guilty plea. The next mention for the manslaughter charge is scheduled for 28 November 2018.

Enforcement Action by Worksafe ACT

From 1 July 2017 to 30 June 2018, WorkSafe ACT conducted 4,134 workplace visits, some resulting in compliance and enforcement action. Details tabled below.

Finalised Prosecutions

Two matters were subject to prosecution:

- One involved fines totalling \$1980 in addition to clean-up costs of \$249,634;
- Another involved fines totalling \$60,000.

Enforceable Undertakings

Milin Builders

The ACT Work Safety Commissioner accepted an Enforceable Undertaking on 21 December 2017, including a financial commitment of \$402,800 with a range of actions from local company Milin Builders following an incident on 12 May 2017 where a licensed dogman sustained an injury when a large concrete screen fell and pinned him on the ground.

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Glass Tech

The ACT Work Safety Commissioner accepted an Enforceable Undertaking that included a financial commitment of \$300,000 with a range of actions from local company Glass Tech following an incident where a delivery driver was seriously injured during the unloading of glass panels at their Hume workplace in May 2017.

	2015-16	2016-17	2017-18
<i>Workplace Visits</i>	4,272	4,923	4134
<i>Prohibition Notices</i>	68	58	96
<i>Improvement Notices</i>	120	141	209
<i>Infringement Notices</i>	8	1	37
<i>Enforceable Undertakings</i>	0	0	2
<i>Premium Recoveries²</i>	19	5	10

² Premium recoveries are as a result of under reporting or failing to maintain a compulsory workers compensation insurance policy.

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