

SafeWork SA



2018-19 Annual Activity Report



Government
of South Australia

SafeWork SA

SafeWork SA Annual Activity Report 2018-19

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Table of contents

Message from the Executive Director	1
Our organisation	2
Our functions	2
Organisational structure	4
SafeWork SA Strategic Road Map 2018-19	6
Corporate Services Review	7
Expiations Project	7
Capability Framework	8
Capability and Sustainability Framework	8
Influence and contribute to legislation and policy	9
Providing face-to-face advisory service	9
Training Capability Framework	9
Strategic Plan (staff engagement and consultation)	10
Leadership Program for Team Leaders	10
Proactive compliance campaigns	10
High quality agile and responsive Customer Service Centre	11
Proactive education campaigns	11
Workforce Mobility Project	11
Strategic Plan	11
Highlights	13
Christmas shop trading hours exemption – first time for Boxing Day trading in the suburbs	13
Long service leave claim	14
Centralise internal documents	14
Engagement of experts	14
Industrial Relations Consultative Council	15
Our performance	17
Performance scorecard	17
Customer services scorecard	17
Licensing scorecard	18
WHS Advisor scorecard	19
Library scorecard	20
External review	20
Internal review	20
Complaints	21
Compliments	22

Our initiatives and programs	23
SafeWork SA Reform Program	23
Response to Investigation and Prosecution Review	23
Deep Dives	23
SafeWork SA restructure	24
Staff training	24
Gifts and benefits training (in response to ICAC)	24
Grooming and capture training (in response to ICAC)	25
ORANGES training	25
Training program for investigations and inspectorate	26
ICAC Evaluation recommendations	26
Regulatory Responses	39
Proactive Compliance Audits 2018-19	39
Road freight transport	39
Managing heat in the workplace	40
Pallet racking	41
Shop Trading Hours Act compliance action	42
Manual handling: Food and hospitality	42
Silicosis prevention campaign	43
Elevating work platforms	45
Education activities	47
New farm safety videos	48
New industry action plans	49
Mock court	49
Incident investigation simulation	49
Events	50
2018 National Safe Work Month	50
2018 Augusta Zadow Awards	50
Prosecutions	51
Enforceable undertakings	53
Contribution to National Agenda	54
Safe Work Australia	54
Heads of Workplace Safety Authorities	55
Submission to the Discussion Paper for the 2018 National WHS Review	56
Legislative amendments	56
Construction Industry Long Service Leave Regulations	56
Shop Trading Hours Regulations	57
Proclamation of March public holiday	57
Work Health and Safety (Asbestos Air Quality) Variation Regulations	58

Work Health and Safety (Blood Lead Removal Levels) Regulations	58
Work Health and Safety (Prescribed Fee) Regulations	59
Dangerous Goods (Dangerous Goods Transport) Regulations	59
Other	61
Conflicts of interest	61
Gifts and benefits	61
Grants and subsidies	62
Financial statements	63

Message from the Executive Director



I am pleased to present SafeWork SA's first *Annual Activity Report* in response to recommendation 23 of the Independent Commissioner Against Corruption's (ICAC) Evaluation of SafeWork SA which stated:

That SafeWork SA prepare its own annual report for tabling in Parliament which reports on its operations, including the exercise of statutory powers, the number of internal and external reviews conducted and the outcomes of those reviews.

SafeWork SA contributes to the Department of Treasury and Finance Annual Report, however as the ICAC recommendation 23 extends beyond the requirements to be included in annual reports, pursuant to the Department of the Premier and Cabinet Circular 013 (PC013), this new report provides additional information.

The 2018-19 Activity Report outlines the important work delivered by SafeWork SA in administering legislation in relation to work health and safety, public safety and state-based industrial relations services within South Australia.

Through Machinery of Government changes SafeWork SA transferred to the Department of Treasury and Finance from the Attorney-General's Department (AGD) from 1 July 2018.

The past 12 months has been a time of significant change for the agency with many important projects undertaken to help strengthen and improve the capability of SafeWork SA as a competent regulator. This report provides details on our activities undertaken throughout the year, how we achieved the activities listed in our Strategic Road Map 2018-19, how we performed in various areas, our reform program and training of staff, regulatory responses, proactive compliance campaigns, as well as our education and event highlights.

I would like to thank the dedicated staff for helping to deliver SafeWork SA's vision of making South Australian workplaces safe, and acknowledge the support I received from David Reynolds, Under Treasurer, Department of Treasury and Finance and from the Hon Rob Lucas MLC, Treasurer, who is responsible for the industrial relations portfolio.

A handwritten signature in black ink, appearing to be 'M Campbell', written in a cursive style.

Martyn Campbell
Executive Director
SafeWork SA

Our organisation

Our functions

SafeWork SA is a business unit within the Department of Treasury and Finance (DTF) and is accountable to the Treasurer. SafeWork SA administer South Australia's key work health and safety (WHS) and state-based industrial relations legislation. SafeWork SA provides information, advice and support as well as compliance and enforcement activities to ensure safe, fair, productive working lives and high standards of public safety for all South Australians.

SafeWork SA works closely with workers, employers, unions, business representatives, industry sectors and other government agencies to ensure positive health and safety outcomes.

SafeWork SA administers the following pieces of legislation:

- *Construction Industry Long Service Leave Act 1987*
- *Construction Industry Long Service Leave Regulations 2018*
- *Dangerous Substances Act 1979*
- *Dangerous Substances (General) Regulations 2017*
- *Dangerous Substances (Fees) Regulations 2017*
- *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*
- *Daylight Saving Act 1971*
- *Daylight Saving Regulations 2009*
- *Employment Agents Registration Act 1993*
- *Employment Agents Registration Regulations 2010*
- *Explosives Act 1936*
- *Explosives Regulations 2011*
- *Explosives (Fireworks) Regulations 2016*
- *Explosives (Security Sensitive Substances) Regulations 2006*
- *Fair Work Act 1994*
- *Fair Work (Commonwealth Powers) Act 2009*

- *Fair Work (General) Regulations 2009*
- *Fair Work (Clothing Outworker Code of Practice) Regulations 2007*
- *Fair Work (Representation) Regulations 2009*
- *Holidays Act 1910*
- *Long Service Leave Act 1987*
- *Long Service Leave Regulations 2017*
- *Petroleum Products Regulation Act 1995*
- *Petroleum Products Regulations 2008*
- *Shop Trading Hours Act 1977*
- *Shop Trading Hours Regulations 2018*
- *Standard Time Act 2009*
- *Work Health and Safety Act 2012 (SA)*
- *Work Health and Safety Regulations 2012 (SA)*

SafeWork SA's core functions range from undertaking workplace inspections, responding to incident notifications and complaints, investigating breaches of legislation, assessing and issuing licences administered by SafeWork SA, in addition to providing information, support, and advice to assist businesses, workers, health and safety representatives and the broader public.

Organisational structure

SafeWork SA has two public facing functions, the Regulator and the Educator. Both have direct but separate reporting lines to the Executive Director, who oversees both units. The Executive Director is the Regulator under South Australia's WHS legislation and delegates a number of powers and functions to inspectors in the agency.



Glenn Farrell
Director, Compliance and Enforcement

The Regulator includes the inspectorate and is led by the Director, Compliance and Enforcement. The Regulator is comprised of the inspectorate, investigators and specialist staff. Inspectors have experience in the industry sectors they service and ensure that WHS and public safety standards are met and appropriate action is taken when breaches of laws are detected. The specialist staff are our internal experts for specialised services such as mining, engineering, chemical hazards, explosives and many more.



Prema Osborne
Acting Director, Workplace Education and Business Services

The Educator is led by the Director, Workplace Education and Business Services and is unique in that no staff have any inspector powers. In 2018-19 the Educator was made up of the help centre, a mobile advisory service, a licensing unit and business services functions within SafeWork SA.

Following the release of the 2018-19 State Budget, SafeWork SA was required to meet significant budget savings, meaning a restructure of the organisation was required. A proposed structure was developed and released for consultation on 4 December 2018, with consultation closing 31 January 2019.

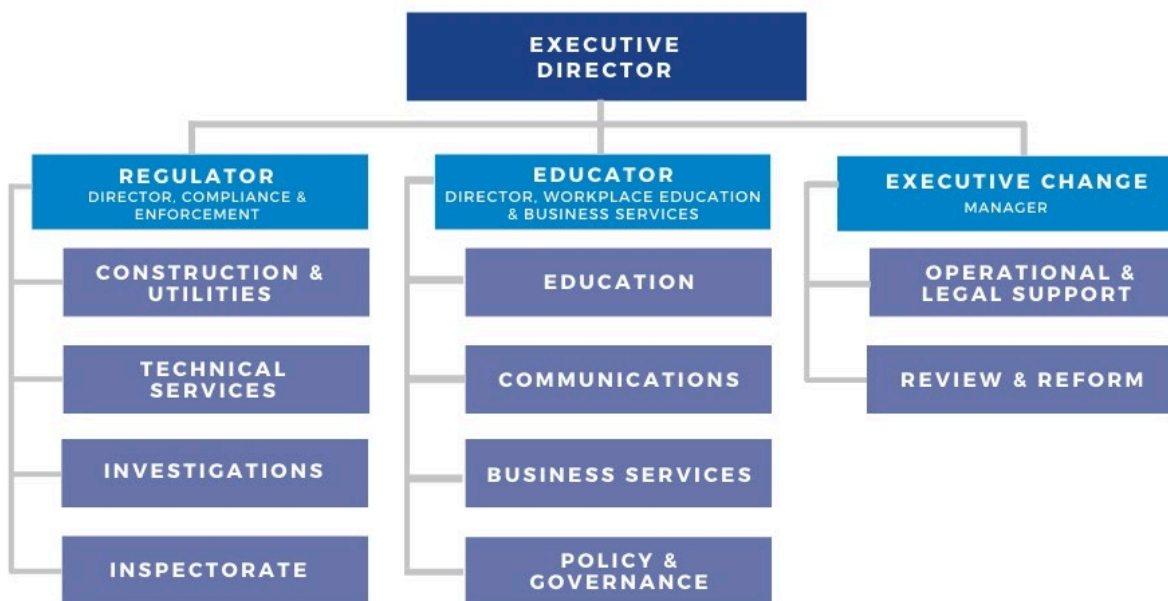
The proposed structure was designed to achieve the following:

- allocation of resources that support the delivery of key services to government agencies and the public
- a streamlined management and team structure
- clear service delivery channels for agencies and the public
- support increased knowledge sharing
- creation of clear career pathways and opportunities for professional development
- increased agility of the organisation to respond to changing demands

- cohesiveness across related functions and areas of responsibility
- centralised coordination of agency-wide responsibilities
- delivery of services within budget projections.

On 20 March 2019 the structure for the new Educator was approved, with implementation commencing from 1 April 2019 and fully operational on 1 July 2019. In regard to the Regulator, the new structure was approved on 13 May 2019, with the new structure commencing on 1 July 2019.

