

DEPARTMENT OF  
THE ATTORNEY-GENERAL AND JUSTICE

# Work Health Authority

Annual Report  
2022-23

**NT**Work**Safe**



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## Function and purpose of the Work Health Authority

The *Work Health Administration Act 2011* establishes the role of the Work Health Authority (WHA), with powers and functions under the *Work Health and Safety (National Uniform Legislation) Act 2011*, the *Return to Work Act 1986*, the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010*, and associated Regulations.

The Attorney-General and Minister for Justice is responsible for the *Work Health Administration Act 2011* and the appointment of the WHA.

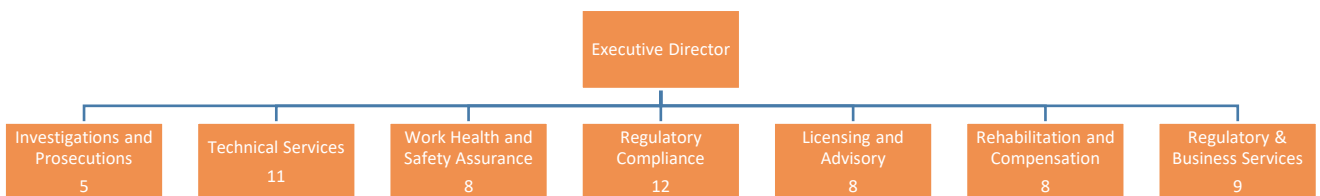
## NT WorkSafe corporate information

The WHA discharges its powers and functions through NT WorkSafe, an agency of the Department of the Attorney-General and Justice. NT WorkSafe provides advice, guidance, and information, and monitors and enforces compliance with the aforementioned legislation.

### About this report

This report sets out the activities of the WHA as the Regulator under the *Work Health and Safety (National Uniform Legislation) Act 2011*, and *Return to Work Act 1986* during the 2022-23 financial year.

## NT WorkSafe organisational structure



The WHA was staffed with 64 people.

## NT WorkSafe structural separation

In accordance with recommendation 3 of the 'Best Practice Review of Workplace Health and Safety in the Northern Territory 2019', the WHA structurally separated NT WorkSafe's operations area into four functional areas:

- Regulatory Compliance
- Work Health and Safety Assurance
- Technical Services
- Investigations and Prosecutions

The manager positions for the structural separation were finalised and recruited to ongoing in 2022-23.

## Budget and key performance indicators as per BP3

NT WorkSafe's revised budget as at May 2023 was \$8.42M

Key Performance Indicator	Current Year		Previous Years		
	2022-23 Target	2022-23 Actual	2021-22 Actual	2020-21 Actual	2019-20 Actual
Intervention and enforcement actions <sup>1</sup>	5 000	5 693	5 518	3 899	N/A
Education and advice activities <sup>1</sup>	50 000	53 549 <sup>2</sup>	49 187 <sup>2</sup>	39 978	N/A
Workers' compensation incident ratio	≤ 8.4:1000	8.2:1000	8.3:1000	8.2:1000	8.6:1000

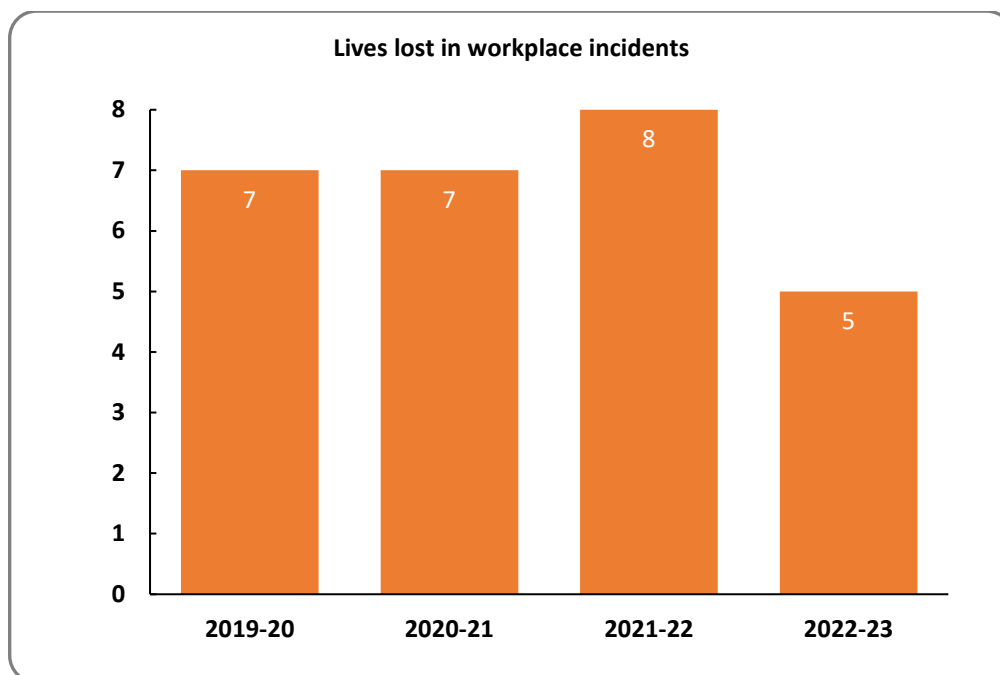
<sup>1</sup>KPIs introduced in 2020-21.

<sup>2</sup>Variation is due to activity reprioritisation under the NT WorkSafe Strategic Plan 2021-26.

