

DEPARTMENT OF
THE ATTORNEY-GENERAL AND JUSTICE

Work Health Authority

Annual Report
2023-24

NTWork**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 is responsible for the *Work Health Administration Act 2011* and the appointment of the WHA.

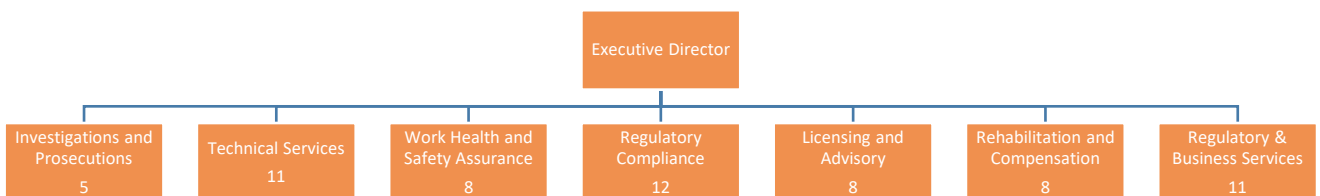
NT WorkSafe corporate information

The WHA discharges its powers and functions through NT WorkSafe, a division of the Attorney-General's Department (formerly 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 2023-24 financial year.

NT WorkSafe organisational structure



The WHA was staffed with 64 people that included two time-limited supernumeraries to assist with the implementation of the Electrical Safety legislation, and specialist information, education, training and support in relation to sexual and gender-based harassment to improve systems and data collection on the prevention of and response to sexual harassment in NT workplaces.

Budget and key performance indicators as per BP3

NT WorkSafe's budget in 2023-24 was \$8.653M.

Key Performance Indicator	Current Year		Previous Years		
	2023-24 Target	2023-24 Actual	2022-23 Actual	2021-22 Actual	2020-21 Actual
Workers' compensation incident claims per 1,000 workers	≤ 8.1:1000	8.1:1000	8.2:1000	8.3:1000	8.2:1000
The number of lives lost in workplace incidents reduced year on year ¹	≥ 5%	0%	N/A	N/A	N/A
The number of serious work-related injuries reduced year on year ¹	≥ 5%	0%	N/A	N/A	N/A
The number of active cases reduced year on year ¹	≥ 5%	-13%	N/A	N/A	N/A
Investigations completed with 12 months of commencement ¹	≥ 75%	75%	N/A	N/A	N/A
Intervention and enforcement actions ²	N/A	N/A	5 693 ³	5 518 ³	3 899
Education and advice activities ²	N/A	N/A	53 549 ³	49 187 ³	39 978

¹KPIs introduced in 2023-24.

²KPIs introduced in 2020-21.