SafeWork SA structure
(as at 1 July 2019)



SafeWork SA Strategic Road Map 2018-19

SafeWork SA's Strategic Road Map 2018-19 (Road Map) was released on 9 February 2018 which outlined a vision of what SafeWork SA would like to achieve over the next 18 months to ensure we are 'making South Australian workplaces safer'. The Road Map goals were to:

- make it easier for people to engage with us
- take firm and fair action against non-compliance
- develop staff capability
- create a flexible, agile and professional organisation
- foundational projects underpinning our goals.

The Road Map detailed a range of activities to achieve our vision over 2018-19. These included:

- Corporate Services Review
- Expiations Project
- Capability Framework
- Capability and Sustainability Framework
- Influence and contribute to legislation and policy
- Providing face-to-face advisory service
- Training Capability Framework
- Strategic Plan (staff engagement and consultation)
- Leadership Program for Team Leaders
- Proactive compliance campaigns
- High quality agile and responsive Customer Service Centre
- Proactive education campaigns
- Workforce Mobility Project
- Strategic Plan

Over 2018-19 SafeWork SA undertook a range of projects to achieve many of the activities detailed in the Road Map. Further detail of these are provided below.

Corporate Services Review

It was identified that the corporate services support functions were not meeting the needs and expectations of SafeWork SA. In order for SafeWork SA to operate effectively and efficiently it is critical that the right corporate services support is provided across the business.

A review was undertaken with the aim to:

- detail the current situation regarding corporate services functions
- summarise identified key corporate services needs
- recommend ways to close gaps between actual and required function within the current budget.

SafeWork SA engaged Ernst & Young to undertake an independent review. This was also to ensure that an independent approach, assessment and report was delivered.

A report identified findings and presented recommendations. A number of these were implemented, however, it was identified that many of the recommendations were either no longer required or would be different to the DTF requirements, if implemented.

Expiations Project

A project was developed to implement a process for expiation notices to enable inspectors to use expiation notices as a compliance and enforcement tool.

SafeWork SA aimed to streamline the process and improve customer service by creating an online portal for offences to be actioned.

The key deliverables were:

- a system upgrade to streamline the process, to create an efficient and accurate system
- comprehensive user acceptance testing of the systems before going live
- development of internal training and support material
- development of an Operational Guideline for issuing and managing expiation notices.

The first stage of the project included a revision of internal processes for handling expiation notices.

Capability Framework

The Capability Framework included a range of projects to assist in developing policies, documentation and procedures to build a comprehensive framework for investigations. These projects were in response to a Legal Review undertaken by the Crown Solicitor's Office into the investigation and prosecution arrangements within SafeWork SA in 2017 and will ensure SafeWork SA fulfils its role as an agile and flexible investigator/regulator in the most effective manner possible.

Eight projects formed part of the Capability Framework project with a Steering Committee having oversight of the projects.

Projects that were completed by 30 June 2019 include:

- Engagement of Experts in Investigations
- Compulsive Investigation Powers
- Guideline and Practice for Enforceable Undertakings
- Implement a Training Program for Investigations
- Peer Review of current/live Investigations
- Restructure of Investigations Team
- South Australia Police's Role.

Capability and Sustainability Framework

A Capability and Sustainability Framework was developed to map out SafeWork SA's direction over the next five years.

The SafeWork SA Capability and Sustainability Framework aimed to:

- develop an effective and easy to read Framework to guide SafeWork SA over the next 5 years
- implement and promote the Framework to the staff in SafeWork SA
- raise the overall level of staff training and development in SafeWork SA
- identify strategies to reduce the risk imposed to SafeWork SA
- enable SafeWork SA to retain knowledge and expertise throughout the business.

SafeWork SA undertook a restructure throughout 2018-19 and this project was put on hold. Now that the new structure has been implemented, SafeWork SA has incorporated this project within ICAC recommendation 4 which states:

That SafeWork SA conducts a functional analysis of all the work that the organisation should undertake, with a view to identifying the core business functions of the organisation.

Influence and contribute to legislation and policy

The Policy and Governance Team, are responsible for delivering all policy and legislative services for SafeWork SA, including formulation of workplace relations, WHS and public safety policies and laws.

This team plays a key role in facilitating information flows between the Treasurer and drafts the relevant documents to influence policy and legislative change.

During the year, SafeWork SA undertook significant work on behalf of the Treasurer in relation to the Retail Trading Bill 2018, which was an Election commitment by the Government in regard to deregulating shop trading hours in this State. Although this Bill was defeated, SafeWork SA continues to provide advice on the legislation it administers and contributes to the Government's legislative agenda.

Providing face-to-face advisory service

SafeWork SA is committed to providing information, support and advice to workplaces to improve workplace safety for everyone.

Through SafeWork SA's Workplace Advisory Services Team we provide face-to-face support and advice to industry. The advisors visit workplaces and help businesses understand their WHS responsibilities, as well as provide practical support to improve systems and general safety.

The Educator function of SafeWork SA is unique in that the advisors do not have inspector powers, so businesses can feel comfortable about asking for help.

More information on our education activities undertaken by the agency can be found in the section on WHS Advisors.

Training Capability Framework

The Training Capability Framework was delivered with the aim of supporting and educating investigators within SafeWork SA to ensure they have consistent, accurate and current knowledge of their responsibilities, investigations and all requirements under the legislation administered by SafeWork SA.

The Framework was developed following discussions with Charles Sturt University and was aimed at employees commencing employment in the Regulator, however was flexible to provide refresher training to existing employees within both the Regulator and Educator.

The training included an induction, Charles Sturt University Investigations Management Training, internal SafeWork SA training, internal technical training and ongoing professional development.

Strategic Plan (staff engagement and consultation)

See the Strategic Plan section below for details.

Leadership Program for Team Leaders

SafeWork SA has developed a program designed to enhance the leadership capability of Team Leaders within the Regulator arm, and build high performance in this important skill. The program commenced on October 2018, predominantly through workshops that are followed up by assessments to demonstrate learnings.

While the program is specifically designed for Team Leaders within the Regulator arm, there was capacity for a small number of other SafeWork SA staff to participate as a professional development opportunity. With the recent restructure in SafeWork SA, the program has been broadened to be delivered to all Team Leaders.

SafeWork SA has also undertaken a range of activities with Managers and Team Leaders in the management of complex matters, change management and managing people to create an environment for them to utilise these tools more frequently and embed the tools in their day-to-day activities.

Proactive compliance campaigns

Throughout 2018-19 SafeWork SA undertook a range of proactive compliance campaigns targeting various industries. Detailed in the Regulatory Response section of this Report are the following proactive compliance campaigns:

- Silicosis Prevention Campaign
- Elevating Work Platforms
- Road Freight Transport Audit Campaign
- Managing Heat in the Workplace
- Pallet Racking
- Shop Trading Hours Act Compliance Action
- Manual Handling: Food and Hospitality.

High quality agile and responsive Customer Service Centre

SafeWork SA has Customer Service Centres at our Head Office in Keswick, along with our regional locations of Port Lincoln and Whyalla.

In 2018-19 SafeWork SA assisted more than 650 visitors to our customer services centres seeking information and advice.

During 2018-19 our Head Office included a professional library covering all aspects of working life, including WHS, industrial relations and return to work. However, during this period SafeWork SA decided to shift the focus of its library to be predominantly online. Effective 1 July 2019 SafeWork SA closed its physical library space, retaining a small collection of texts and resources that are not available digitally. The online library catalogue received more than 125,000 searches.

Proactive education campaigns

SafeWork SA continues to undertake a number of proactive education campaigns, through the Educator arm of the agency. Some of the key activities undertaken during this year included:

- collaborating with industry experts to present workshops during Safe Work Month
- mock court presentations to local councils
- investigation simulations.

Further details on the education campaigns can be found under WHS Advisor section of this Report.

Workforce Mobility Project

This project was absorbed into other activities such as the Deep Dives, which is explained further in this Report and the ICAC recommendations.

Strategic Plan

During 2018-19 SafeWork SA developed a new strategic plan which was launched on 19 March 2019, setting the strategic direction for the agency for the next three years.

The new SafeWork SA Strategic Plan 2019-2022 (Strategic Plan) took into consideration projects within the former Road Map, staff feedback and input, along with recommendations from the ICAC Evaluation Report. This has created a clear vision for SafeWork SA on how we deliver our work and the service our stakeholders and customers expect.

This new Strategic Plan will build on SafeWork SA's achievements over the previous years to keep South Australian workplaces safe and includes many of the goals from the Road Map.

SafeWork SA ensures it contributes to the DTF Strategic Plan (Our Plan 2018-2020) with a purpose of 'working together to support the future prosperity and wellbeing of all South Australians'. SafeWork SA was successfully integrated as a new business unit of DTF from 1 July 2018 contributing to the objective 'trust and empower our skilled diverse, flexible and committed people' and the objective of 'collaborate to deliver high quality advice' with the Reform Program.

On 24 July 2018, SafeWork SA announced its core values, which align with our Road Map as well as the Public Sector Values.

SafeWork SA's [vision](#) is making South Australian workplaces safe.

Our [goals](#) are to:

- make it easier for people to engage with us
- take firm and fair action against non-compliance
- develop staff capability
- create a flexible, agile and professional organisation.

SafeWork SA [values](#) are our behaviours to help us reach our goals and vision. They are: professionalism, respect, integrity and service.

- Professionalism
 - Personal accountability for getting your work done to a high standard
 - Be proactive in identifying improvements and better ways of doing things
 - Identify where to involve and consult stakeholders. This also enables consistency across the agency
 - Lead by example
 - Ensure that there is available information for someone to fill your role if you are unavailable
 - Show initiative
- Respect
 - Listen to the views and opinions of others
 - Recognise that other people can add value
 - Communicate clearly and in a timely manner
 - Respect our customers and the value they can add to agency operations

- Value and acknowledge the work and effort of others
- Integrity
 - Treat all people fairly and honestly
 - Walk the talk, live and breathe SafeWork SA values every day
 - Consistently make decisions openly, transparently and confidently
- Service
 - Provide quality and accurate service in a timely and courteous manner
 - Always focus on achieving positive and sustainable outcomes
 - Maintain a consistent approach to service based on SafeWork SA corporate values

Highlights

SafeWork SA achieved a number of highlights throughout 2018-19. Some of these are detailed below, with other sections of the Activity Report also detailing a number of our achievements over the year.

Christmas shop trading hours exemption – first time for Boxing Day trading in the suburbs

Following strong demand from consumers and retailers, the Treasurer granted a special exemption under the *Shop Trading Hours Act 1977* to give all retailers in metropolitan Adelaide the opportunity to trade during the Christmas period. This trading exemption allowed non-exempt shops in the metropolitan area to trade, should they choose, that would have otherwise been forced to close on the public holidays.

The Treasurer granted the following exemption on his own initiative for the following additional hours in the Greater Adelaide Shopping District over the 2018 Christmas period:

- from 9.00am (instead of 11.00am) until 5.00pm on the Sundays of 2, 9, 16 and 30 December 2018
- until 12 midnight (instead of 9.00pm) on Thursday, 13 December, Thursday, 20 December, and Friday, 21 December 2018
- until 6.00pm (instead of 5.00pm) on Saturday, 22 December 2018
- from 9.00am (instead of 11.00am) and until 6.00pm (instead of 5.00pm) on Sunday, 23 December 2018 and
- from 9.00am until 5.00pm on Wednesday, 26 December 2018.