## NT WorkSafe Operational Performance and Priorities

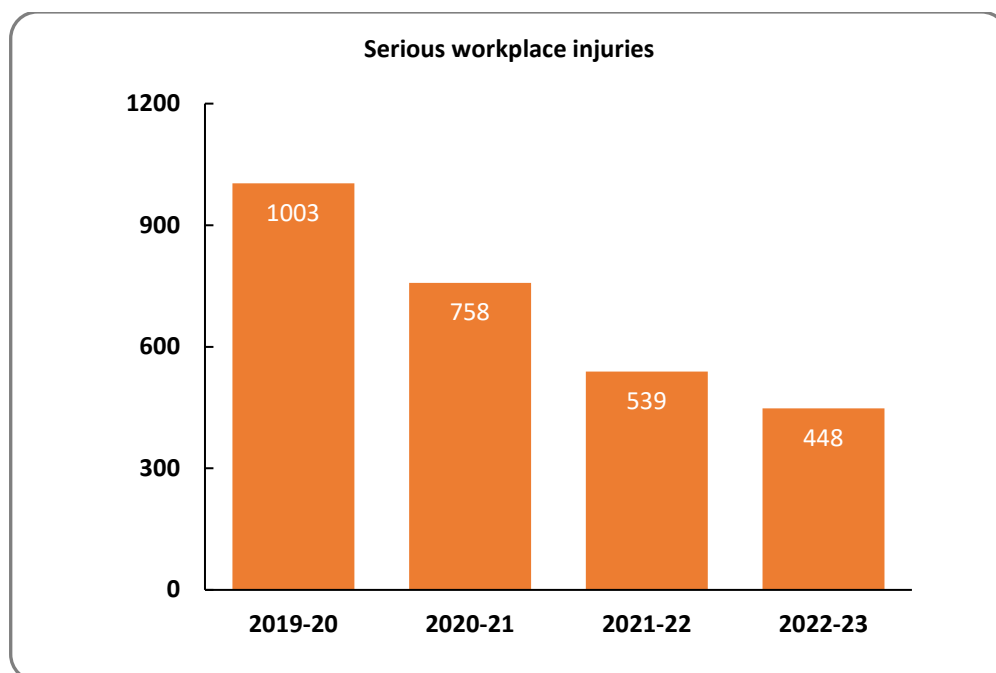
The NT WorkSafe Strategic Plan 2021-26, launched in October 2021, guides NT WorkSafe's activities over these years in securing the health and safety of workers and workplaces, and influencing return to work outcomes for injured workers. The plan has four strategic goals.

### 1. Reduce the lives lost in workplace incidents



These figures only include work-related fatalities investigated by NT WorkSafe. Some fatalities in the Northern Territory may fall in the jurisdiction of other national agencies.

## 2. Reduce the number of serious work related injuries



This dataset is based on claims where the worker needed at least one week off work due to their injuries and are considered serious injuries.

The dataset for 2019-20 was based on the date the injury occurred and is limited to only claims that were “accepted”. This data was compiled on 16 March 2021 and includes a significant volume of lag data up to the date the data was compiled.

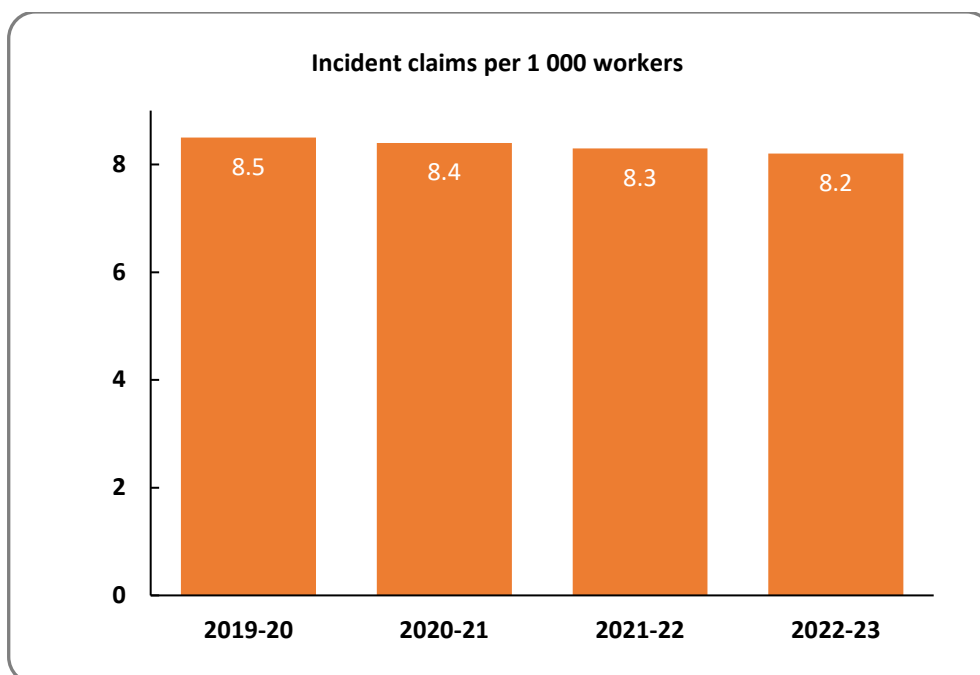
From 2020-21 the dataset is based on the date the claim was reported to the insurer and includes all claims i.e. accepted, rejected and deferred. Improvement in business processes within NT WorkSafe has reduced the amount of lag data which affects the amount of lost time recorded for a claim at the time of reporting.

The figure for 2020-21 is based on data compiled on 18 October 2021 for the NT WorkSafe annual key NT work health and safety statistics.

