

# **Work Health Authority**

**Work Health Administration Act**

## **Annual Report 2014-2015**

## Contents

Function and Purpose of the Work Health Authority .....	3
NT WorkSafe Corporate Information .....	4
Permissioning and Advisory Services .....	5
Compensation and Information .....	5
Operations .....	6
Executive .....	8
Training .....	8
Legislative Update.....	9
<i>Work Health and Safety (National Uniform Legislation) Act and Regulations .....</i>	9
<i>Review of the Workers' Rehabilitation and Compensation Act.....</i>	9
Public Awareness and Advice.....	10
Directions of the Minister under the <i>Work Health and Safety Administration Act</i> in 2013-14.....	12
Powers Exercised under the <i>WHS (NUL) Act</i> for 2014-15 .....	12
Powers Exercised under the <i>WHS (NUL) Regulations</i> for 2014-15 .....	13
Summary of Inspectorate Activity for 2014-15 .....	14
Workplace visits carried out by industry group 2014-15.....	14
Injury and Compensation Data for 2014-15 .....	15
General data for 2014-15 .....	15
Claims by industry group 2014-15 .....	15
Claims by mechanism of injury 2014-15 .....	16
Claims by type of injury 2014-15.....	16
Claims by age of claimant 2014-15.....	17
Claims by gender of claimant 2014-15.....	17

## Function and Purpose of the Work Health Authority

The role of the Work Health Authority was established by the *Work Health Administration Act 2011*, which came into force on 1 January 2012. The Work Health Authority is granted powers and functions under the *Work Health and Safety (National Uniform Legislation) Act* and the *Return to Work Act*. The Minister for Business was responsible for the *Work Health Administration Act* for the entire reporting period. The Minister was also responsible for appointing the Work Health Authority.

Part 2 (5) of the *Work Health Administration Act 2011* provides:

1. The Authority has the following functions:
  - (a) to be the regulator under the *Work Health and Safety (National Uniform Legislation) Act*;
  - (b) the functions conferred on it under the *Return to Work Act*; and
  - (c) any other function conferred on it under any Act
2. The Authority has the powers necessary to perform its functions.

The Work Health Authority is also granted powers and functions under the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act* and Regulations.

Part 2 (22) of the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act* provides:

1. The Work Health Authority is the Competent Authority for this act.
2. The Competent Authority:
  - (a) may exercise all the powers and perform all the functions of an authorised officer; and
  - (b) when exercising those powers or performing those functions, has all the immunities of an authorised officer.

## NT WorkSafe Corporate Information

In 2014-15, the functions of the Work Health Authority were performed by NT WorkSafe, a division of the Department of Business. NT WorkSafe is the statutory body responsible for the Northern Territory-wide provision of advice, information and regulation of workplace health and safety, dangerous goods, electrical safety, and rehabilitation and workers' compensation.

NT WorkSafe offices are located in Darwin, Katherine and Alice Springs. NT WorkSafe comprises the following business units:

- Permissioning and Advisory Services
- Compensation and Information
- Operations
  - Electrical Safety
  - Resource Safety
  - General Safety
- Executive
  - Training and Audit
  - Regulatory Reform
  - Communications

The Work Health Authority was provided with 59 full-time equivalent staff (as per the NT WorkSafe organisational chart below) to administer a range of legislation including the *Work Health and Safety (National Uniform Legislation) Act 2011*, the *Return to Work Act* and the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act* and associated Regulations.



## Permissioning and Advisory Services

The Permissioning and Advisory Services (PAS) unit of NT WorkSafe perform a number of functions as a component of the advisory and licensing compliance requirements directed by the Work Health Authority in the course of administering the *Work Health and Safety (National Uniform Legislation) Act* and the *Dangerous Goods Act* and associated Regulations.

Work Health and Safety authorisation activities undertaken by PAS include:

- issuing of licences;
- issuing of permits;
- registration of plant design and items;
- approving course delivery by Registered Training Organisations; and
- issuing of high-risk work accreditations.