And the following additional hours for the Proclaimed Shopping District of Millicent:

- from 9.00am until 5.00pm on the Sundays of 2, 9, 16 and 23 December 2018.

Long service leave claim

SafeWork SA investigated a matter in July 2017 and made a formal direction on an employer pursuant to section 12 of the *Long Service Leave Act 1987* to make payment of outstanding long service leave entitlements.

The employer sought to have the notice reviewed and following a hearing in the South Australian Employment Tribunal the notice was upheld and the employer was directed to make payment. An appeal was lodged, but subsequently withdrawn and the employer made payment to the worker of the outstanding amount on 30 November 2018.

Centralise internal documents

SafeWork SA undertook a project during 2018-19 to collate and centralise all our internal policies, procedures, guidelines and internal documents. These documents contain pertinent information to the work of our staff.

This project was developed to address ICAC recommendation 8 which states: *That SafeWork SA establishes a central repository for policy documents accessible by all staff which contains only current, accurate and approved policy documents. Draft documents and earlier versions of documents should be stored elsewhere.*

A significant number of documents were located, with a large number being archived.

Staff can now access all agency documents via a link on the SafeWork SA intranet and through a secure location on the local network.

This project was completed in April 2019.

Engagement of experts

SafeWork SA reviewed the way it engages experts that contribute towards an investigation. SafeWork SA clearly defines the roles and responsibilities of the expert and investigators, including the purpose of an expert, how to engage an expert, terms of an expert and the framework for decision making regarding experts.

The Engagement of Experts Procedure was approved in June 2019. The Investigations Team and out-posted solicitors are the primary users of this procedure as they engage subject matters experts.

The outcome of this project saw the following documents finalised:

- Standard Operating Procedure

- standard letter of engagement
- formal register for experts both internal and external.

Industrial Relations Consultative Council

The Industrial Relations Consultative Council (Council) is established under Chapter 6AA of the *Fair Work Act 1994* (SA) (FW Act), consisting of 13 members that represent the interests of business organisations, associations and unions, with the Hon Rob Lucas MLC, Treasurer as the Chair.

Members are appointed by the Governor with the current members detailed below.

Name	Position	Appointment and expiry date	Representing / nominated by
Hon Robert Lucas MLC	Chair	22 March 2018 –	Statutory Requirement
Natasha Brown	Member	17 March 2019 – 16 March 2022	Public Service Association of SA (PSA)
Charlie Condo	Member	17 March 2019 – 16 March 2022	Housing Industry Association (SA)
Gary Coppola	Member	17 March 2019 – 16 March 2022	Motor Trade Association of South Australia
William Frogley	Member	17 March 2019 – 16 March 2022	Master Builders Association of South Australia
Monique Gillespie	Member	17 March 2019 – 16 March 2022	Shop, Distributive and Allied Employees' Association (SA)
Peter Lamps	Member	17 March 2019 – 16 March 2022	Australian Workers' Union (SA Branch)
Erma Ranieri	Member	17 March 2019 – 16 March 2022	Commissioner for Public Sector Employment
Jessica Rogers	Member	17 March 2019 – 16 March 2022	Communications, Electrical and Plumbing Union (SA)
Angas Story	Member	17 March 2019 – 16 March 2022	SA Unions
Estha van der Linden	Member	17 March 2019 – 16 March 2022	Business SA
Owen Webb	Member	17 March 2019 – 16 March 2022	Australian Hotels Association (SA Branch)
Leah York	Member	17 March 2019 – 16 March 2022	Australian Education Union (SA Branch)

During 2018-19 there were a number of outgoing members whose term ended on 16 March 2019. The Treasurer wrote to the following former IRCC members thanking them for their contribution to the IRCC:

- Elizabeth Dabars, Australian Nursing and Midwifery Federation (SA Branch)
- David Gray, United Voice
- Phil Harrison, Playford Council (nominated by the Local Government Association)
- Sarah Hills, South Australian Wine Industry Association
- Michael Mead, Australian Industry Group.

Along with the above members it should be noted that Trevor Evans who represented the Australian Hotels Association (AHA) resigned on 16 July 2018, following his retirement from the AHA.

The Council assists the Treasurer to implement policies and advises him on legislative proposals affecting industrial relations and employment, along with work health and safety in this State.

The Treasurer held his first meeting as Chair of the Council in 2018-19. The meeting was held on 21 May 2019, which included the following topics of discussion: 2019 meeting dates, formation of a sub-committee for the review of the second tranche of the work health and safety codes of practice, nominations for the Mining and Quarrying Occupational Health and Safety Committee, SafeWork SA structure, implementation of the ICAC recommendations, elevating work platforms audit, silicosis and the national work health and safety review.

Members are entitled to fees, allowances and expenses approved by the governor (excluding the Treasurer and Erma Ranieri who is a government employee). Members are entitled to fees at a sessional rate of \$206 per four hour session, which is a category two, level two classification of the Cabinet approved remuneration framework.

It should be noted that during 2018-19 no fees were paid to IRCC members. Payments for the 21 May 2019 meeting will be processed during 2019-20. Members in attendance will be entitled to receive a \$103 session fee.

Section 218J of the FW Act allows the establishment of a sub-committee to advise the Council on, or to assist it with respect to, any aspect of its functions under the FW Act or any other Act. Pursuant to section 274 of the WHS Act the Treasurer can only approve, vary or revoke a Code of Practice if acting on the recommendation of the Council. The Council is required to establish a sub-committee on each occasion. There is currently a sub-committee established to consider the second tranche review of the Codes of Practice. This work is continuing and the outcome will be reported in a future Activity Report.

Our performance

Performance scorecard

Provided below are a number of performance and activity measures for 2018-19.

Performance and activity	2018-19	Target
Compliance and enforcement visits	15,510	19,000
Education, engagement and support activities	34,719	35,000
Percentage of customer service telephone calls responded to in less than 3 minutes	96%	90%
Percentage of complaints and notifications finalised within six months	89%	85%
Prohibition notices issued	703	N/A
Improvement notices issued	2,441	N/A
Expiation/infringement notices issued	1	N/A

Customer services scorecard

SafeWork SA provides the South Australian community with information regarding WHS and state based industrial relations matters, processes applications for high risk work and other licences, as well as takes workplace notifiable incidents and complaints.

SafeWork SA's customer services are provided by two main areas within its Education Team, known as the Help Centre and Licensing Unit. The teams are responsible for responding to calls to SafeWork SA's dedicated 1300 and 1800 telephone numbers during business hours.

For 2018-19 there were more than 55,000 calls received to these telephone numbers, with approximately 45,000 of those calls requiring the attention of staff. Calls are categorised by staff based on the predominant issue addressed.

Key topic of call	No. of calls (2018-19)
Licensing (incl. legislative enquiries and applications)	22,906
Legislative enquiry (excl. Industrial Relations)	5,927
Legislative enquiry (Industrial Relations)	3,472
Reporting incidents and WHS or IR complaints	3,523
Psychological risk and bullying	1,456
Asbestos	1,318
Enquiries about training and RTOs	1,024

Other	6,177
Total	45,803

Of the calls received 96% were answered in less than three minutes (with the target being 90% for this activity).

In addition to telephone calls, 15,885 customer service emails were received and responded to, and 652 visitors attended our customer service centres to seek advice and information.

Licensing scorecard

SafeWork SA receives applications and issues licences (also known as approvals, registrations, permits and authorisations) under the following legislation:

- *Dangerous Substances Act 1979, Dangerous Substances (General) Regulations 2017 and Dangerous Substances (Fees) Regulations 2018 (DS)*
- *Dangerous Substances (Dangerous Goods Transport) Regulations 2008 (DGT)*
- *Employment Agents Registration Act 1993 and Regulations 2010 (EAR)*
- *Explosives Act 1936 and Regulations 2011 (Explosives)*
- *Explosives (Fireworks) Regulations 2016 (Fireworks)*
- *Explosives (Security Sensitive Substances) Regulations 2006 (SSAN)*
- *Petroleum Products Regulation Act 1995 and Regulations 2008 (PP)*
- *Shop Trading Hours Act 1977 and Regulations 2018 (STH)*
- *Work Health and Safety Act 2012 (SA) and Regulations 2012 (SA) (WHS)*

For 2018-19, SafeWork SA processed approximately 45,000 licence applications, including those relating to renewal, variation and change of ownership (transfers).

Number and type of licence applications in 2018-19

Licence type	Renewal applications	New applications, variations, transfers	Legislation
Accredited Assessor	66	18	WHS
Asbestos Assessor	5	3	WHS
Asbestos Removal	60	25	WHS
Blasters	356	220	Explosives
Classification of Explosives		21	Explosives
Dangerous Goods Driver	683	340	DGT
Dangerous Goods Vehicle	959	230	DGT
Dangerous Substances Storage	4,311	328	DS
Design Registration	2	120	WHS
Employment Agents	147	34	EAR
Explosives	1,163	92	Explosives
Gas Fitting Work	180	5	DS
High Risk Work	11,562	10,157	WHS
Major Hazard Facility	9	1	WHS
Petroleum Products	500	95	PP
Plant Registration	11,133	1,674	WHS
Pyrotechnics	80	17	Fireworks
Security Sensitive Ammonium Nitrate	101	6	SSAN
Shop Trading Hours	128	17	STH
Other		388	
Grand Total	31,445	13,791	

*Plant registration renewals peak every five years, with the next occurrence in 2023. SafeWork SA anticipates lower overall renewal volumes in the years leading up to 2023.

WHS Advisor scorecard

SafeWork SA employed three Industry Advisors and six WHS Advisors during 2018-19 who were responsible for assisting and educating industry to achieve WHS compliance. Their focus was on assisting small business, along with workplaces engaging trainees and apprentices, and educating young workers. They also worked with key stakeholders to help educate industry on a wider scale and collaborate on projects.

In 2018-19, SafeWork SA's Advisors undertook nearly 300 site visits and face-to-face advisory activities. In addition, 140 presentations were undertaken to more than 3,500 attendees representing over 1,300 different businesses.

During 2018-19 SafeWork SA's WHS Advisors also attended approximately 250 meetings with stakeholders on educational projects, and had more than 500 other interactions with customers and stakeholders providing advice and information via email and telephone.

Library scorecard

SafeWork SA operates a professional library covering all aspects of working life, including WHS, industrial relations and return to work. During 2018-19, SafeWork SA's library consisted of a physical, walk-in space at its Keswick Head Office, along with an extensive online catalogue.

The library allows free public access to a large number of authoritative texts and resources to assist industry to meet its compliance obligations. The library also holds copies of all legislation, codes of practice and Australian Standards within its responsibility to ensure they are available to the public.

As a public library, SafeWork SA can assist its customers to source relevant resources from other public libraries, as well as make its own resources available to any public library user across South Australia.

In 2018-19 the online library catalogue was searched more than 126,000 times. During this period SafeWork SA decided to shift the focus of its library to be predominantly online. Effective 1 July 2019, SafeWork SA closed its physical library space, retaining a small collection of texts and resources that are not available digitally.