The figure for 2021-22 is based on data compiled on 27 July 2022 for the NT WorkSafe annual key NT work health and safety statistics.

The figure for 2022-23 is based on data compiled on 19 July 2023 for the NT WorkSafe annual key NT work health and safety statistics. For further information regarding NT WorkSafe annual key NT work health and safety statistics, visit <https://worksafe.nt.gov.au/about-us/statistics>

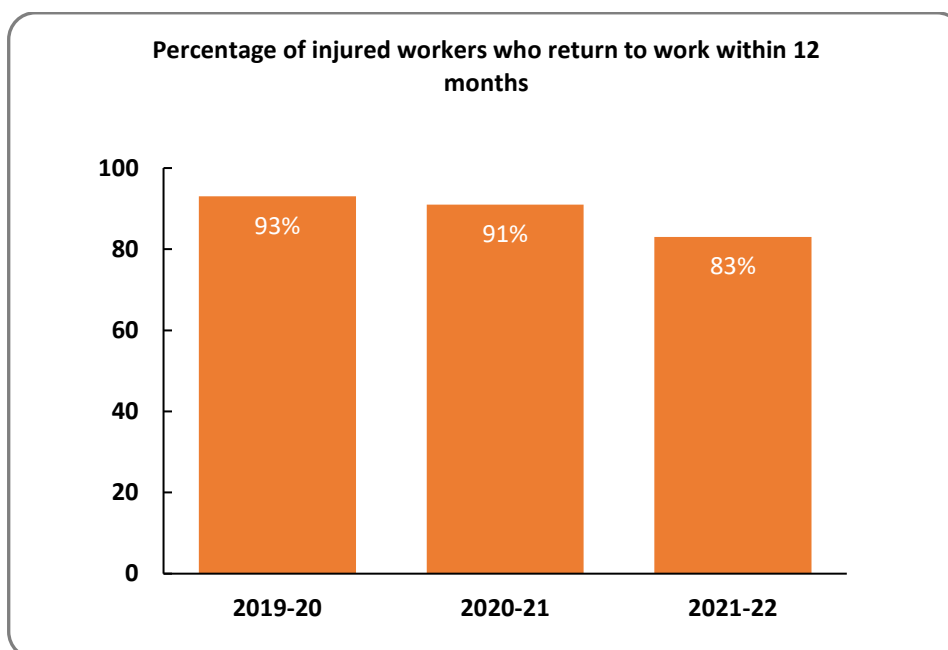
### 3. Reduce the number of incident claims per 1 000 workers



To reflect advice from a performance management system audit conducted in 2022 by the Auditor-General for the Northern Territory, the ratio is changed as Safe Work Australia's Comparative Performance Monitoring report is published. NT WorkSafe has amended the financial year figures previously reported to reflect this advice.

The final figure is the average ratio over the 12-month reporting period. These figures may vary from those published in the BP3 KPI table due to a difference in data collection periods.

### 4. Increase the percentage of injured workers who return to work within 12 months



The data provided for financial years annually to ascertain Return to Work of an injured worker within a 12 month period has a lag period that will not be captured until the following

annual reporting period. Insurer/self-insurer reporting does not provide Return to Work rates until such time as a claim is finalised.

Given the lag period, variations in figures previously reported will occur, and it is important for NT WorkSafe to capture these variations by re-running the previous three year data annually to provide a more accurate percentage for reporting of Return to Work rates for injured workers who return to work within a 12 month period.

## **National Strategic Plan for Asbestos Awareness and Management 2019 to 2023**

The National Strategic Plan ensures there is a nationally consistent and coordinated approach to asbestos awareness, management and removal. It outlines a phased approach to eliminating asbestos-related diseases in Australia, which is the ultimate aim of the plan.

NT WorkSafe as a regulator was tasked to undertake National targets 1, 4, 5 and 6 as per the Plan:

- Increased awareness of the health risks of Asbestos-containing materials (ACMs) and where to source information.
- All regulators have in place and have implemented asbestos compliance programs.
- All commercial buildings which are required by law to maintain asbestos registers, have up-to-date registers and management plans that are actively being implemented.
- All regulators are investigating, prosecuting and penalising serious known breaches of asbestos-related laws including illegal waste disposal and importation.

Achievements made against these targets in 2022-23:

- The NT WorkSafe website has an asbestos section <https://worksafe.nt.gov.au/safety-and-prevention/asbestos> which also contains an information bulletin, a guide and Codes of Practice along with news articles and safety alerts.
- Publications released included one news article, a safety alert and an incident information release encouraging all tradies and DIY renovators to stop and think twice about asbestos before starting work.
- NT WorkSafe developed an advisory campaign targeting asbestos management plans and registers for commercial buildings. This campaign will also address maintenance workers for commercial real-estate agents.
- A total of 144 workplace visits were conducted in response to 339 asbestos notifications received, resulting in two Improvement and one Prohibition notice being issued.
- asbestos pre site inspections – 92 workplace visits
- asbestos register – commercial buildings – 2 workplace visits

NT WorkSafe will be involved in the development of the new National Strategic Plan 2024 - 2028 with planning commencing later in the 2023 year.

# Regulatory Reform and Business Support Services

Regulatory and Business Support Services consists of regulatory reform, business support services, communications and training.

## Regulatory Reform

Regulatory Reform consults and develops legislation and policy specific to the powers and functions of the WHA. The team participates in local and national reviews of relevant legislation, representing the Territory on various national committees and groups, coordinating legislative amendments, and undertaking public consultation as required.