In addition, the PAS unit delivers front-line services by accepting and triaging all NT WorkSafe incident notifications as well as a number of mandatory notifications including demolition, asbestos removal, pipelines, lead work and Schedule 11 hazardous chemicals.

The PAS team assists business in making their workplaces safer through the provision of practical tools to help identify hazards; assisting to facilitate solutions that are both relevant and functional; as well as offering ongoing support and advice on work health and safety matters.

Throughout 2014-15, the PAS unit received 16,051 telephone enquiries regarding work health and safety and responded to 7,942 general enquiry emails through its generic email address.

## Compensation and Information

The Rehabilitation and Compensation unit of NT WorkSafe perform a number of functions in the course of administering the Return to Work legislation including:

- providing advice and information to employers, workers, insurers and the public about workers' compensation matters;
- coordinating mediations (between claimants, employers and insurers) in accordance with legislation;
- arranging permanent impairment reassessments in accordance with legislation;
- approving insurers and self-insurers in the Northern Territory;
- approving rehabilitation providers; and
- collecting statistical information from insurers and self-insurers for work health safety activity and for national reporting to Safe Work Australia.

The Northern Territory workers' compensation scheme is a privately underwritten scheme, whereby all financial risk of the scheme is carried by approved insurance companies. Up until 1 January 2015, these insurers were QBE, Allianz, TIO, GIO (Suncorp) and CGU. On 1 January 2015, TIO was sold to Allianz Insurance. Privately underwritten schemes also exist in

Western Australia, Tasmania and in the Australian Capital Territory. In general, the Northern Territory Government does not insure and carries the financial risk for its own workers. The *Return to Work Act* establishes a Nominal Insurer for instances where an employer fails to insure or in cases where the insurer defaults. The Nominal Insurer meets claims liabilities by obtaining contributions from the approved insurance companies based on their market share.

The *Return to Work Act* also establishes a Scheme Monitoring Committee, whose role is to monitor the viability and performance of the Northern Territory workers' compensation scheme. The scheme is the subject of an annual actuarial report; the 2013-14 report has been published on the NT WorkSafe website. Highlights from the actuary's report on the performance of the scheme were:

- The estimated funding ratio for the scheme is 99%. The funding ratio is a measure of the ability of the scheme to meet its obligations. Ideally, the funding ratio should be greater than 100%.
- Insurers have put aside reserves of \$286.4 million to pay claims liabilities, against the actuary's estimate of \$288.4 million.
- The average premium rate charged by insurers was 2.2% of employers' payroll. The break even rate was calculated at 1.9%, implying a profit for the scheme.

The operation of the Northern Territory workers compensation scheme is kept under review by the Workers Rehabilitation and Compensation Advisory Council. This Council is established under the *Return to Work Act* with responsibility to make recommendations to the Minister on possible improvements to the administration of the Act and the scheme.

## Operations

The Operations unit comprises the Inspectorate and is the public face of NT WorkSafe. The Operations team aim to provide safety education and advice in workplaces throughout the Northern Territory to assist businesses in understanding and meeting their obligations around work health and safety.

The Operations unit encompasses three broad areas of expertise:

- Electrical Safety Team – assists the Electricity Safety Regulator to monitor and regulate electrical safety and technical standards from the point of network connection at the premises to the outlet, as well as providing advice and assistance to licenced electrical workers, individual home owners, occupiers and persons conducting a business or undertaking.
- Resource Safety Team – predominantly focus on the provision of advice and education to the mining and resource sectors. The resource safety team have implemented a coordinated approach to mine safety with the Department of Mines and Energy to minimise duplication where possible.
- General Safety Team – provide advice and assistance to businesses across a wide range of industry sectors including education, health and community services, transport, construction, retail services and manufacturing.

The Operations team develop and implement targeted campaigns to identified high risk sectors to increase awareness of workplace health and safety, and support Northern Territory industry to achieve and exceed national safety standards and targets.