External review

Pursuant to section 229 of the *Work Health and Safety Act 2012 (SA)* (WHS Act), if a person is dissatisfied with the outcome of an internal review or wishes for a review of a reviewable decision made by the Regulator (NB: decisions which are reviewable are listed in section 223 of the WHS Act), an application can be made to the South Australian Employment Tribunal (SAET) for an external review.

In 2017 there were two external reviews lodged with SAET. These matters are still ongoing and SafeWork SA will report in a future Activity Report once the outcomes are available.

Internal review

A range of decisions made by inspectors or other SafeWork SA officers in relation to licences, registrations and authorisations are able to be reviewed through 'internal review'. Section 224 of the WHS Act is the relevant provision that legislates internal review. An internal reviewer reviews the original decision and considers the material available to them.

Over 2018-19, SafeWork SA received and processed 11 internal reviews. See the table below for details.

Date of lodgement	Decision to be reviewed	Outcome	Date of decision
18/07/18	A review of an improvement notice – section 191	Confirmed improvement notice with a variation.	30/07/18
21/08/18	A review of an improvement notice – section 191	Notice upheld	24/09/18
30/08/18	A review of an improvement notice – section 191	Notice cancelled	11/10/18
07/09/18	A review of an improvement notice – section 191	Notice cancelled	19/10/18
05/10/18	A review of an improvement notice – section 191	Notice cancelled	06/11/18
16/10/18	A review of an prohibition notice – section 195	Notice upheld	06/12/18
27/11/18	A review of an improvement notice – section 191	Notice cancelled	07/12/18
04/03/19	A review of an prohibition notice – section 195	Notice upheld, with minor variation to PCBU details	22/03/19
21/03/19	A review of an improvement notice – section 191	Notice upheld	12/04/19
20/06/19	A review of an improvement notice – section 191	Notice upheld	11/07/19
12/06/19 Application lodged 6 weeks late. An extension for late submission was granted on 20/6/19.	A review of a provisional improvement notice – section 102	Notice upheld	26/06/19

Complaints

The number of public complaints reported to SafeWork SA are recorded in the Department of Treasury and Finance Annual Report. For 2018-19 this figure was 52 and included the following complaint categories: professional behaviour, communication, service delivery, policy and service quality.

Compliments

SafeWork SA welcomes feedback from the community throughout the year in the form of a compliment about an experience they have had with us.

A compliment can be provided online by completing the compliment form, by visiting us at our Head Office at Keswick or by telephoning us during business hours.

For 2018-19, SafeWork SA received 13 compliments with the majority of those relating to service quality/delivery.

Our initiatives and programs

SafeWork SA Reform Program

Over the past 12 months SafeWork SA has focused on a number of reform programs aimed at building a trusted organisation that meets the expectations of stakeholders and industry would expect. Significant reform projects have developed the capability of the agency, with major projects undertaken in 2018-19 detailed below.

Response to Investigation and Prosecution Review

In June 2017, a Legal Review was conducted and finalised by the Crown Solicitor's Office regarding investigation and prosecution arrangements within SafeWork SA for offences under the WHS Act. The review was a broad consideration of how matters handled by SafeWork SA are investigated and, where appropriate, prosecuted.

The Legal Review made 18 recommendations. A majority of recommendations have now been addressed, with three remaining as at 30 June 2019, these being:

- implementation of an initial response procedure
- case management system for investigations
- victim support services.

Deep Dives

In May 2018, SafeWork SA commenced a process of business improvement 'Deep Dives' with each team across the agency. The objective of these Deep Dives was to gather more detail into the operating differences and issues within each team.

The Deep Dive consists of interviews, shadowing employees, analysis of data (InfoNet and workforce), meetings with the leadership team and analysis of processes with employees in the team, SafeWork SA management and key stakeholders in South Australia:

- the key outcomes of the Deep Dives are detailing the current situation
- summarising the identified key team needs
- summarising the identified areas for opportunity and improvement
- recommending ways to close gaps between actual and required functions within the current budget
- advising on next steps (i.e. implementation of recommendations).

It is planned that each team within SafeWork SA will undertake a Deep Dive. As at 30 June 2019 the following teams have undergone a Deep Dive process:

- Construction Team
- Manufacturing, Wholesale, Transport, Retail and Utilities Team
- Chemical Hazards and Explosive Materials Team
- Customer Services Team.

A further two teams remain and it is anticipated these will be completed in 2019-20.

The outcome of each Deep Dive results in a range of recommendations which, once implemented, will increase efficiencies within the team, streamline processes and enable staff from the Regulator to be out on site and be more visible.

Progress on implementing the recommendations has commenced and is managed by the Review and Reform Team.

SafeWork SA restructure

SafeWork SA was required to achieve a significant efficiency dividend during 2018-19.

In addition to reducing goods and services expenditure, an organisational restructure was required to realign functions that enabled agency-wide activities to continue within a reduced workforce.

Staff were significantly consulted throughout the restructure process and all feedback was carefully considered and received a direct response. The draft structure was adapted to reflect many of the suggestions made by staff.

The field based staff (with delegated powers), who undertake proactive compliance audits and urgent response operations, were excluded from staff reductions.

The new SafeWork SA structure was implemented effective 1 July 2019.

The new structure will ensure that SafeWork SA can deliver its core functions to provide work health and safety, public safety and state-based industrial relations services.

Staff training

Much of the training that has occurred over the past 12 months is in response to the Legal Review, identification of gaps in the Deep Dives and recommendations from the ICAC Evaluation of SafeWork SA's policies and procedures of the Regulator.

Gifts and benefits training (in response to ICAC)

SafeWork SA is required to comply with DTF's Gifts and Benefits Policy, which was updated in December 2018. All SafeWork SA staff are now required to document any gifts or benefits offered, accepted or declined.

Mandatory training was developed and undertaken by staff to assist staff in identifying:

- what is a gift or benefit
- the behaviour required by public sector employees
- how the gifts and benefits register operates
- what must be recorded and how to record information in the register
- possible action if there is a failure to comply.

Grooming and capture training (in response to ICAC)

Recommendation 33 of the ICAC Evaluation stated:

That SafeWork SA provides training as part of its inspector induction program as well as to all existing inspectors and investigations which addresses: grooming and capture, managing competing pressures at workplaces and private interests and conflicts of interest. Private interests and conflicts of interest training should be provided to all staff.

This training was developed for Executive, Managers and Team Leaders and staff to develop capability in recognising and addressing grooming and capture behaviours and risks. It was identified that this was important for a regulatory agency. Five sessions were held between March and April 2019 and attended by inspectors, investigators, advisors and those with delegations.

The training package was developed and identified various grooming behaviours relevant to SafeWork SA and strategies that would be used to combat these behaviours, along with staff sharing experiences. Strategies discussed included assertiveness, managing emotions, dealing with conflict and threats, and confidence.

90% of staff strongly agreed that the training session was engaging, practical and used a variety of learning methods.

This training will be incorporated into new inspector training.

ORANGES training

From April 2018 to August 2018 SafeWork SA participated in the ORANGES program with six sessions being held.

ORANGES aims to enhance the wellbeing of individuals as well as the wellbeing of the whole organisation by providing people with tools for a better life. ORANGES is symbolic of an approach to life that is based on positive psychology. Each letter of ORANGES stands for a workshop that highlights a number of tools that help create positive habits and improve daily life.

- Optimism
- Resilience
- Attitude
- Now
- Gratitude
- Energy
- Strengths

The objective of delivering ORANGES was to provide a wellbeing and resilience tool to staff. These practical tools provide staff with the ability to drive and embrace a healthy workplace and home environment. The program also provided staff with the tools and strategies to manage themselves through the extensive reform and change occurring across SafeWork SA.

Training program for investigations and inspectorate

SafeWork SA developed and implemented a training, development and awareness program to support and educate investigators and inspectors within SafeWork SA to ensure consistent, accurate and current knowledge of their responsibilities and legislative requirements.

SafeWork SA established a partnership with Charles Stuart University to develop a training framework. Two training programs were developed and delivered: Train the Trainer and Investigation Management Program. Essentially, SafeWork SA trained some of its own staff, who then trained inspectors and investigators. This training is an ongoing training program for SafeWork SA.

ICAC Evaluation recommendations

On 10 May 2018, the Hon Bruce Lander QC, Independent Commissioner Against Corruption (the Commissioner) announced his intention to commence an evaluation of the practices, policies and procedures of the regulator arm of SafeWork SA.

On 29 November 2018, the Commissioner tabled his final report in both Houses of Parliament, 'Evaluation of the Practices, Policies and Procedures of the Regulator Arm of SafeWork SA' which detailed 39 recommendations.

On 9 May 2019, the Chief Executive of the Department of Treasury and Finance formally responded to the Commissioner, addressing each of the 39 recommendations and how SafeWork SA intends to implement them.

The below table details the recommendations made by the Commissioner. The majority of recommendations will be adopted in full, however, for recommendations 1, 21, 22 and 27 an alternate proposal has been considered that meets the intention of the recommendation.

SafeWork SA is ensuring that all projects associated with these recommendations are progressed as a matter of priority. Many of the recommendations have already been implemented or in the stages of final implementation.

A Steering Committee comprised of senior members from SafeWork SA, DTF, Environment Protection Authority and Consumer and Business Services has been established to provide governance and oversight of the recommendations. The Steering Committee meet every six weeks to consider the progress of the projects aligned with the recommendations.

This new Annual Activity Report addresses recommendation 23 which states:

That SafeWork SA prepares its own annual report for tabling in Parliament which reports on its operations, including the exercise of statutory powers, the number of internal and external reviews conducted and the outcomes of those reviews.

As at 30 June 2019, five recommendations had been completed and one recommendation which has multiple components, had been partially completed.

ICAC recommendations

Rec. No.	Recommendation	Description of project addressing recommendation
1	That SafeWork SA changes its policies regarding communication between the educator arm and the regulatory arm to ensure that the regulatory arm is provided with all information about work health and safety risks or potential breaches of the WHS Act.	<p>Communication between the Educator and Regulator</p> <p>The development of clear communication principles between the Educator and Regulator.</p> <p>Communication principles will clarify:</p> <ul style="list-style-type: none"> ➤ the role and function of the Regulator and Educator ➤ the sharing of information between the Regulator and Educator ➤ the process for a referral of a matter from the Educator to the Regulator ➤ how interaction with a common SafeWork SA customer is to occur and ➤ who is responsible for provision of technical and educational advice when a customer query is received. <p>A new service model will also be implemented that defines the provision of information from the Educator to the Regulator.</p>
2	That SafeWork SA improves the systems of communication between the Help Centre and the inspectorate to ensure that Help Centre staff are able to quickly and effectively contact members of the inspectorate.	<p>Internal communications framework</p> <p>Development of internal communications framework that will identify how communication will be managed. The framework will:</p> <ul style="list-style-type: none"> ➤ define roles and responsibilities for communication ➤ identify and document resources available for communication ➤ embed a practice of regular communication throughout the agency <p>A new triaging procedure will also address this recommendation (see recommendation 9).</p>

Rec. No.	Recommendation	Description of project addressing recommendation
3	That SafeWork SA develops and implements a strategic plan.	<p>Strategic Plan</p> <p>Development of a SafeWork SA Strategic Plan.</p> <p>Strategic plan has been developed and was launched on 19 March 2019.</p> <p>COMPLETED</p>
4	That SafeWork SA conducts a functional analysis of all of the work that the organisation should undertake, with a view to identifying the core business functions of the organisation.	<p>Workforce plan</p> <p>Development of a workforce plan for SafeWork SA that will include a functional analysis component.</p>
5	That SafeWork SA makes a clear statement on its website about what action it will take in respect of certain risks, incidents and complaints.	<p>Statement for website</p> <p>A statement will be prepared in consultation with relevant SafeWork SA teams and published on the SafeWork SA website.</p> <p>The statement will determine what action will be taken by SafeWork SA in relation to risks, complaints, incidents and what matters SafeWork SA will not address.</p>
6	<p>That SafeWork SA creates, implements and maintains a complete governance framework by:</p> <ul style="list-style-type: none"> ▶ establishing all of the systems, structures and documents necessary for good governance ▶ documenting the way in which each of those systems, structures and documents interacts with the other systems, structures and documents ▶ identifying the person or persons responsible for each component of the governance framework and ▶ being accountable for the ongoing operation of the governance framework. 	<p>Governance framework</p> <p>The development of a new Governance Framework that will:</p> <ul style="list-style-type: none"> ▶ establish all of the systems, structures and documents necessary for good governance ▶ document the way in which each of those systems, structures and documents interact with the other systems, structures and documents ▶ identify who is responsible for each component of the governance framework ▶ establish accountability for the ongoing operation of the Governance Framework.