**Table 1 – Regulatory Reform Key Deliverables**

Products & Services	Status
Code of Practice – Managing psychosocial hazards at work	Under development for endorsement and adoption in late 2023
Code of Practice – Managing the risks of respirable crystalline silica from engineered stone in the workplace	Commencement has been delayed in the NT due to emerging complexities in the regulation of engineered stone.
Boland 2018 Review and Decision Regulation Impact Statement 34 recommendations	A major piece of work completed in this area was the development and endorsement of a suite of amendments to the model WHS laws that are now available for adoption by the jurisdictions. Implementation of these amendments continued during 2022-2023 and is ongoing.



Recommendations relating to amendments to both the <i>Electricity Reform Act 2000</i> and the <i>Electrical Workers and Contractors Act 1978</i>	The drafting of Regulations to support the Electrical Safety Act 2022 will commenced during 2022-2023 and will continue during 2023-2024. The drafting process will be informed by a rigorous consultation process and an education campaign will be also undertaken prior to the Regulations coming into effect on 1 July 2024.
Legislative amendments	The Work Health and Safety (National Uniform Legislation) Regulations 2011 were amended to address the management of psychosocial hazards in the workplace.
COVID-19	Development of national and local policy and advice relating to work health and safety duties during the COVID-19 pandemic.
Transport of Dangerous Goods legislation	The Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010 and its companion regulations were amended in 2022-2023 to modernise and strengthen the regulatory framework in the Territory. The amendments also established a greater degree of consistency with other jurisdictions.

## Business Support Services

The business support unit provides high-level business support services within NT WorkSafe including ministerial liaison, committee and council secretariat services, appointment and delegations management, finance, budget and procurement, information requests and management, corporate governance and reporting, travel arrangements, building maintenance, vehicle management, training and data management and systems support.

## Communications

Communications plays a pivotal role in delivering safety messaging, and the team is responsible for developing and publishing various information products, coordinating NT WorkSafe's involvement in local and national safety events, and developing and implementing communication strategies.

In 2022-23, four safety alerts were issued, six incident information releases and 36 media releases or news items were published in the reporting period.

## Table 2 – Communications

### Media releases

Amusement Ride Operator fails in attempt to challenge infringement notices
Mining company charged over 2022 electric shock of worker
Charges laid after Roofing Company elects to challenge fine
Civil construction company fined \$425k over 2017 INPEX fatality
New laws and code of practice in place to protect workplace mental health
Equipment hire company and director fined \$1,140,000 for excavator death
Media Statement - Withdrawal of industrial manslaughter charges
Building contractor charged with Industrial Manslaughter after worker falls from height
Workers warned of misleading online white card training
Charges laid over CBD restaurant gas incident
Enforceable undertaking accepted to improve construction industry safety
National report highlights promising signs for the NT but more work needed
Workplaces urged to stay focused on safety this festive season
Tradies encouraged to think twice about asbestos during national week of awareness
New NT WorkSafe chief appointed
Enforceable undertaking accepted to improve safety in agricultural aerial operations
NT's dangerous goods transport laws change
Sparkies urged to survive in new safety campaign
Safety alert issued after five restaurant patrons injured in gas related incident
Safety alert issued for loading and unloading machinery from tilt tray trucks
Latest key NT work health and safety statistics released
Workplace safety in focus during National Safe Work Month
Safety alert issued after worker seriously injured using make shift forklift workbox
NT WorkSafe charges local council over near drowning incident of worker
Compliance checks continue ahead of Royal Darwin Show

### Safety Alerts

Asbestos found in external and internal render
Restaurant patrons injured in gas related incident
Risks associated with unloading heavy machinery from tilt tray trucks
Worker seriously injured after fall from make shift forklift workbox

### Incident information releases

Four workers injured in separate angle grinder incidents
Worker crushed by falling sliding gate
Workers seriously injured using machinery and power tools (plant)
Lack of checks leads to asbestos contamination of two homes
Commercial establishments urged to check septic tank lids are safe and secure
Unauthorised workers modifying scaffolding can cause safety risks

### News articles

Public urged to be safe and compliant this Territory Day
Feedback sought on proposed workplace exposure standard for diesel particulate matter
Consultation open for proposed ban on the use of engineered stone
Call for nominations – Workers Rehabilitation and Compensation Advisory Council
Severe to extreme heatwave conditions forecasted for the Territory
Two year transition ending for the classification and labelling of hazardous chemicals

Have your say on solar panel and inverter product listing
Fatigue Challenge a hit among students at the CSC Futures Expo
2022 Territory Day fireworks campaign
Automatic Mutual Recognition of some WorkSafe licences commences
Public comment – Managing the risks of respirable crystalline silica

## WHS advice and information

A key role of the WHA is to provide advice and information on work health and safety to duty holders and to the community, and publish relevant statistics. To deliver this, NT WorkSafe provides and maintains a website to publish relevant information and resources including information bulletins, guides, videos, safety alerts, information about legislation administered by NT WorkSafe, and general and industry specific safety information.

NT WorkSafe’s Strategic Plan 2021-2026 also drives a number of key activities focused on improving knowledge around work health and safety.

## Training

NT WorkSafe has a responsibility to ensure that legislatively required training is available to union officials who wish to exercise a right of entry for the purpose of assisting workers in the NT with matters of work health and safety. Training must be completed to enable an entry permit to be issued. In 2022-2023 no applications were received for a first entry permit and so no training was required, however, 5 permits were renewed.