Section 160 of the *Work Health and Safety (National Uniform Legislation) Act* outlines the functions and powers of inspectors as follows:

- (a) to provide information and advice about compliance with this Act;
- (b) to assist in the resolution of:
  - (i) work health and safety issues at workplaces; and
  - (ii) issues related to access to a workplace by an assistant to a health and safety representative; and
  - (iii) issues related to the exercise or purported exercise of a right of entry under Part 7;
- (c) to review disputed provisional improvement notices;
- (d) to require compliance with this Act through the issuing of notices;
- (e) to investigate contraventions of this Act and assist in the prosecution of offences;
- (f) if permitted under section 40(3) of the *Coroners Act*, to attend coronial inquests in relation to work-related deaths and examine witnesses;
- (g) to monitor compliance with this Act

## Executive

The Executive unit of NT WorkSafe comprises three areas which function under the direction of the Work Health Authority in order to support the effective administration of a range of legislation including the *Work Health and Safety (National Uniform Legislation) Act*, the *Return to Work Act* and the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act*.

The Training and Audit area was responsible for the coordination of internal and external training courses, internal audits and the development of training materials, operating procedures and policies that fall within the responsibility of Training and Audit.

Regulatory Reform is responsible for participating in reviews of relevant legislation undertaken at a local and national level, representation of the Northern Territory on various national committees and groups, the coordination of legislative amendments relevant to NT WorkSafe, and organisation of public consultation as required.

The Communications area has responsibility for development and publication of various NT WorkSafe information products, coordination of NT WorkSafe involvement in local and national safety events and implementation of communication strategies.

## Training

The Work Health Authority has responsibility for approving health and safety representative courses in the Northern Territory. Section 72 of the *Work Health and Safety (National Uniform Legislation) Act* places an obligation on the person conducting a business or undertaking to allow a health and safety representative to attend an approved work health and safety course if the representative requests to do so. During 2014-15, two additional providers of health and safety representative training were approved.

Section 131 of the *Work Health and Safety (National Uniform Legislation) Act* allows a union to apply to the Work Health Authority for the issue of a Work Health and Safety (WHS) entry permit to a person who is an official of the union. A WHS entry permit holder may enter a workplace to consult on work health and safety matters and provide advice on those matters to one or more relevant workers who wish to participate in the discussions.

Before issuing a WHS entry permit, the Work Health Authority must be satisfied that the official meets the eligibility criteria, which includes the satisfactory completion of prescribed training run by NT WorkSafe.

In the 2014-15 period, two WHS entry permit holder training sessions were held, resulting in the issue of eight permits to union officials. NT WorkSafe maintains a publicly accessible, up-to date register of current WHS entry permit holders, in accordance with the Regulations at the [NT WorkSafe website.<sup>1</sup>](#)

<sup>1</sup> <http://www.worksafe.nt.gov.au>

## Legislative Update

The 2014-15 financial year saw a legislative review into the NT Workers Compensation Scheme completed, as well as a national review of the Model Work Health and Safety laws. Those reviews resulted in some legislative reform with the Workers Rehabilitation and Compensation Act being renamed as the *Return to Work Act* and undergoing significant reform with a greater emphasis on returning to work outcomes, and the inclusion of presumptive legislation for firefighters. The Work Health and Safety (National Uniform Legislation) Regulations were amended for technical and red tape reduction purposes. In addition, there were some minor amendments to the Dangerous Goods Regulations dealing with shop-good fireworks.

### **Work Health and Safety (National Uniform Legislation) Act and Regulations**

The *Work Health and Safety (National Uniform Legislation) Act 2011* and Regulations were introduced into the Northern Territory Legislative Assembly on 27 October 2011 and passed on 1 December 2011. The new laws commenced on 1 January 2012, with Regulations transitioned over the next few years, with all but a few transitions now expired.