Rec. No.	Recommendation	Description of project addressing recommendation
7	<p>That, following the establishment of an appropriate governance framework, SafeWork SA prioritises the creation of a policy framework which:</p> <ul style="list-style-type: none"> ➤ details the process for the identification, creation, consultation, approval and implementation of every policy document ➤ establishes a system for the regular review of each policy document ➤ sets out the manner in which policy documents will be stored and how and who may have access to the policy documents ➤ identifies the hierarchy of policy documents and how they relate to each other ➤ allocates responsibility for each task specified in the policy framework and ➤ indicates who has authority to approve new policy documents and implement changes. 	<p>Policy Framework</p> <p>The development and implementation a policy framework which establishes a system to manage all policies and procedures in SafeWork SA.</p>
8	<p>That SafeWork SA establishes a central repository for policy documents accessible by all staff which contains only current, accurate and approved policy documents. Draft documents and earlier versions of documents should be stored elsewhere.</p>	<p>Central repository</p> <p>The development of a central repository for all current policy documents.</p> <p>COMPLETED</p>
9	<p>That SafeWork SA improves its triaging practices by:</p> <ul style="list-style-type: none"> ➤ conducting random audits of triaging decisions to increase oversight ➤ identifying those matters that are not within SafeWork SA's statutory jurisdiction 	<p>Triaging procedure</p> <p>The development of a triaging procedure.</p> <p>The procedure will set out the roles, responsibilities and processes applicable to the triaging of reported complaints or notifiable incidents in accordance with the various Acts administered by SafeWork SA.</p>

Rec. No.	Recommendation	Description of project addressing recommendation
	<ul style="list-style-type: none"> ➤ identifying those matters that could be best dealt with by some other agency and requesting the reporter to direct the matter to that agency and ➤ documenting a clear process for triaging and providing instruction and education to team leaders to ensure consistency in the manner in which matters are triaged when they reach team leaders. 	
10	That SafeWork SA establishes clear guidelines regarding the minimum standard of information which is to be recorded about an inspection, including the information which is to be recorded where the inspector has made a decision not to issue a notice.	<p>Minimum standard of information</p> <p>This recommendation will be addressed within the new Compliance and Investigations Manual.</p>
11	That SafeWork SA requires its inspectors to prepare inspection reports in electronic form rather than in hardcopy.	<p>Electronic inspection reports</p> <p>The development of a process to ensure inspection reports are only issued in electronic copy, with hard copy inspection reports phased out.</p>
12	That SafeWork SA requires inspectors to keep an accurate and complete record of all of the statutory powers that the inspectors have exercised (including by reference to the specific sections and sub-sections) and the reasons for exercising those powers. The record is to be stored electronically in a form which allows data to be easily extracted.	<p>Record of statutory powers</p> <p>This recommendation will be addressed within the new Compliance and Investigations Manual along with a separate project for improvements to InfoNet.</p>
13	That SafeWork SA requires inspectors to upload information directly relevant to a workplace inspection to the appropriate electronic system within two business days after the completion of the inspection unless there are exceptional circumstances.	<p>Upload of information within 2 business days</p> <p>This recommendation will be addressed within the new Compliance and Investigations Manual along with a separate project for improvements to InfoNet.</p>

Rec. No.	Recommendation	Description of project addressing recommendation
14	That SafeWork SA requires, on an annual basis and within one week of a change of circumstances, all staff to sign a statutory declaration disclosing direct and indirect private interests and real, potential and perceived conflicts of interest. SafeWork SA should also require new staff to sign such a statutory declaration on appointment.	<p>Conflict of interest</p> <p>Review and implement conflicts of interest framework.</p> <p>Requirements will include:</p> <ul style="list-style-type: none"> ➤ all new staff to disclose their interests ➤ all staff to disclose their interests on an annual basis ➤ all staff to disclose interests within one week of a change of circumstances. <p>This information will be stored in the conflicts of interest register.</p> <p>Training on this requirement is being developed.</p>
15	That SafeWork SA establishes its own gifts and benefits policy which requires all staff to report all gifts and benefits offered, accepted or rejected on its own register. The register should be made available to the public for inspection at any time.	<p>Gifts and benefits register</p> <p>The Establishment of a Gifts and benefits register.</p> <p>DTF have updated their Gifts and Benefits Policy, Procedure and Form which SafeWork SA staff are required to comply with. SafeWork SA worked with DTF to ensure that SafeWork SA's requirements were outlined in the documents.</p> <p>The DTF Register is now able to capture information from SafeWork SA employees.</p> <p>COMPLETED</p>
16	That SafeWork SA ensures that when allocating new case files, to the extent possible, the inspector who is to be allocated the new case file was not the last SafeWork SA inspector to attend at the particular workplace.	<p>Workload allocation and management</p> <p>A new process will be developed for allocating workload to inspectors and investigators and how workloads will be managed.</p>
17	That SafeWork SA changes its practices to ensure that its proactive activities are driven by intelligence it has received; an assessment of the risks; and research regarding the manner in which SafeWork SA will assist workplaces to achieve long term adherence to work health and safety laws.	<p>Intelligence proactive campaign</p> <p>The implementation of a framework for intelligence proactive campaigns. Also addresses recommendation 18.</p>

Rec. No.	Recommendation	Description of project addressing recommendation
18	That SafeWork SA conducts a greater proportion of its proactive workplace visits as unannounced visits.	See recommendation 17.
19	<p>That SafeWork SA establishes a quality assurance program which includes:</p> <ul style="list-style-type: none"> ▶ on a quarterly basis: <ul style="list-style-type: none"> • an audit conducted by the inspector's team leader of a selection of the notices or inspection reports prepared by each inspector • a review conducted by a small group of team leaders of a selection of notices or inspection reports which have been audited by a different team leader • each team leader accompanying each inspector in his or her team on a workplace visit ▶ an audit of all of the work undertaken by randomly selected staff members exercising discretionary statutory powers during a one month period. 	<p>Quality assurance program</p> <p>A quality assurance program will be developed similar to the model adopted by another WHS regulator.</p> <p>Audit functions would be assigned to the Operational and Legal Support Team at SafeWork SA. Audits would need to be assessed against an agreed set of critical standards.</p>
20	That SafeWork SA implements a system for identifying the location of inspectors during working hours by installing Global Positioning System navigation into SafeWork SA's fleet of government vehicles.	<p>GPS installation</p> <p>The implementation of a Global Positioning System (GPS) on each SafeWork SA fleet car.</p>
21	That SafeWork SA sends two inspectors to each workplace inspection. Pairs should be regularly rotated and inspectors from different teams or regulatory agencies should attend together where appropriate.	<p>Two up visits</p> <p>The implementation of a framework to determine when a two up site visits by inspectors occurs.</p>

Rec. No.	Recommendation	Description of project addressing recommendation
22	That SafeWork SA provides inspectors with body worn cameras for use when attending workplaces.	<p>Body cameras</p> <p>SafeWork SA will trial the use of body cameras for inspectors and investigators for a three month period.</p> <p>The trial would involve the use of body cameras at all site visits and at any time a statutory power may be exercised.</p> <p>A group inspectors and investigators will be requested to undertake the trial to enable SafeWork SA to assess the value of providing all inspectors and investigators with body worn cameras.</p>
23	That SafeWork SA prepares its own annual report for tabling in Parliament which reports on its operations, including the exercise of statutory powers, the number of internal and external reviews conducted and the outcomes of those reviews.	<p>Annual Report and additional report</p> <p>SafeWork SA activities will be incorporated into the DTF Annual Report.</p> <p>The format and content is restricted by the requirements of PC013.</p> <p>SafeWork SA will be preparing a separate document that can be published annually that details SafeWork SA operations, exercise of statutory powers, the number of internal and external reviews conducted and the outcomes of those reviews.</p> <p>COMPLETED</p>
24	That SafeWork SA continues to develop a collaborative investigation approach which allows investigators to draw on the expertise of inspectors.	<p>Internal expert register</p> <p>A register internal experts has been developed to assist SafeWork SA in identifying suitable persons to assist in complex incidents, investigations and prosecutions.</p> <p>COMPLETED</p>
25	That SafeWork SA requires investigators to keep an accurate and complete record of all of the statutory powers that the investigators have exercised (including by reference to the specific sections and sub-sections) and the reasons for exercising those powers. The record is to be stored electronically in a form which allows data to be easily extracted.	See recommendation 12.