The primary focus for staff training has been the Diploma of Government (Workplace Inspection) to inspectors. This initiative responds to recommendation 13 of the ‘Best Practice Review of Work Health and Safety in the NT’, for inspectors to obtain a diploma level qualification. The Diploma of Government (Workplace Inspection) is endorsed by the Heads of Workplace Safety Authorities as the nationally accredited baseline qualification for inspectors. A registered training organisation began to deliver an NT contextualised program to 22 inspectors in October 2023 using a blended mode of training and assessment which incorporates workplace activities. Inspectors have been allocated work time to attend training sessions plus study slots for individual e-learning and assessment activities. The first three modules have been completed and the final module is scheduled to end in December 2023.

Module	Units of Competence
Communicate and engage as the regulator 17 October 2022 to 16 December 2022	BSBWR411 Write complex documents PSPGEN101 Use complex workplace communication strategies
Organisational inclusion and ethics 7 February 2023 to 7 April 2023	PSPETH008 Promote the values and ethos of public service PSPLEG007 Promote compliance with legislation in the public sector
WHS assistance and advice 17 April 2023 to 31 May 2023	PSPWPI015 – Advise on work health and safety (WHS) legislative frameworks BSBWHS412 - Assist with workplace compliance with WHS laws
Evaluate and facilitate workplace safety performance 1 August 2023 to 29 September 2023	PSPWPI008 Evaluate and report on workplace legislative compliance PSPWPI009 Facilitate improvement in workplace legislative performance

Inspect and give evidence 10 October 2023 to 8 December 2023	PSPINV004 Conduct an investigation PSPWPI010 Investigate possible breaches of workplace legislation PSPREG038 Give evidence
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Training support was also provided for:

- two staff to attain a Diploma of Work Health and Safety
- one staff to attain a Certificate IV in Work Health and Safety
- one staff to obtain a mini-MBA
- two staff to complete a course on Freedom of Information for information officers
- one staff to complete a course on the Australasian Inter-Service Incident Management System.

Staff have taken up a range of corporate training opportunities, such as new staff induction, Merit selection, Introduction to the ICAC, How to write in plain English, Emotional intelligence, Foundations of public sector governance, First aid or fire warden training.

NT WorkSafe staff have also had the opportunity to participate in in-house sessions on:

- Using (or supporting use of) body worn cameras
- Shop goods fireworks
- Auditing amusements devices
- Legislative change: Regulating psychosocial hazards
- Case management in TrackIT
- Legislative basics
- Duty holders and duties
- Risk management and general workplace management
- Inspector functions and powers

## Electrical Regulatory Authorities Council

The Electrical Regulatory Authorities Council (ERAC); is an organisation formed to coordinate the activities of Australian and New Zealand electrical regulators. In Australia, technical and safety electrical regulatory functions are largely the responsibility of state and territory governments.

The Northern Territory is represented on the ERAC by NT WorkSafe and the Electrical Workers and Contractors Licensing Board and hosted the Bi-annual ERAC meeting in Darwin from the 24th to the 26th May 2023 discussing the below topics.

- The adoption of a national Electrical Safety Week.
- A focus on units of competencies for the electrical trades.
- Electrical equipment and accessories (not appliances) installed by electricians.
- Electrical accidents and the enforcement of AS/NZS 3000:2018 Wiring Rules.
- Grid supply of electricity to businesses and consumers.
- Electrical Equipment Safety Scheme – the NT is not a signatory to this scheme, however it involves the regulation of electrical articles in Australia.

## Competent Authorities Panel

CAP is the national panel of state and territory Competent Authorities for the transport of dangerous goods by road and rail in Australia. It has been established under state and territory transport of dangerous goods laws, which are based on the national Model Legislation—Transport of Dangerous Goods by Road or Rail. The Competent Authorities Panel meeting was hosted in Darwin in May 2023 this year.

The group meets to discuss and make decisions affecting road and rail transport of dangerous goods allowing the decision to be effected Australia wide, as opposed to operators approaching all States and Territories to gain individual decisions. The group meets twice a year and is hosted in all jurisdictions on a rotating basis to allow local operators opportunity to present and discuss transport of dangerous goods issues.

Members of this group also provide technical advice regarding the Australian Dangerous Goods Code which sets the technical requirements of dangerous goods transport.

## SafeWork Month 2022

Safe Work Month is held nationally each year in October to shift the national focus on work health and safety. Employers are encouraged to organise safety related events in the workplace, or to participate in events organised by state or territory work health and safety regulators. In 2022 NT WorkSafe partnered with the Airport Development Group to deliver free information sessions. Participants could either attend in person at the Darwin International Airport's Tindal Room or online via Microsoft Teams. Information sessions were held for the following four topics:

- Psychosocial hazards at work and amendments to the model laws;
- Mental Health First Aid;
- Safety in Design - are you creating hazards in the workplace? ; and
- Understanding industrial manslaughter.

## Licensing and Advisory Services

The licensing and advisory services team play a critical role in the administration of the powers and functions of the WHA, and provide following services:

- approving health and safety representative courses
- providing specialist advice and support to businesses and workers
- issuing licences, permits and registrations
- approving course delivery by training providers
- issuing high risk work licence assessor accreditations
- administration and triage of legislated notifications, notifiable incidents and safety concerns.

## Rehabilitation and Compensation

The rehabilitation and compensation unit provide quality services and expertise in the administration of the *Return to Work Act 1986* and Regulations, including:

- providing advice and information to employers, workers, insurers and the public about workers' compensation matters
- coordinating mediations between claimants, employers and insurers/self-insurers;
- arranging permanent impairment reassessments
- approving insurers and self-insurers in the Northern Territory
- approving vocational rehabilitation providers
- collecting data from insurers and self-insurers used for jurisdictional and national reporting to Safe Work Australia and to help prioritise work health and safety activities

The Northern Territory Scheme is a privately underwritten scheme in which approved insurers and self-insurers carry the financial risk and are responsible for liability decisions and managing workers' compensation claims.