³Variation 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

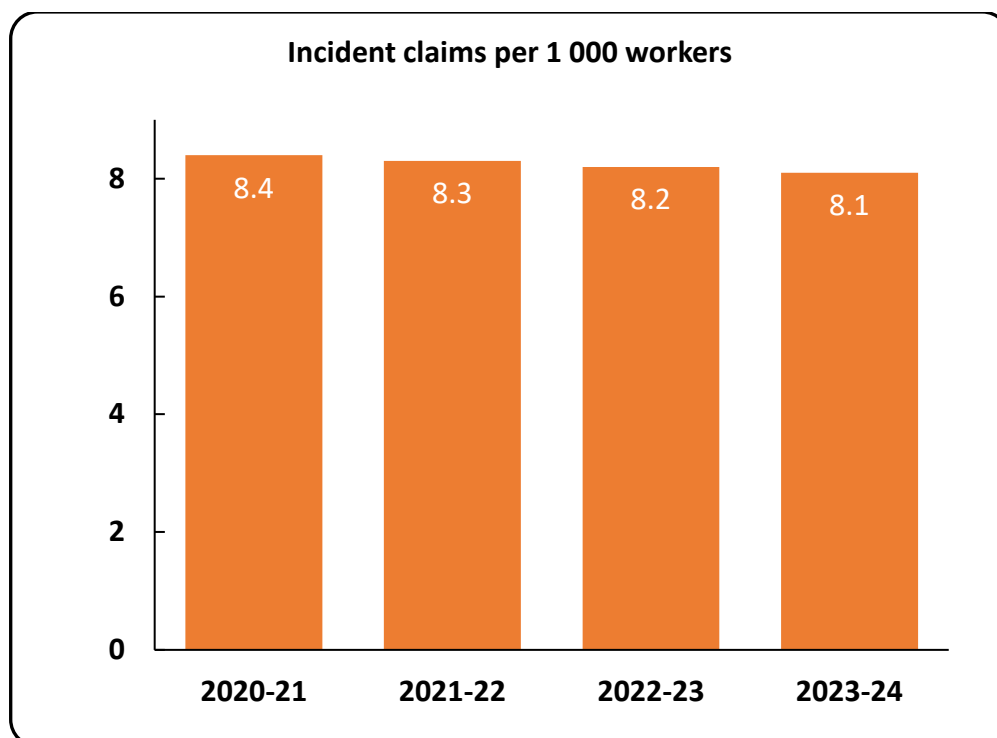


This dataset is based on "Date claim reported to insurer" to eliminate variations to reporting caused by lag data and includes "All" claims as WIMS (workers compensation database) reporting only captures the initial decision and does not have the capability to reflect any subsequent changes to the status of a claim. Claims where the worker needed at least one week off work due to their injuries are considered serious injuries.

The figures for 2023-24 is based on data extracted on 23 July 2024. The figures for 2020-21, 2021-22 and 2022-23 have been updated from previous years reported data to include lag data for reporting of lost time on claims.

The figure for 2023-24 is based on data compiled on 23 July 2024 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>

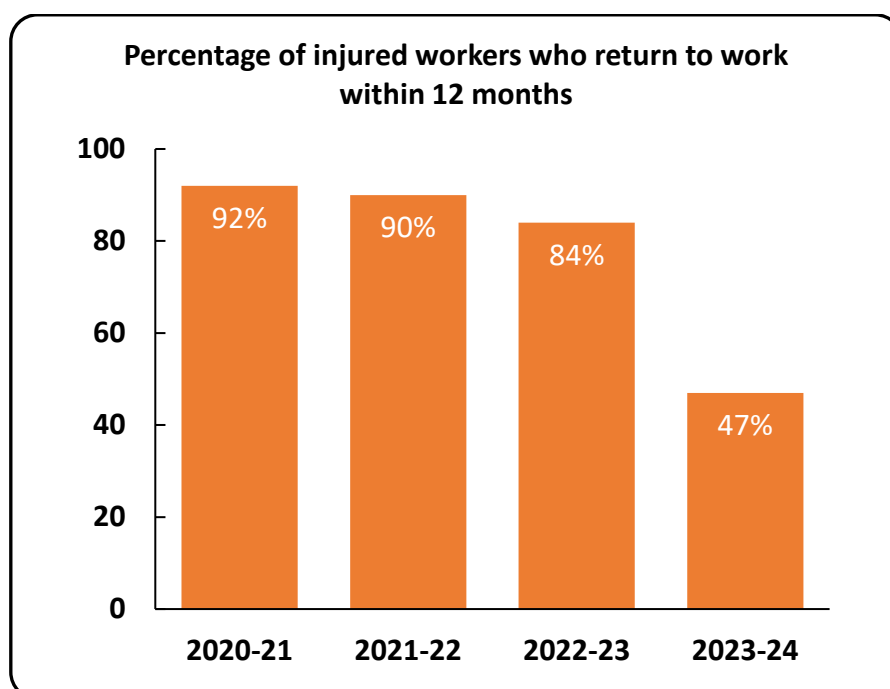
3. Reduce the number of incident claims per 1 000 workers



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 the following National targets 1, 4, 5 and 6 as per the Plan:

- Increase 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.

In 2023-24, the National Strategic Plan for Asbestos Awareness and Management 2019-2023 ended, with NT WorkSafe contributing to the progress achieved against the targets under the second phase, by undertaking an asbestos register campaign (ongoing in 2024/25). The campaign included workplace attendances and follow up visits where WHS enforcement measures were used. Presentations were also provided to the Real Estate Institute of the Northern Territory and the Australian Institute of Conveyancers to encourage compliance in these industries.