During early 2014, over 70 amendments to the Regulations were approved by the Ministerial Council. Those amendments were adopted in the NT in December 2014.

A review of the legislation commenced at a national level in early 2014 due to concerns raised over the level of impact of the model legislation and in-line with national moves to reduce red tape. The NT is participating in the national review as well as conducting its own supplementary review of specific identified issues that are not on the main agenda.

The main issues being reviewed nationally and/or locally include:

- the status of the Codes of Practice;
- settings in the regulations managing asbestos and construction work;
- workers and union rights;
- directors and officers liabilities; and
- whether the current system reflects best practice in that it is:
  - evidence based and cost effective;
  - simple and streamlined for businesses; and
  - flexible enough that stakeholders do not feel “locked in”

### **Review of the Workers' Rehabilitation and Compensation Act**

A review of the Northern Territory Workers Rehabilitation and Compensation scheme commenced in March 2013. Sixty-eight (68) recommendations were made following an extensive review and considerable public and stakeholder consultation. All changes were supported in principle by Government and two Bills were developed during the 2014-15 financial year.

The first Bill was passed by Parliament in March 2015. The change of name to the *Return to Work Act* commenced on 22 May 2015 and the other changes from the first Bill commenced on 1 July 2015.

The amendments to the Return to Work legislation included the following:

- change of name to the *Return to Work Act*;
- duration of compensation limited to 260 weeks of paid benefits for less serious injuries;
- increased death and funeral benefit;
- normal weekly earnings capped at 250% of average weekly earnings;
- presumptive legislation for career and volunteer fire-fighters;
- improved benefits for workers injured over the age of 67 years; and
- clarification of the 26 week period, after which compensation paid drops to 75% of normal weekly earnings.

The second Bill was introduced into Parliament during the June 2015 sittings of the Legislative Assembly.

## Public Awareness and Advice

One of the roles undertaken by NT WorkSafe is to increase public awareness of and provide advice about work health and safety matters. NT WorkSafe maintains a website to assist with this service delivery. The website contains information about the various legislation administered by NT WorkSafe, Information Bulletins, Guides, Safety Alerts, general and industry specific safety information and publication of relevant news items and information about events and promotional activities.

Information Bulletins and Guides are published to provide specific information and guidance on complying with legislation administered by NT WorkSafe. The following Information Bulletins and Guides were published in 2014-15:

### *Information Bulletins*

- Considerations when selecting chain tensioning devices
- Current Transitional Arrangements
- Workplace traffic management

### *Guides*

- Guide for industrial lift trucks
- Remote or isolated work
- Workers guide to dealing with workplace bullying
- Six steps to risk management
- Guide to safety management – small business toolkit
- Employers guide to preventing and responding to workplace bullying

Safety Alerts are issued to alert both relevant industries and the wider community to safety risks arising from incidents being investigated, or urgent and significant work health safety matters. Safety Alerts also provide timely information and advice on a range of work health and safety issues including legislated obligations and emerging issues. The following Safety Alerts were issued in 2014-15:

- Gas appliance flue terminal requirement for Recreational Vehicles (RV) with annexes – 1 September 2014
- Working under heavy vehicles – 4 November 2014
- Fireworks Pyro technician injured – 18 December 2014
- Safe use of portable ramps when working on Motor Vehicles – 19 December 2014
- Safety warning on portable butane gas cookers – 19 March 2015
- Electrocution Risk for Home DIY Repairs – 20 April 2015

To improve proactive engagement with industry, NT WorkSafe has increased its contribution at industry conferences and events through sponsorship and participation as an exhibitor. Information relevant to attendees is on hand at the NT WorkSafe booth, which is manned by NT WorkSafe Inspectors and Advisory staff. In 2014-15, NT WorkSafe participated in the following industry events:

- NT Resources Week – 20 August 2014
- SIA WHS Conference – 30 October 2014
- Alice Springs Mining Services Expo – 17 March 2015
- NT Cattlemen's Association Industry Conference – 26 March 2015
- Katherine Regional Mining Expo – 26 May 2015
- Darwin Plumbing Trade Expo – 27 May 2015
- Australian Hotels Association Expo – 3 June 2015

## Directions of the Minister under the *Work Health and Safety Administration Act* in 2013-14

Part 2 (6) of the Work Health Administration Act 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 2014-15, the Work Health Authority was not subject to any written directions by the Minister and as such there are none to include in this report.