### Insurance companies approved under the *Return to Work Act 1986*

- Allianz Australia Insurance Ltd
- CGU Workers' Compensation
- GIO General Ltd
- QBE Insurance (Australia) Ltd
- Catholic Church Insurance Ltd

### Self-insurers approved under the *Return to Work Act 1986*

- Coles Group Limited
- Wesfarmers Ltd
- Westpac Group
- Woolworths

The Territory Government is self-insured under the *Return to Work Act 1986* and carries the financial risk for its own workers. Gallagher Bassett are responsible for managing the workers' compensation claims on behalf of the Territory Government.

### The nominal insurer, committees and councils

The *Return to Work Act 1986* establishes:

- the nominal insurer for instances where an employer fails to insure or in cases where the insurer defaults
- a scheme monitoring committee, whose role is to monitor the viability and performance of the NT workers' compensation scheme
- the Workers Rehabilitation and Compensation Advisory Council to keep the operation of the workers compensation scheme under review.

## Actuarial review of the scheme

The current actuary, PricewaterhouseCoopers, provided the 'NT WorkSafe Actuarial review of Northern Territory workers compensation scheme as at 30 June 2022' which is published on the NT WorkSafe website. The review indicates that the scheme is fairly stable on a financial basis with the break-even premium rate similar to the actual premium rate charged..

## Vocational rehabilitation providers

One of the objects of the *Return to Work Act 1986* (the Act) is to provide for the prompt and effective management of workplace injuries, in a manner that promotes and assists the return to work of injured workers as soon as practicable.

The Work Health Authority adopted the Head of Workers' Compensation Authorities (HWCA): Principles of Practice for Workplace Rehabilitation Providers (Principles of Practice), subject to any variations made by the 'Northern Territory Guidelines for approval as an accredited vocational rehabilitation provider' (the Guidelines). The Guidelines are to be read in conjunction with the Principles of Practice and these set the standard for the Northern Territory.

A person, agency or body is not to provide a vocational rehabilitation service to an injured worker unless the service is provided by an accredited vocational rehabilitation provider approved by NT WorkSafe. There are currently thirteen approved providers operating in the Northern Territory.

An approved vocational rehabilitation provider provides, for an injured worker, an independent party to support, liaise and negotiate with everyone involved in the injured worker's rehabilitation.

## NT workers' compensation injury management e-learning program

The rehabilitation and compensation team continue to offer the *NT WorkSafe Northern Territory Workers' Compensation Injury Management e-Learning Program*; a joint e-learning program with the Personal Injury Education Foundation. The program provides the minimum level of knowledge required for all scheme participants in the NT and supports a consistent approach to claims management including the terminology used. The program is mandatory for all insurers and self-insurers who manage claims for Territory workers and is available for enrolment by all workers compensation stakeholders.

**Table 3 – Rehabilitation and Compensation Key Deliverables**

Item	No.
Total claims received by insurers	2372
Total claims accepted	2011
Workers' compensation education and advice activities	29 870
Workers' compensation mediations completed	307
Permanent impairment reassessment applications received	54
Approved vocational rehabilitation providers	13
Appointed mediators	10
Approved insurers	5
Approved self-insurers	4

## Regulatory Compliance

The role of the regulatory compliance team is to monitor and enforce compliance with the legislation administered by the WHA by responding to notifiable incidents, directing compliance, and assisting in the resolution of work health and safety concerns.. Compliance inspectors are often the first point of contact following a dangerous incident, serious injury or illness of a person, or death of a person and may assist investigators.

## Work Health and Safety Assurance

The work health and safety assurance team use data intelligence to develop and implement targeted safety focuses to identified high-risk sectors and as per the NT WorkSafe Strategic Plan 2021-26. The role of the team is to identify and prioritise key industries and activities to provide information and advice with the goal of improving standards of safety and reducing injury rates.

## NT WorkSafe Safety Focus Campaigns

The work health and safety assurance team successfully conducted 12 safety focuses and campaigns providing information and advice to Territory workplaces to ensure businesses are aware of legislative obligations as they related to work health and safety.

Safety focus campaigns conducted during 2022-23 included:

- emergency plans - 9 workplace visits
- forklift safety – 180 workplace visits
- annual closure of the Duckpond – Francis Bay – 81 workplace visits
- plant Hire - 15 workplace visits
- construction of residential housing – 120 workplace visits
- commercial construction – 66 workplace visits
- fencing contractors – 20 workplace visits
- aggression and violence – late night retail outlets- bottle shops and drive through – 52 workplace visits
- silicosis safety – 10 workplace visits
- portable ladder safety – 34 workplace visits
- retail pre-site fireworks inspections – 110 workplace visits
- wholesale firework inspections – 10 workplace visits



To continue to provide ongoing support to health and safety representatives (HSR), the work health and safety assurance team also attended four HSR courses throughout the year to provide essential information relating to the role of NT WorkSafe, to meet and greet new HSR's and offer support in their role within workplaces.

As part of the Young Worker campaign, 37 presentations were delivered to high school students across five schools to provide general introduction about NT Worksafe, WHS in the workplace and workers' rights before the students embarked on school-based work experience.

In 2022-23 NT WorkSafe delivered five presentations to large business enterprises about specific WHS topics as requested by the business. A further eight presentations were delivered to small businesses who sought safety advice specific to their operations.