The Asbestos and Silica Safety and Eradication Agency has developed the third phase Asbestos National Strategic Plan 2024–2030 in consultation with a wide range of stakeholders, including all levels of government, unions, industry and asbestos support groups. NT WorkSafe will continue to work with the NT Inter-Agency Asbestos Working Group on developing the action plan for this phase.

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	The Code of Practice – Managing psychosocial hazards at work was published on 23 May 2024.
Code of Practice – Sexual and gender-based harassment	The Code of Practice on sexual and gender-based harassment was approved under section 274 of the WHS Act on 23 May 2024.
Code of Practice – Managing the risks of respirable crystalline silica from engineered stone in the workplace	Commencement of the Code of Practice on Managing the risks of respirable crystalline silica has been delayed in the Territory due to the prohibition of the manufacture, supply, processing and installation of engineered stone. As noted below, amendments to the WHS laws were prepared in 2023 to 2024. These amendments came into effect on 1 July 2024.
Amendment to WHS law to prohibit the manufacture, supply, processing and installation of engineered stone benchtops, panels and slabs.	Amendment of WHS laws to prohibit the manufacture, supply, processing and installation of engineered stone slabs, panels and benches were drafted in 2023 to 2024. These amendments came into effect on 1 July 2024. Transitional arrangements were drafted to apply in the Territory that allows the manufacture, supply, processing and installation of such engineered stone products to continue in limited circumstances until 31 December 2024. With these amendments, the Territory joined other Australian jurisdictions in leading the world in eliminating the harm associated with the processing 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 2023-2024 and is ongoing, with further amendments to occur in 2024 to 2025.

Amendments proposed for 2024 to 2025 include the significant increase in penalties to ensure that the maximum penalties for breaches of the WHS laws more accurately reflect the gravity of over 600 offence provisions

Recommendations relating to amendments to both the *Electricity Reform Act 2000* and the now repealed *Electrical Workers and Contractors Act 1978*

The *Electrical Safety Act 2022* and the *Electrical Safety Regulations 2024* were drafted to modernise electrical safety laws in the Territory.

In particular, the Electrical Safety legislation was drafted to accommodate significant developments in electrical safety that has occurred in the decades following the *Electricity Reform Act 2000*.

Further, the Electrical Safety legislation also provides for more recent technological developments such as solar installations, battery energy storage systems and electric vehicle connection points.

Minor amendments to the *Electrical Safety Act 2022* were drafted and assented to on 1 November 2023. The drafting of the *Electrical Safety Regulations 2024* to complement the Act continued in 2023 to 2024. The Electrical Safety legislation came into effect on 1 July 2024.

A thorough educational campaign involving stakeholders including electrical workers and the community commenced in April 2024. The campaign involved 11 information sessions in-person and online which were attended by over 200 people.

NT WorkSafe will continue to work with the electrical industry in 2024 and 2025 to address issues and concerns relating to the operation and effect of the Electrical Safety legislation.

Legislative amendments

The WHS Regulations were amended to address the management of psychosocial hazards in the workplace. These amendments came into effect in the on 1 July 2023.

Business Support Services

The business support unit provides high-level support services within NT WorkSafe including ministerial liaison, committee and council secretariat services, appointment and delegations management, finance, budget and procurement, recruitment, information requests, 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 2023-24, eight safety alerts were issued, five incident information releases and 45 media releases or news items were published in the reporting period.

Table 2 – Communications

Media releases

Nominations sought for the inaugural Electrical Safety Board
Multiple charges laid over fatal central Australian tour bus rollover
Have your say on changes to the Northern Territory's electrical safety laws
Restaurant owners fined for operating unsafe gas appliances, putting patrons at risk
Arborist fined \$25,000 after wood chipper incident
Building contractor charged with Industrial Manslaughter committed to trial in the Supreme Court
Helicopter company and director charged with reckless conduct for operating unsafe aircraft
Safety alert issued after worker almost crushed to death by forklift load
Safety alert issued on using LP gas cylinder adaptors
Safety alert issued after apprentice falls from roof after electric shock
Solar installers charged over ignoring fall from heights risk
New guide on managing heavy vehicle driver fatigue published
20 years since asbestos was banned but the danger still remains
Enforceable undertaking accepted to improve safety in local council operations
Charges laid over altercation with Electrical Safety Inspector
Charges laid over altercation with Electrical Safety Inspector
2022-23 key NT work health and safety statistics released
Appeals against record work health and safety fine dismissed
Territory workplaces urged to take part in National Safe Work Month
Reckless conduct charges laid after cattle station worker loses arm
Construction industry urged to check validity of work licences
Inaugural Electrical Safety Week starts next week
Alice Springs arborist charged with reckless conduct over wood chipper incident
Warning issued on fire risk to Solar PV systems
Warning issued to workplaces using forklifts
Amusement ride checks underway to ensure safety at regional shows
WorkSafe inspectors to trial use of body worn cameras