## Powers Exercised under the *WHS (NUL) Act* for 2014-15

Regulatory Requirement	Description	No.
38	Incidents notified	710
65	Disqualification of health and safety representatives	0
131	Application for WHS entry permit	8
134	Issue of WHS entry permit	8
138	Application to revoke WHS entry permit	0
141	Application for assistance of inspector to resolve dispute	2
142	Regulator deals with a dispute about a right of entry under this Act	2
155	Exercise of powers of regulator to obtain information	8
156	Inspectors appointed	5
157	Identity cards issued	5
158	Accountability of inspectors – notification of interests	5
159	Suspension or ending of appointment of inspectors	1
161	Conditions on inspectors' compliance powers	7
162	Regulator's directions to inspectors	0
191	Improvement notices issued	74
195	Prohibition notices issued	131
213	Recovery of costs of remedial or other action	0
215	Application for injunctions for non-compliance with notices	0
216	WHS undertakings accepted	0
220	Order following contravention of WHS undertaking	0
221	Withdrawal or variation of WHS undertaking	0
230	Prosecutions commenced	1
231	Written request to Regulator that prosecution be brought	1
260	Proceeding for contravention of civil penalty provision	0

## Powers Exercised under the WHS (NUL) Regulations for 2014-15

Regulatory Requirement	Description	No.
21	Approved training for health and safety representatives	2
93	Licence documents issued – High Risk Work	7038
5	Reassessment of competency of licence holder	0
133	Regulator may suspend or cancel accreditation of assessor	0
142	Notice of demolition work	23
243-288	Registration of plant designs and items of plant	973
325	Entered into agreement with RTO to issue white cards	29
347	Hazardous Chemicals – manifest notifications	60
393	Lead process determined	0
403(1)	Lead risk work notified	0
442	Asbestos health monitoring report received	0
466	Notification of asbestos removal received	357
492	Application for asbestos removal licence or asbestos assessor licence	49
520	Suspension or cancellation of asbestos licence removal	0
536-537	MHF Notifications	1
539	Regulator may conduct inquiry regarding MHF	0
541	Determination in relation to facility on inquiry	0
542	Determination in relation to over-threshold facility	1
543	Determination of unsuitability of facility operator	0
546	Regulator revocation of a determination	1
549	Application for MHF licence	2
580	Grant of MHF licence	2
583	Refusal of MHF licence	0
586	MHF licence document issued	6
595	Renewal of MHF licence	3
600	Transfer of major hazard facility licence	1
601	Cancellation of MHF licence – on operator's application	0
602-605	Suspension or cancellation of MHF licence by Regulator	0
606	Suspension of major hazard facility licence	0
678	Application for internal review	1
684	Exemptions granted	2
686	High risk work licence exemption	1
688	MHF licence exemption	1
690	Applications for exemption received	5
696	Refusal of exemption	0
697	Amendment or cancellation of exemption	0

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

## Summary of Inspectorate Activity for 2014-15

Description of Activity	No.
Information / Advice sessions	157
Workplace visits	5888
Non-fatal investigations	21
Workplace death investigations	1
Total investigations conducted	22
Total investigations completed	12
Ongoing investigations	10
Prosecutions commenced	1
Investigations not prosecuted	11
Matters still under consideration by Solicitor for the NT for potential prosecution as at 30 June 2015	0