## Electrical Safety Campaign

In 2021 the Local Court ordered Ridem Pty Ltd to fund an electrical safety campaign to be developed and delivered by NT WorkSafe, the Electrical Trades Union and Power and Water Corporation in the Barkley region.

A community briefing on the campaign was held in Tennant Creek on Wednesday 19 October 2022. Workplace visits in Tennant Creek and Alice Springs to electrical contractors on the campaign were also completed in October 2022.

Since the campaign launched, presentations on WHS and electrical safety have been delivered to 26 classes of electrical apprentices at Charles Darwin Universities in Darwin and Alice Springs.

The campaign will expand to cover other parts of the Territory in late 2023.

## Technical Services

The technical services team provide expert technical assistance to internal and external stakeholders and represents the WHA on a national level and provides:

- high level technical support to stakeholders in relation to electrical, resources (mining, petroleum and geothermal), major hazardous and dangerous goods transport industry sectors matters
- technical advice during investigations
- research and analysis of technical matters impacting the NT
- recommendations on legislative changes and technical advances

**Table 4 - Summary of inspectorate and advisor activity for 2022-23**

Description of Activity	No.
Information / education sessions	118
Workplace visits	4832*

\*Based on data run date 29/09/2023 and includes lag data for workplace visits entered retrospectively after 30 June 2023.

**Table 5 - Workplace visits carried out by industry group 2022-23**

Description of Industry	Visits
Accommodation, cafes and restaurants	183
Agriculture & fishing	128
Communication Services	3
Construction	2080
Cultural and recreational services	180
Education	102
Electricity, gas and water supply	22
Finance and insurance	4
Government administration and defence	238
Health and community services	129
Manufacturing	183
Mining	239
Personal and other services	85
Property and business services	150
Retail trade	813
Transport and storage	184
Wholesale trade	109

Note: Table 5 includes workplace visits carried out under *Work Health and Safety (National Uniform Legislation) Act 2011*, *Return to Work Act 1986*, *Dangerous Goods Act 1998*, *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010*, *Radioactive Ores and Concentrates (Packaging and Transport) Act 1980* and the *Electricity Reform Act 2000*.

## Investigations and Prosecutions

A principal investigator, senior investigators and an investigations assistant are responsible for conducting serious and complex investigations to determine admissible evidence for the compilation of briefs of evidence and make recommendations for compliance and/or prosecution.

In 2022-23, the investigation unit had 36 incidents referred. This compares with 23 referrals in the previous financial year. Of the incidents referred in 2022-23, 19 involved deaths, 11 involved serious injury, 5 involved dangerous incidents and 1 related to breaches of notices issued. An additional 58 investigations were carried over from the 2021-22 financial year.

In 2022-23, a further seven prosecutions were completed, four resulted in convictions and court ordered penalties to the total of \$1 570 000 (excluding victims' levies). The regulator accepted two enforceable undertakings with financial commitments to the total of \$127 500 resulting in three prosecutions being withdrawn.

In March 2023, NT WorkSafe withdrew the charge of Industrial Manslaughter under section 34B of the Act against Kalidonis Pty Ltd and the charges under section 31 of the Act for Reckless Conduct against Kalidonis Pty Ltd and Mr Theo Kalidonis. A charge under section 32 of the Act for failure to comply with health and safety duty remains against Kalidonis Pty Ltd and Mr Theo Kalidonis.

**Table 6 – Prosecutions finalised**

Date	Case	Offence	Outcome
22.06.23	WHA v Tyrone Troy Taylor	s 193 Compliance with improvement notice	Convicted and fined \$5 000.
03.04.23	WHA v Whittens Group Pty Ltd	s 32 Failure to comply with WHS duty (cat 2)	Convicted and fined \$425 000 and ordered to pay an additional \$70 000 to NT WorkSafe for court costs.
15.03.23	WHA v Jason Frank Madalena	s 32 Failure to comply with WHS duty (cat 2)	Convicted and fined \$180 000.
15.03.23	WHA v Titan Plant Hire Pty Ltd	s 27 Failure to exercise due diligence.	Convicted and fined \$960 000.
09.12.22	WHA v AM Cranes and Rigging	s 32 Failure to comply with WHS duty (cat 2)	Charges withdrawn - enforceable undertaking accepted - financial commitment/ total minimum expenditure of \$63 000.
21.10.22	WHA v Michael Roger Hewitt	s 32 Failure to comply with WHS duty (cat 2) s 33 Failure to comply with WHS duty (cat 3)	Charges withdrawn - enforceable undertaking accepted - financial commitment/ total minimum expenditure of \$64 500.
21.10.22	WHA v Ben James Hewitt	s 32 Failure to comply with WHS duty (cat 2) s 33 Failure to comply with WHS duty (cat 3)	Charges withdrawn.

## Enforceable Undertakings

The *Work Health and Safety (National Uniform Legislation) Act 2011* (the Act) enables the Work Health Authority to accept a written undertaking (a WHS undertaking) given by a person relating to a contravention or alleged contravention of the Act (with the exception of a category one and industrial manslaughter offence).