Rec. No.	Recommendation	Description of project addressing recommendation
26	That SafeWork SA puts in place a process or procedure whereby at the commencement of an investigation the investigator appointed to carry out the investigation be accompanied by an inspector on at least the first visit to the workplace.	<p>Initial response procedure</p> <p>Implementation of an initial response procedure.</p>
27	That SafeWork SA provides investigators with body worn cameras for use when attending workplaces.	See Recommendation 22
28	That SafeWork SA implements the 16 recommendations contained in the CSO Advice applicable to SafeWork SA's practices, policies and procedures, to the extent that those recommendations have not already been implemented.	<p>Completion of CSO recommendations</p> <p>There are 18 (not 16) recommendations contained in the CSO advice. A majority of these recommendations have been completed.</p>
29	<p>That SafeWork SA reviews its evidence management practices in its regional offices with a view to ensuring that:</p> <ul style="list-style-type: none"> ➤ all offices have an evidence storage facility which is secure ➤ access to each evidence storage facility is restricted and ➤ all dealings with evidence stored in the facility are documented in accordance with the standard operating procedure. 	<p>Evidence management practice</p> <p>This procedure will be addressed into the Compliance and Investigations Manual.</p>
30	That SafeWork SA develops standard processes for all recruitment and selection which meet the mandatory minimum requirements for the South Australian Public Sector and include additional pre-employment screening as determined through an assessment of the risks associated with the role.	<p>Recruitment and selection</p> <p>Implementation of a structured recruitment process for SafeWork SA.</p> <p>Project to ensure:</p> <ul style="list-style-type: none"> ➤ processes and delegations are followed appropriately ➤ structure recruitment is applied in SafeWork SA to find the most suitable candidate ➤ selection panel members are skilled in required processes and identifying the best candidates for a role

Rec. No.	Recommendation	Description of project addressing recommendation
		<p>➤ SafeWork SA new recruits are effective and high performing individuals who demonstrate our values and behavioural expectations.</p> <p>This process will align with the Commissioner for Public Sector Employment requirements, but also tailored to SafeWork SA's, noting the need for inspectors to have necessary industry experience and technical areas requiring specialist qualifications.</p>
31	That SafeWork SA provides recruitment training to all staff who are, or will be, members of a recruitment panel for a role within SafeWork SA.	See Recommendation 30.
32	That SafeWork SA rotates new staff recruited to inspector roles through the separate industry teams as part of the inspector induction program.	<p>Rotation of new inspectors</p> <p>This model will be built into the new inspectors training.</p>
33	<p>That SafeWork SA provides training as part of its inspector induction program as well as to all existing inspectors and investigators which addresses:</p> <ul style="list-style-type: none"> ➤ grooming and capture ➤ managing competing pressures at workplaces and ➤ private interests and conflicts of interests. <p>Private interests and conflicts of interest training should be provided to all staff.</p>	<p>Training for staff</p> <p>A training package for grooming and capture has been developed and will be incorporated into the new inspector program. All inspectors and advisors from the Educator arm will also be required to undertake this training.</p> <p>Training packages addressing managing competing pressures, private interests and conflicts of interests will be developed and implemented throughout SafeWork SA with all staff being required to attend.</p> <p>PARTIALLY COMPLETED</p>
34	That SafeWork SA ensures that, during the field based development phase of the inspector induction program and for the first six months following the unconditional appointment of an inspector under the WHS Act, each new recruit or inspector receives constructive comments within 48 hours about the inspection reports and notices that	<p>New inspector feedback from managers</p> <p>This requirement will be built into the new inspector training and will be a requirement of Managers or Team Leaders to provide feedback.</p>

Rec. No.	Recommendation	Description of project addressing recommendation
	the new recruit or inspector has prepared.	
35	That SafeWork SA provides management training to all existing managers and team leaders and to any persons who commence in a management role within SafeWork SA.	<p>Team Leader training</p> <p>The Team Leader training program commenced in November 2018 and was completed in August 2019. Manager training is currently being developed.</p> <p>The training is based on the leadership skills required in leadership and management roles, but tailored to the safety requirements of SafeWork SA.</p>
36	That SafeWork SA provides relevant training to all staff who commence in a new role within SafeWork SA, including those staff who have moved from another role within SafeWork SA.	<p>Induction process</p> <p>Implementation of a structured induction process for SafeWork SA.</p>
37	<p>That SafeWork SA provides written debriefs and regular training to assist staff members to learn from the outcomes of:</p> <ul style="list-style-type: none"> ➤ investigations and prosecutions ➤ experiences in court ➤ internal and external reviews and ➤ other comments received by SafeWork SA. 	<p>Debrief and learning framework</p> <p>Implementation of a framework that debriefs and train staff to assist them to learn from outcomes.</p> <p>This will include learning and development for Inspectors/Investigators from:</p> <ul style="list-style-type: none"> ➤ investigation and prosecutions ➤ experiences and outcomes from court ➤ internal and external reviews ➤ other comments received by SafeWork SA. <p>Functional Working Group</p> <p>A formal debriefing function has been established by way of a functional working group.</p> <p>The group is comprised of Managers, Team Leaders, Inspectors and Investigators and will meet regularly to share information.</p> <p>The functional working group will assist in sharing information by providing:</p> <ul style="list-style-type: none"> ➤ a standardised forum for learning, development and sharing of knowledge

Rec. No.	Recommendation	Description of project addressing recommendation
		<ul style="list-style-type: none"> ➤ a terms of reference on how the group will be managed, facilitated and conducted ➤ an outline of standard areas that will be covered in the forum ➤ an outline of the behaviours expected and managed within the forum ➤ an agenda will be focused on learning, development and knowledge sharing.
38	That SafeWork SA improves the audit capacity of its electronic systems by incorporating a robust audit system into any upgrades to the existing InfoNET and Joget systems, as well as making a robust audit system a prerequisite for the procurement of any future software that captures or holds sensitive information.	<p>Audit capacity of electronic systems</p> <p>This recommendation will be assessed following SafeWork SA's Information and Communication Technologies (ICT) system moving from AGD to DTF. This process commenced in March 2019.</p> <p>Discussions have already commenced with the DTF ICT unit about scoping requirements.</p>
39	That SafeWork SA provides all staff with training about the importance of maintaining the confidentiality of sensitive information; the appropriate way of dealing with sensitive information; and the manner in which potential misuse of sensitive information should be reported.	<p>New training – Confidential and sensitive information</p> <p>A training package will be developed and training made mandatory for all staff.</p>

Regulatory Responses

SafeWork SA is responsible for compliance and enforcement of laws including the State's WHS, fair work and shop trading hours laws. Compliance is achieved through a range of both reactive and proactive activities.

A *proactive activity* includes a range of projects and campaigns targeted to address those industries or hazards that contribute disproportionately to the State's injury data or notifiable incident data.

A *reactive activity* includes SafeWork SA's response to accidents, incidents, complaints and licensing matters.

Proactive Compliance Audits 2018-19

Road freight transport

The Road Freight Transport Audit Campaign was conducted from October to December 2018. SafeWork SA inspectors audited a range of small, medium and large road transport operators. Road transport is a priority industry identified in the *Australian Work Health and Safety Strategy 2012-2022* and was included as part of the SafeWork SA 2018-19 compliance calendar targeting priority industries.

SafeWork SA's *Road Transport Action Plan 2018-2020* identifies who, how and where people are being injured and provides actions that will contribute to the reduction of workplace injuries across South Australia. Identified areas for safety improvements that were targeted in this campaign were:

- working at heights and fall prevention
- operation of forklifts
- moving plant safety including traffic management and pedestrian safety
- plant maintenance
- loading practices including restraining loads (manual handling).

SafeWork SA engaged with various stakeholders and unions prior to commencing the campaign.

SafeWork SA conducted workplace visits to 47 PCBUs across manufacturing, warehouse and transport sectors. Of those, 26 PCBUs were assessed as being compliant with the audit tool, with the remainder being non-compliant.

The results of the campaign showed:

Audit criteria	Compliance (per cent)
Fully compliant with all audit criteria	55
Forklift operators had the correct competency to operate a forklift	100
Had adequate separation of people and forklifts	91.5
Aware of their obligations to report notifiable incidents	79
Had systems in place to assist workers handle heavy load restraint equipment	83
Had a forklift pre-start inspection system	91.5
Had a forklift pre-start inspection regime in place	95.8
Completed annual servicing of their forklifts	95.8
Work areas were free of slip, trip or fall hazards	90
Undertook regular inspection of electrical plant	93.7
Followed appropriate safe work practices by not allowing workers to stand on top of trailers to fit load restraint devices	94

Managing heat in the workplace

The Managing Heat in the Workplace Audit Campaign was conducted from September 2018 to January 2019. The campaign was consistent with the *Australian Work Health and Safety Strategy 2012-2022* targets and performance indicators to be achieved by 2022. Specifically the Action Area – *healthy and safe by design* and the Priority Conditions – *cancers (including skin cancer and asbestos-related cancers)*.

The compliance campaign was conducted by SafeWork SA's Manufacturing, Wholesale, Retail, Transport and Utilities Team, with the objective to inform and provide relevant information to industry groups about the risks associated with exposing workers to working in hot conditions and the benefits of implementing controls to reduce the risk associated with heat stress.

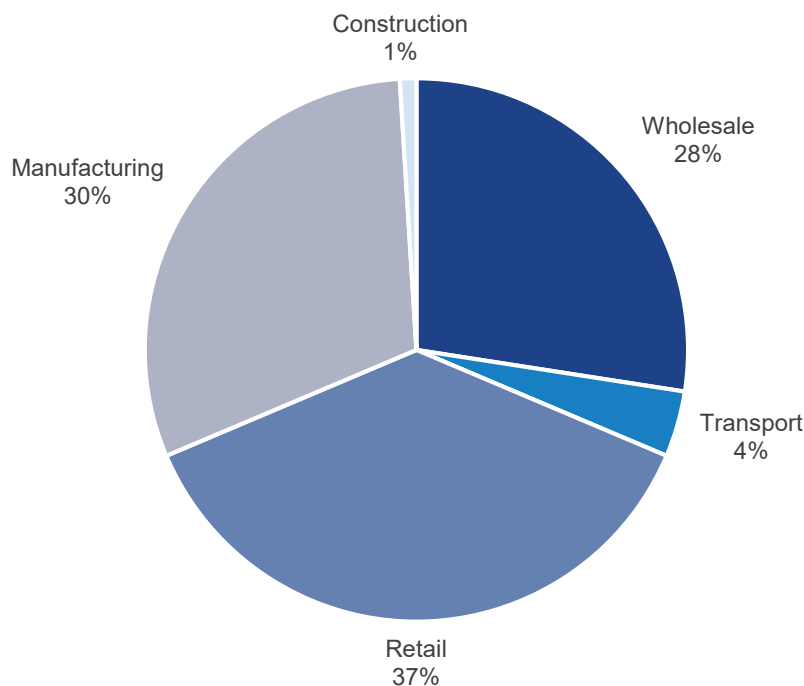
SafeWork SA engaged with various stakeholders and unions prior to commencing the campaign.

An information pack was sent to PCBUs that included: *Working in Hot Conditions – Managing Work Health and Safety Risks*, SafeWork SA *Working in Heat* publication and *Heat Stress and Solar Ultra Violet Radiation Exposure* fact sheet.

Below details the statistics from the audit campaign.

No. of workplaces audited	102
No. of workplaces deemed compliant	95
No. of workplaces that received an enforcement notice	7
No. of worksite visits	112

Workplaces visited per industry group
(as a percentage of total)



The results of the campaign showed a very good understanding of managing hazards posed to workers that work in hot conditions. Two PCBUs were issued with an improvement notice to implement an appropriate safe system of work for managing heat in the workplace.

Pallet racking

The Pallet Racking Audit Campaign was conducted January to June 2019 and was initiated due to a high number of complaints and incident notifications in the previous years that identified non-compliance with pallet racking installations.

The campaign audited 35 workplaces, resulting in 17 PCBUs considered compliant. The remaining 18 were issued with improvement notices across all audit topics, with the audit topics consisting of:

- installation of load rating signage
- securing racking to the floor

- securing pallet racking upright base protectors against forklift damage to implement a system of work to initiate a pallet racking inspection regime
- implement a system to prevent items falling from pallet racking
- implement a system to minimise the risk of manual handling for removing stock from pallet racking
- implement a system for maintaining clear access to pallet racking
- implement a system of work to removed damaged pallets from service
- engaging a competent person to inspect the complete racking system for compliance.

The Pallet Rack Audit Tool has now been made available for use as a guidance tool when inspectors are conducting a visit or workplace inspection where pallet racking may be in use.