Safety Alerts

Product safety recall: Jinko Solar Australia Holdings Co. Pty Ltd – SunTank hybrid inverter
Worker crushed by 1.2 tonne forklift load
Don't use portable LP gas cylinder adaptors
Apprentice suffers electric shock and falls from roof
Product safety recall: Growatt New Energy Australia Pty Ltd – solar power inverters
Product safety recall: LG Energy Solution Australia Pty Ltd – ESS Home Energy Storage System Batteries
Incorrect installation increases risk of DC isolator fires
Carbon monoxide risk when using forklifts in enclosed areas

Incident information releases

Workplaces urged to be vigilant of melioidosis
Butane canister explosion injures kitchen staff
Worker suffers burns after arc flash incident
Two workers hospitalised during season's first heatwave
Electrician lucky to escape arc flash injury

News articles

Public encouraged to celebrate safely and buy responsibly this Territory Day!

Call for nominations – Work Health and Safety Advisory Council

Workers compensation changes for correctional officers and firefighters

New and varied Codes of Practice published

Body worn cameras for WorkSafe inspectors

Free online asbestos awareness training available

International Women’s Day: Women of WorkSafe

Workplace exposure standard lowered for welding fumes

Calling for nominations for the Work Health and Safety Advisory Council

Latest amendments to the Work Health and Safety Regulations

Consultation open for managing psychosocial hazards at work code of practice

Registrations now open for mock trial

New and varied Codes of Practice published

Asbestos management campaign

Feedback sought on options to improve WHS incident notification framework

2023 Territory Day fireworks campaign

Call for nominations – Work Health and Safety Advisory Council

Further amendment to new psychosocial regulations

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.

In 2023-24 NT WorkSafe delivered five information sessions on psychosocial hazards in the Workplace, which attracted 178 attendees.

NT WorkSafe continued to engage with key stakeholders in the work health and safety area with respect to wellbeing of all employees, including union organisations.

A Sexual Harassment and Prevention Officer was temporarily appointed in April 2024 to assist NT WorkSafe in providing employers and employees with specialist information, education, training and support in relation to sexual and gender-based harassment, and to improve systems and data collection on the prevention and response of sexual harassment in NT workplaces.

This position will also help achieve commitments under the [Domestic, Family and Sexual Violence Reduction Framework 2018-2028 – Action Plan 2](#) and recommendations from the Australian Human Rights Commission’s [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report](#).

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 2023-2024 training was provided to 14 union officials. In accordance with the requirement to renew permits every 3 years, eight permits were renewed. There are 41 entry permits current in the NT.

Initiated in 2022, the primary focus for inspector training in 2023-24 continued to be the Diploma of Government (Workplace Inspection). 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. Inspectors were allocated work time to attend training sessions plus study slots for individual e-learning and assessment activities. The final module was completed in December 2023 and qualifications were awarded in early 2024.

In May 2024 'new inspector' training included:

- A group induction program comprising nine sessions, with up to 18 people in a session, totalling 205 person hours for all attendances)
- A program of legislation essentials training which explored key aspects of the NT Work Health and Safety legislation over 5 sessions, with up to 19 people in a session, totalling 166 hours for all attendances).

Support was also provided for externally delivered training:

- nine senior staff to participate in a course on Media interview and communication
- six senior staff to attend a webinar on How to have mental health conversations as a leader
- four administrative staff to complete a course on Creating accessible documents
- two administrative staff to complete a course on Illustrator essentials
- two administrative staff to complete a course on Photoshop essentials
- all inspectors to complete online Asbestos awareness training
- four regionally located inspectors to attend a 4 Wheel drive course
- six electrical inspectors to complete a course in Perform rescue from a live low voltage panel
- ten frontline staff to attend SafeTALK (suicide intervention) training.