**Table 7 – WHS Undertaking – Key Deliverables for 2022-23**

Duty Holder	Charges or alleged breaches	Date accepted	Value	Status	Discharge spend
Buslink NT Pty Ltd	s 32 WHS Act	21.10.20	\$623 770 plus \$40 000 for the Regulator's costs associated with this undertaking.	Completely discharged on 22.11.2022	\$633 771

Department of Infrastructure, Planning and Logistics	s 32 WHS Act	14.02.20	\$1 353 210 plus \$16 000 for the Regulator's costs associated with this undertaking.	Completely discharged on 05.01.2023	\$1 439 692
ACSM Builders Pty Ltd	s 32 WHS Act	11.5.18	\$209 500	Ongoing	n/a
Michael Roger Hewitt (Hewitt Cattle Australia Pty Ltd)	s 33 WHS Act	05.10.22	\$64 500	Ongoing	n/a
AM Cranes and Rigging Pty Ltd	s 32 WHS Act	06.12.22	\$63 000 plus \$6 600 for the Regulator's costs associated with this undertaking.	Ongoing	n/a

## Written Directions of the Minister

Part 2 (6) of the *Work Health Administration Act 2011* provides:

- (1) In exercising powers or performing functions, the Authority is subject to the written directions of the Minister.
- (2) A copy of a direction given under subsection (1) in a financial year must be included in the Authority's report for the year prepared under section 7.

In 2022-23, the Work Health Authority was not subject to any written directions by the Minister.

## Request for Regulator Response

A request for regulator response arising from a statutory intervention request received from a person conducting a business or undertaking (PCBU) means:

- Failure of negotiations to form a work group s54
- Failure to allow access to assistant of HSR s71(6)
- Dispute regarding the obligation to train HSR s72(5)
- Constitution of HSC s76(5)
- Referral of issue resolution for resolution by inspector s82
- Cessation of unsafe work s89
- Review of a PIN s100 – 102
- Disputes about EPH Entry s141

In 2022-23 there were two request for regulator response. Both requests were for referral of issue to regulator for resolution by inspector.

**Table 8- Activities pursuant to WHS (NUL) Act**

Section	Description	2022-23	2021-22
38	Incidents notified	489	496 <sup>1</sup>
65	Disqualification of health and safety representatives	0	0
131	Application for WHS entry permit	5	18
134	Issue of WHS entry permit	4	22 <sup>2</sup>
138	Application to revoke WHS entry permit	0	0
155	Exercise of powers of regulator to obtain information	48	19
162	Regulator's directions to inspectors	0	0
191	Improvement notices issued	528	412
195	Prohibition notices issued	113	152
213	Recovery of costs of remedial or other action	0	0
215	Application for injunctions for non-compliance with notices	0	0
216	Enforceable undertakings accepted	2	0
220	Order following contravention of WHS undertaking	0	0
221	Withdrawal or variation of WHS undertaking	2 <sup>3</sup>	0
231	Written request to Regulator that prosecution be brought	0	2
260	Proceeding for contravention of civil penalty provision	0	0

<sup>1</sup>This figure includes incidents still under investigation and the figure maybe revised down if the investigation finds an incident does not meet the definition of notifiable as per section 35 of the *Work Health and Safety (National Uniform Legislation) Act 2011*.

<sup>2</sup>The year an application for WHS entry permit is received may vary from the year the WHS entry permit is issued.

<sup>3</sup>The total number of variations of a WHS undertaking (agreement) is taken to be the total number of applications submitted to NT WorkSafe for consideration. A single application may request more than one variation to the agreement.

Regulation	Description	2021-22	2022-23
21	Approved training for health and safety representatives	2	6
93 and 319	Licence documents issued – High Risk Work and White Card	11 643	12351
95	Reassessment of competency of licence holder	0	0
133	Regulator may suspend or cancel accreditation of assessor	0	0
142	Notice of demolition work	24	48
243 and 246	Registration of plant designs and items of plant	372	410
325	Entered into agreement with RTO to issue white cards	5	3
348	Hazardous Chemicals – manifest notifications	19	57
393	Lead process determined	0	0
403(1)	Lead risk work notified	5	7
415 (2)	Removal of worker from lead risk work notified	8	11
442	Asbestos health monitoring report received	0	0
466	Notification of asbestos removal received	326	339
492	Application for asbestos removal or assessor licence	24	18
520	Suspension or cancellation of asbestos licence removal	0	0
535	MHF - Exemption of determined facility	0	0
536	MHF Notifications - Existing Facilities/Modifications (includes re-notifications if Schedule 15 chemicals increases)	1	2
537	MHF Notifications – proposed facilities	2	2
539	Regulator may conduct inquiry regarding MHF	1	0
541	Determination in relation to facility on inquiry	0	0
542	Determination in relation to over-threshold facility	1	0
543	Determination of suitability of facility operator	1	1
544	Conditions on determination	0	0
546	Regulator revocation of a determination	0	0
548	Notification by new operator (of determined facility)	0	1
549	Application for MHF licence	0	0
551	Safety case outline provided	0	0
553	Alter Safety Case outline	0	0
560	Safety Case must be provided	1	0
580	Grant of MHF licence	1	0
583	Refusal of MHF licence	0	0
586	MHF licence document issued	1	0
595	Renewal of MHF licence	0	0
600	Transfer of major hazard facility licence	0	0
601	Cancellation of MHF licence – on operator's application	1	0
602-605	Suspension or cancellation of MHF licence by Regulator	0	0
606	Suspension of major hazard facility licence	0	0

Regulation	Description	2021-22	2022-23
678	Application for internal review	4	4
684	Exemptions granted	7	8
686	High risk work licence exemption	0	0
688	MHF licence exemption	0	0
690	Applications for exemption received	9	8
696	Refusal of exemption	0	0
697	Amendment or cancellation of exemption	0	0

Note: MHF refers to a Major Hazard Facility as defined under regulation 5 of the Work Health and Safety (National Uniform Legislation) Regulations