Shop Trading Hours Act compliance action

In June 2018, SafeWork SA undertook to source the measurements of 14 supermarkets that were trading as an exempt shop pursuant to the *Shop Trading Hours Act 1977*. Of the stores involved, SafeWork SA found that only three were legally trading as an exempt shop by having a floor area of equal to or less than 400m².

In February 2019, SafeWork SA wrote to the proprietors of those supermarkets to advise they have been identified as breaching the Act and that further action would need to be taken if compliance was not achieved within three months. This timeframe provided shop owners with fair and reasonable opportunity to voluntarily undertake the required steps to comply with the Act without having an immediate impact on staff and customers.

Those steps were to either reduce the size of the shop's floor area to no greater than 400m² in order to meet the definition of an exempt shop for a shop that predominantly sells foodstuffs (e.g. supermarkets); or by adjusting trading hours to times that are permitted for non-exempt shops.

The outcome of this campaign was that all 11 supermarkets identified were able to meet the May 2019 deadline and are now compliant with the Act. This was achieved with eight of the stores making permanent modifications to reduce the size of the floor area to that of an exempt shop, whilst the other three have reduced their trading hours to those permitted for a non-exempt shop.

Manual handling: Food and hospitality

SafeWork SA conducted a compliance campaign within the food and hospitality industry in metropolitan Adelaide from October to December 2018. The aim of the campaign was to reduce the exposure of workers to hazards and risks inherent in manual handling within the industry.

The campaign was consistent with the *Australia Work Health and Safety Strategy 2012*; specifically the priority of 'a reduction in the incidence rate of claims for musculoskeletal disorders resulting in one or more weeks off work of at least 30%'.

A total of 31 restaurants and cafes were randomly selected and audited. These businesses were sent an information pack about the audit and provided a point of contact, plus a self-auditing tool.

SafeWork SA engaged with various stakeholders and unions prior to commencing the campaign.

SafeWork SA issued 19 compliance notices for manual handling related and other non-compliances of a general nature throughout the campaign.

The results of the campaign showed that the larger chain restaurants are less likely to hire new, young and inexperienced workers. With the larger restaurants having better work health and safety systems, whilst some notices were issued there were also referrals of SafeWork SA advisory services, especially where the entity was a smaller business.

Silicosis prevention campaign

SafeWork SA performed a two-stage proactive compliance campaign for respirable crystalline silica (RCS) exposure risks and controls.

Stage one involved compliance audits of 26 businesses that focused on fabricators and installers of engineered stone products including:

- air monitoring
- dry cutting, grinding and polishing
- the use of water suppression
- isolation of workers from dust generating activities
- the use of local exhaust ventilation
- work area ventilation
- cleaning and housekeeping
- the use, storage and maintenance of respiratory protection equipment
- adequacy and maintenance of risk control measures
- provision of information, training, instruction and supervision
- consultation with workers in developing and implementing risk control measures

- health monitoring.

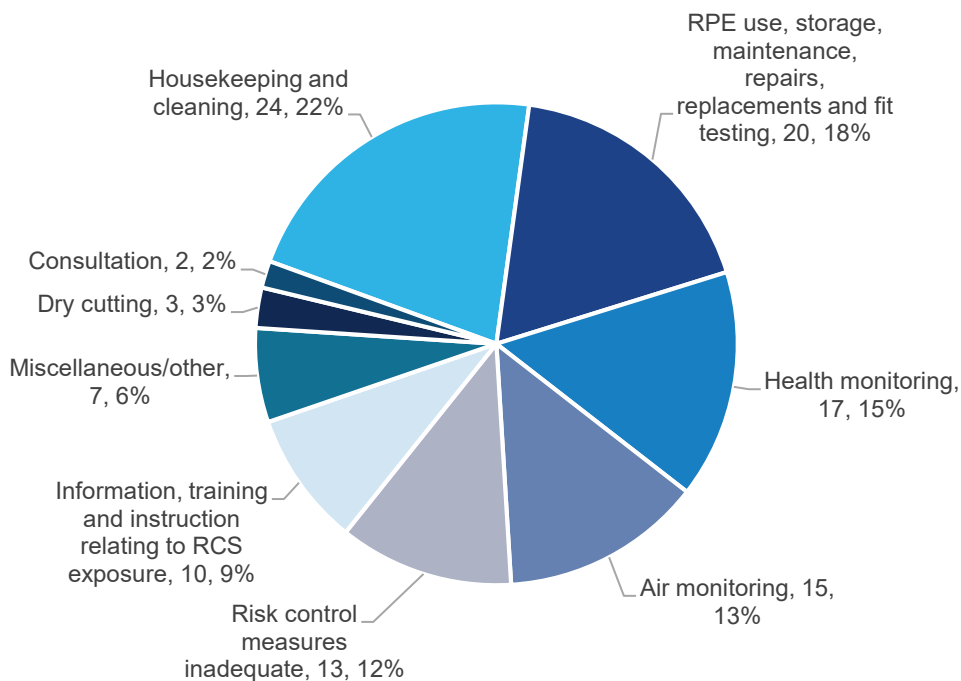
Stage two included audits of 12 businesses in the construction industry with the potential for a high level of RCS exposure, which considered the following compliance matters:

- hazard identification and management
- risk control measures
- health monitoring
- the use and maintenance of respiratory protection equipment
- provision of information, training, instruction and supervision.

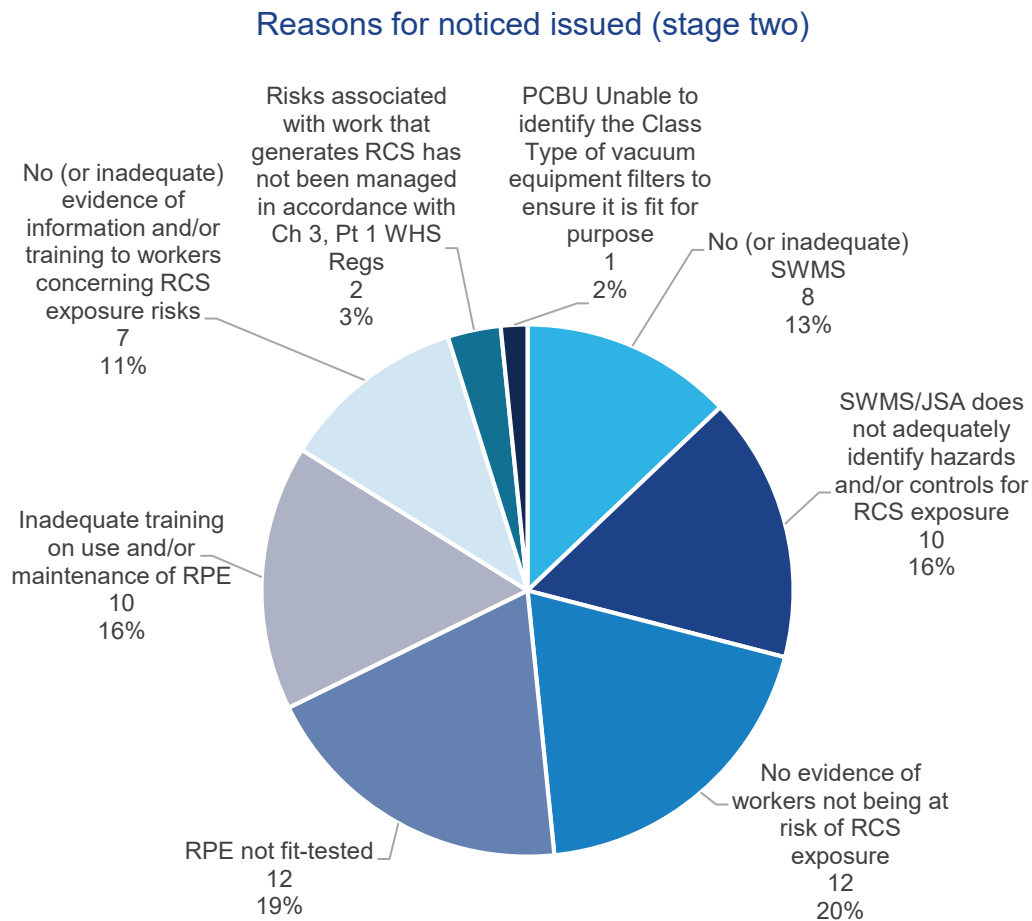
A total of 173 statutory notices were issued for matters of non-compliance in regard to work health and safety matters. The areas of non-compliance are displayed in the tables below.

SafeWork SA issued 111 statutory notices within stage one, comprising of 103 improvement notices and 8 prohibition notices. A breakdown of notice reasons is in the figure below.

Reasons for notices issued (stage one)



SafeWork SA enforced compliance by issuing 62 improvement notices. A breakdown of notice reasons is in the figure below.



Elevating work platforms

On 1 November 2018, the Coroner released his findings from the Inquest into the workplace fatality of Mr Jorge Castillo-Riffo on the new Royal Adelaide Hospital construction site. Most of the recommendations concern regulatory and industry reforms to the use of elevating work platforms (EWP).

SafeWork SA undertook an EWP Audit Campaign from January to June 2019 with 336 site visits and 2,611 EWP compliance audits. This included 234 EWP audits and 27 system audits. The audit was a cross-industry campaign reviewing the safety of EWPs over three metres high.

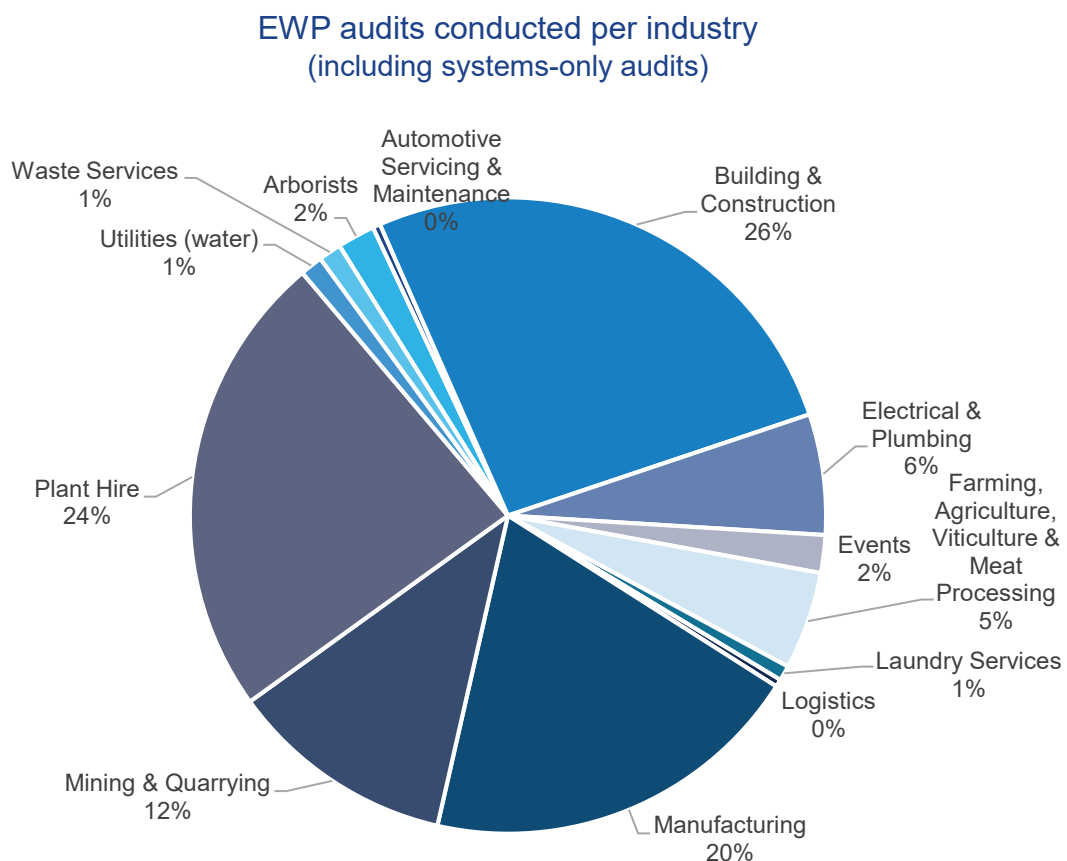
The campaign aimed to ensure PCBUs have appropriate safe systems of work in place to protect and educate workers on their responsibilities when working with EWPs to ensure their own safety and the safety of their co-workers.