Staff have taken up a range of corporate training opportunities, in person or online such as new staff induction, Merit selection, Introduction to the ICAC, Code of conduct, Appropriate workplace behaviours, How to write in plain English, Emotional intelligence, First aid or CPR training.

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

- Shopgoods fireworks
- Auditing amusements devices
- Entry permit holders and inspector role in issue resolution
- Legislative change: *Electrical Safety Act 2022* and Regulations
- Legislative change: Engineered stone, porcelain products and sintered stone

Excluding commitments to the Diploma of Government, NT WorkSafe contributed approximately 1066 hours (over 44 person days) to staff training and professional development in the 2023-2024 financial year.

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 WHA is the Competent Authority for the NT legislation

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 2023

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. Six information sessions were held for the following topics which had a combined attendance of 339 people.

- Managing psychosocial hazards under the work health and safety laws;
- Workplace bullying & the role of the different regulatory agencies;
- Managing heat stress
- UV safety training
- Return to work plans - helping injured workers get back to work; and
- HSR's - providing effective worker representation.

NT WorkSafe also held a mock trial in the Supreme Court, with the fictitious case based on the new psychosocial hazards regulations. The mock trial was viewed by 88 attendees.

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

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

Scyne Advisory, provided the 'NT WorkSafe Actuarial review of Northern Territory workers compensation scheme as at 30 June 2023, 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 WHA 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 twelve 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	2601
Total claims accepted	2331
Workers' compensation education and advice activities	29 454
Workers' compensation mediations completed	282
Permanent impairment reassessment applications received	55
Approved vocational rehabilitation providers	12
Appointed mediators	7
Approved insurers	4
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.

NT WorkSafe have undertaken compliance activities at events such as Alice Springs, Tennant Creek, Katherine, Darwin and Fred's Pass annual shows, the NT Muster, Greek Glenti and Nepalese festivals, which included amusement ride audits and enhanced gas and electrical safety amongst some of the food vendors. The regulatory compliance team have also had an increased presence at fireworks displays.

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 five safety focuses, providing information and advice to Territory workplaces to ensure businesses are aware of legislative obligations as they relate to work health and safety. This involved 266 workplace visits covering a range of topics including aggression and violence in fast food outlets, service stations, bottle shops and liquor outlets, market holder compliant gas and electrical and finalised the forklift focus.

To continue to provide ongoing support to health and safety representatives (HSR), the work health and safety assurance team also attended six 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, the team provided several presentations to years 10 to 12 students at a number of high schools in readiness for the schools work experience programmes.

In 2023-24 the team had stalls at three student/business expos in Darwin and delivered presentations to business and other industry which included CDU, Downer Group, BMD, Real Estate Institute of the Northern Territory, HSR student training, Power and Water and Sunbuild with other business scheduled next financial year.

The team has also been performing proactive visits in both residential and commercial construction sites to maintain a constant presence in this sector.

Electrical Safety

The Electrical Safety team continued to deliver Electrical Safety Campaigns including the “Survive, Don’t Work Live” campaign and conducted 15 information sessions for 162 apprentices and trainees at Charles Darwin Universities in Darwin. Lock out kits and stickers were provided to all first year electrical workers. The expansion of the electrical safety campaign to cover electrical contractors across the Territory is planned for October 2024.

The inaugural Electrical Safety Week was held in the Northern Territory from 4 to 8 September 2023. The aim of the week was to promote electrical safety in the home and workplace, with the goal of reducing the number of electrical related injuries, fatalities and property damage due to fires. The week coincided with similar events held in Queensland and New South Wales. Two webinars were held for the general public on the topic of Solar PV Safety which had a combined total attendance of 24 attendees.

NT WorkSafe developed and delivered education campaigns prior to the Electrical Safety Regulations coming into effect on 1 July 2024. The education campaign consisted of 11 public and industry information sessions that attracted 206 attendees.

The former Part 4.7 of the *Work Health and Safety (National Uniform Legislation) Regulations 2011* that dealt with general electrical safety in workplaces and energised electrical work has been repealed. These provisions are now contained within the Electrical Safety Regulations 2024 and electrical safety operations going forward will be reported in the Electrical Safety Regulator’s annual report.