Note: Investigations in this table refers to comprehensive investigations

## Workplace visits carried out by industry group 2014-15

Industry Group	No.	%
Accommodation, cafes and restaurants	241	4.1
Agriculture and fishing	129	2.2
Communications services	6	0.1
Construction	2905	49.3
Cultural and recreational services	158	2.7
Education	111	1.9
Electricity, gas and water supply	37	0.6
Finance and insurance	6	0.1
Government administration and Defence	204	3.5
Health and community services	113	1.9
Manufacturing	274	4.7
Mining	217	3.7
Personal and other services	126	2.1
Property and business services	199	3.4
Retail trade	807	13.7
Transport and storage	219	3.7
Wholesale trade	136	2.3
Totals	5888	100

Note: Workplace visits carried out under *Work Health and Safety (National Uniform Legislation) Act*, *Return to Work Act*, *Dangerous Goods Act*, *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act*, *Radioactive Ores and Concentrates (Packaging and Transport) Act* and the *Electricity Reform Act*.

## Injury and Compensation Data for 2014-15

### General data for 2014-15

Item	No.
Total claims received by insurers	2928
Total claims accepted	2577
Number of approved insurers	4
Number of approved self-insurers	4
Number of accredited rehabilitation providers	30
Workers' compensation mediations completed	266

### Claims by industry group 2014-15

Industry Group	No.	%
Accommodation, cafes and restaurants	201	6.86
Agriculture and fishing	213	7.27
Communications services	7	0.24
Construction	438	14.96
Cultural and recreational services	62	2.12
Education	154	5.26
Electricity, gas and water supply	38	1.30
Finance and insurance	12	0.41
Government administration and Defence	218	7.45
Health and community services	256	8.74
Manufacturing	170	5.81
Mining	134	4.58
Personal and other services	163	5.57
Property and business services	283	9.67
Retail trade	271	9.26
Transport and storage	206	7.04
Wholesale trade	91	3.11
Not yet coded	11	0.38
Total	2928	100

## Claims by mechanism of injury 2014-15

Mechanism Group	No.	%
Being hit by moving objects	646	22.06
Biological factors	23	0.79
Body stressing injuries	732	25.00
Chemicals and other substances	59	2.02
Falls, trips and slips of a person	630	21.52
Heat, electricity and other environmental factors	74	2.53
Hitting objects with a part of the body	299	10.21
Mental stress	215	7.34
Other and unspecified mechanisms or incidents	235	8.03
Sound and pressure	15	0.51
Total	2928	100

## Claims by type of injury 2014-15

Industry Group	No.	%
Burn	56	1.91
Circulatory system diseases	6	0.20
Digestive system diseases	33	1.13
Fractures	294	10.04
Infectious and parasitic diseases	15	0.51
Injury to nerves and spinal cord	6	0.20
Intracranial injuries	33	1.13
Mental diseases	227	7.75
Musculoskeletal and connective tissue diseases	221	7.55
Neoplasms (cancer)	1	0.03
Nervous system and sense organ diseases	26	0.89
Other claims	47	1.61
Other injuries	133	4.54
Respiratory system diseases	8	0.27
Skin and subcutaneous tissue diseases	24	0.82
Traumatic joint, ligament, muscle or tendon injury	1161	39.65
Wounds, lacerations, amputations and internal organ injury	637	21.76
Total	2928	100

## Claims by age of claimant 2014-15

Age Group	No. of Claims	% of Number of Claims	% of Amount Paid
15-20	135	4.6	2.2
20-25	347	11.9	8.2
25-30	385	13.1	10.1
30-35	375	12.8	10.5
35-40	262	8.9	8.1
40-45	310	10.6	15.4
45-50	347	11.9	14.8
50-55	322	11.0	12.9
55-60	226	7.7	9.4
60-65	153	5.2	5.1
>65	65	2.2	3.3
Unknown	1	0.0	0.0
Total	2928	100	100

## Claims by gender of claimant 2014-15

Age Group	No. of Claims	% of Number of Claims	% of Amount Paid
Male	2034	69.5	75.0
Female	894	30.5	25.0
Total	2928	100	100