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 hazard facilities 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 2023-24

Description of Activity	No.
Information / education sessions	99
Workplace visits	5674*

*Based on data run date 25 July 2024 and includes lag data for workplace visits entered retrospectively after the end of each month.

Table 5 - Workplace visits carried out by industry group 2023-24

Description of Industry	Visits
Accommodation, cafes and restaurants	167
Agriculture & fishing	122
Communication Services	6
Construction	2478
Cultural and recreational services	401
Education	127
Electricity, gas and water supply	20
Finance and insurance	6
Government administration and defence	139
Health and community services	218
Manufacturing	130
Mining	169
Personal and other services	121
Property and business services	246
Retail trade	1085
Transport and storage	166
Wholesale trade	73

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 now repealed *Electricity Reform Act 2000*.

Investigations and Prosecutions

The investigations unit is comprised of two principal investigators, a senior investigator and the NT WorkSafe Support Officer, who is the point of contact for injured workers and families. The Support Officer provides updates on investigations and ensures prosecution parties are informed about court proceedings. This role was created as part of the accepted recommendations of the injured workers and family forum –an outcome of Recommendation 5 – System to Support Families of Victims of Fatalities ‘That NT WorkSafe develop a more effective system to ensure that the families of victims of fatalities are supported, modelled on best practice used by police services’.

The unit conducts investigations in accordance with *Work Health and Safety (National Uniform Legislation) Act 2011*, *Return to Work Act 1986*, *Dangerous Goods Act 1998* and the *Electricity Reform Act 2000*. The unit is responsible for investigating work-related incidents to determine if a breach of legislation has occurred and determine the most appropriate regulatory response. The unit is required to investigate all work related fatalities reported to NT WorkSafe due to the serious nature of fatalities in the workplace. Where a breach has been identified, charges may be filed at court and a prosecution will commence. The unit is responsible for preparing briefs of evidence and managing the prosecution progress through the Local Court and Supreme Court to its conclusion.

In 2023-24, the investigation unit had 30 incidents referred. This compares with 36 referrals in the previous financial year. Of the incidents referred in 2023-24, 9 involved deaths, 6 involved serious injury, 8 involved dangerous incidents, 3 related to breach of notices issued,

2 involved offences against inspector, 1 related to breach of the *Electricity Reform Act 2000* and 1 related to breach of the *Return to Work Act 1986*. An additional 26 investigations were carried over from the 2022-23 financial year.

Seven prosecutions were completed in 2023-24. Three resulted in conviction and/ or court ordered penalties to the total of \$719 850 (excluding victims' levies). The WHA accepted an enforceable undertaking with financial commitments to the total of \$76 500 resulting in the withdrawal of the prosecution against that defendant.

Two prosecutions were finalised as part of a plea negotiation. The WHA secured several convictions by withdrawing certain charges as agreed between the WHA and the defendant's legal representative. One prosecution was finalised as a result of the defendant complying with the requirements of a notice.

Table 6 – Prosecutions finalised

Date	Case	Offence	Outcome
16.05.24	WHA v James Edward Seidel	s 155 Failure to comply with requirements of a notice without reasonable excuse	Charges withdrawn.
03.04.24	WHA v Chung-Jae Lee and Dianne Jayne Lee trading as Little Miss Korea	s 32 Failure to comply with WHS duty (cat 2)	Fined \$12 000.
22.03.24	WHA v Peter van der PASCH t/a Petals Pruning Perfection and Tree Removal	s 32 Failure to comply with WHS duty (cat 2)	Convicted and fined \$25 000 and ordered to pay an additional \$2 350 to NT WorkSafe for court costs.
11.12.23	WHA v City of Palmerston	s 32 Failure to comply with health and safety duty – (cat 2) s 33 Failure to comply with health and safety duty – (cat 3) r 39 Failure to provide information, training and instruction r 42 Failure to provide first aid r 43 Failure to prepare, maintain and implement emergency plan	Charges withdrawn - enforceable undertaking accepted - financial commitment/ total minimum expenditure of \$76 500.

Table 6 – Prosecutions finalised continued

11.10.23	WHA v OM Manganese Ltd	s 32 Failure to comply with WHS duty (cat 2)	Convicted and fined \$487 500 and ordered to pay an additional \$193 000 to NT WorkSafe for court costs.
28.09.23	WHA v Theofilos Kalidonis	s 32 Failure to comply with WHS duty (cat 2)	Charges withdrawn.
15.08.23	WHA v Trevor Cook	s 31 Reckless Conduct (cat 1) s 32 Failure to comply with WHS duty (cat 2)	Charges withdrawn.

Enforceable Undertakings

The *Work Health and Safety (National Uniform Legislation) Act 2011* enables the WHA 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).

Duty Holder	Charges or alleged breaches	Date accepted	Value	Status	Discharge spend
ACSM Builders Pty Ltd	s 32 WHS Act	11.5.18	\$209 500	Completely discharged on 04.09.2023	\$200 875
Michael Roger Hewitt (Hewitt Cattle Australia Pty Ltd)	s 33 WHS Act	05.10.22	\$64 500	Completely discharged on 08.05.2024	\$81 268
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
City of Palmerston	s 32 WHS Act s 33 WHS Act r 39 WHS Act r 42 WHS Act r 43 WHS Act	06.12.22	\$76 500	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 2023-24, the WHA 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 2023-24 there were two requests for regulator response. Both requests were for referral of issue to the regulator for resolution by inspector.

Table 8- Activities pursuant to WHS (NUL) Act

Section	Description	2022-23	2023-24
38	Incidents notified ¹	489	554
65	Disqualification of health and safety representatives	0	0
131	Application for WHS entry permit ²	5	23
134	Issue of WHS entry permit	4	21
138	Application to revoke WHS entry permit	0	0
155	Exercise of powers of regulator to obtain information	48	121
162	Regulator's directions to inspectors	0	0
191	Improvement notices issued	528	396
195	Prohibition notices issued	113	118
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	1
220	Order following contravention of WHS undertaking	0	0
221	Withdrawal or variation of WHS undertaking ³	2	0
224	Application for Internal Review (Notices issued)	4	4
231	Written request to Regulator that prosecution be brought	0	1
260	Proceeding for contravention of civil penalty provision	0	0

¹This 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*.

²In 2023-24 two applications for entry permit were not able to progress to issue of a permit: one application was withdrawn by the requesting union; one application is yet to be actioned, after the union official attends required training.

³The 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	2022-23	2023-24
21(1A)	Approved training for health and safety representatives	6	4
93 and 319	Licence documents issued – High Risk Work and White Card	12 351	12 380
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	48	25
243 and 246	Registration of plant designs and items of plant	410	563
325	Entered into agreement with RTO to issue white cards	3	9
348	Hazardous Chemicals – manifest notifications	57	17
393	Lead process determined	0	0
403(1)	Lead risk work notified	7	6
415 (2)	Removal of worker from lead risk work notified	11	9
442	Asbestos health monitoring report received	0	0
466	Notification of asbestos removal received	339	284
492	Application for asbestos removal or assessor licence	18	22
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)	2	0
537	MHF Notifications – proposed facilities	2	0
539	Regulator may conduct inquiry regarding MHF	0	0
541	Determination in relation to facility on inquiry	0	0
542	Determination in relation to over-threshold facility	0	0
543	Determination of suitability of facility operator	1	0
544	Conditions on determination	0	0
546	Regulator revocation of a determination	0	0
548	Notification by new operator (of determined facility)	1	0
549	Application for MHF licence	0	1
551	Safety case outline provided	0	0
553	Alter Safety Case outline	0	0
560	Safety Case must be provided	0	3
580	Grant of MHF licence	0	0
583	Refusal of MHF licence	0	0
586	MHF licence document issued	0	1
595	Renewal of MHF licence	0	1
600	Transfer of major hazard facility licence	0	0
601	Cancellation of MHF licence – on operator's application	0	0
602-605	Suspension or cancellation of MHF licence by Regulator	0	0
606	Suspension of major hazard facility licence	0	0

Regulation	Description	2022-23	2023-24
678	Application for internal review (Licences, Authorisations & Exemptions)	0	0
684	Exemptions granted	8	5
686	High risk work licence exemption	0	0
688	MHF licence exemption	0	0
690	Applications for exemption received	8	6
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