The audit focused on:

- EWP design

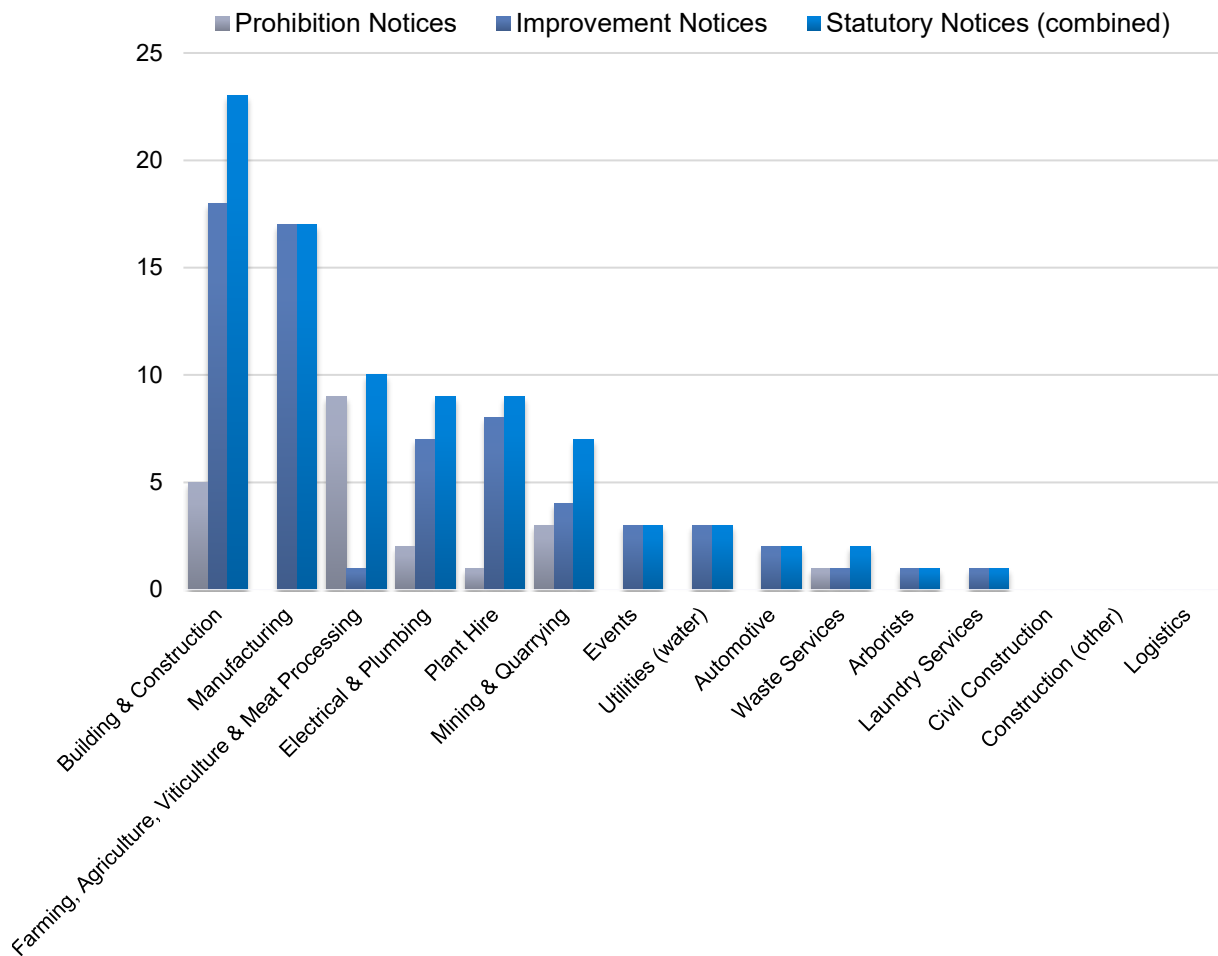
- EWP condition and maintenance
- competency and authorisation of EWP operators
- maintenance and currency of training records
- safe systems of work and documented safety procedures
- emergency systems and training
- provision of information, training and instruction to EWP operators.

The audits focused on the building and construction, plant hire, manufacturing and the mining and quarrying industries. The figure below outlines the audits conducted per industry, including systems-only audits.



A total of 87 statutory notices were issued in response to non-compliance, including 66 improvement notices and 21 prohibition notices. The largest areas of non-compliance related to missing or inadequate Safe Work Method Statements (SWMS), EWP maintenance, inspections and log book use, and the provision of information, instruction and training relating to the use of EWPs. The industries that received the highest number of statutory notices for non-compliance was building and construction (23) and manufacturing (17).

Statutory notices



Education activities

Throughout the year SafeWork SA undertook a range of activities that included:

- presentations on the role of SafeWork SA to Health and Safety Representatives (HSRs) during their Level 1 training courses within the metropolitan area
- 3-hour workshop on Community Workers WHS Guidelines to home care students
- collaborating with industry experts on Safe Work Month 2018 workshops including topics such as the National Psychological Risk Assessment Guidelines and Creating a Mentally Health Workplace
- partnering with the University of South Australia (Asia Pacific Centre for WHS, School of Psychology, Social Work and Social Policy) on psychosocial projects
- attendance and representation at industry Walk and Talk events, including those at the Adelaide Desalination Plant, Electrolux and Flinders Ports

- attendance and representation at expos including the Local Government Association (LGA) of South Australia, Australian Subcontractors Association, Tourism Industry Council South Australia (TICSA), MBA Building and Home Improvement Show, and regional field days
- investigation simulations to local councils in collaboration with Local Government Risk Services (LGRS) and Sparke Helmore Lawyers
- mock court presentations to local councils in collaboration with LGRS and Sparke Helmore Lawyers
- presentations and forums to individual workplaces on a range of topics including:
 - WHS duties
 - High Risk Construction Work Safe Work Method Statements (SWMS)
 - confined spaces
 - risk management
 - electrical safety
 - working at heights
 - bullying in the workplace
 - incident notification requirements
 - SafeWork SA's compliance and education campaign on pallet racking.

New farm safety videos

On 21 January 2019, SafeWork SA launched an engaging new video series which aims to improve safety and awareness in the agriculture industry by focusing on the most common causes of injuries on farms.

The nature and type of work carried out on farms makes agriculture one of the most dangerous industries to work in, accounting for 19% of workplace deaths between 2015 and 2017 despite employing just 4.5% of South Australia's workforce.

The farm safety videos are part of a broader education campaign aimed at reducing injuries in the agriculture industry.

The video series was developed in 2018 following three tractor-related fatalities in just seven weeks, prompting SafeWork SA to undertake an intensive education campaign focused on farm safety.

New industry action plans

On 8 August 2018 SafeWork SA identified four more South Australian industries to receive specific advice and support in a new suite of Industry Action Plans. These plans aim to reduce workplace injuries and improving overall work health and safety.

The Transport, Manufacturing, Aged Care and Hospitals Industry Action Plans 2018-2020 address injuries, strategic outcomes, focus areas and SafeWork SA's commitments to industry for 2018-2020.

Among the 10-step actions are working more closely with industry to develop relationships and share knowledge; designing wellbeing programs focusing on shift work and fatigue, challenging behaviours; implementing a Youth Workers' Strategy to guide young and inexperienced workers; and providing more specific education and advice on particular jobs within each industry.

These four action plans complement those released the previous year for agriculture, construction and hospitality sectors.

During 2018-19, SafeWork SA, in partnership with the Local Government Risk Services and Sparke Helmore Lawyers, delivered interactive simulations across the State. Approximately 14 sessions were held. Audience numbers ranged from 25-120 per session and covered a range of Council employees from frontline operational staff to Executive.

The interactive simulations included:

Mock court

A traditional 'mock court' was established, which included an identified breach being prosecuted and defended in front of a magistrate for the information and education of the audience.

Incident investigation simulation

An incident management and investigation simulation presented an incident as if it had just occurred, provided detail on how to manage the initial response to the incident and then the ongoing investigative process, including witness interviews.

During the session the aim was to educate the audience on what those processes can be like for the participant and also the types of actions that should be captured within the processes to minimise both the likelihood of such engagements and the impact if the engagement does occur.

These interactive simulations provided a great platform for SafeWork SA to engage directly with the audience, plus informally during networking opportunities throughout the sessions.

The outcome of this education campaign included providing essential information, advice and support on important WHS related issues as well as proactively engaging with workers.

Events

Through the year SafeWork SA run a number of events, with the more high profile events for 2018 being National Safe Work Month and the Augusta Zadow Awards.

2018 National Safe Work Month

National Safe Work Month is an annual national event in October consisting of a series of events and promotion to showcase work health and safety. It is a key avenue for SafeWork SA to actively engage South Australian workplaces and partner organisations to focus on work health and safety as a key business objective and to improve their safety performance.

In 2018, SafeWork SA had a three-level approach to engage partner organisations and workplaces to run events and activities:

1. A three-day Safe Work Showcase from 18-20 October at the Adelaide Showgrounds: 485 people attended.
2. Organise your own workplace activity: 61 events were registered.
3. Partner programs: 17 events attended by 603 people.

2018 Augusta Zadow Awards

The awards are a flagship program of SafeWork SA, providing funding to projects focused on work health and safety for women and young people. The program was launched by Senator Penny Wong at the International Women's Day Breakfast on 9 March at Ayers House. The assessment panel short-listed five applicants out of the 24 received. Three projects were successful:

1. Alex Thomas was awarded \$20,000 to support her #PlantASeedForSafety social media campaign by promoting practical tools for safety in rural industries.
2. Jaspreet Kaur and Anne Purdy (Working Women's Centre) were awarded \$10,000 for a project to develop and translate multilingual fact sheets to support women to better understand the worker's compensation scheme and psychological work injury claims.
3. Sara Howard (Flinders University) was awarded \$15,000 for a project to use collaborative robots to learn how technology and safety can intersect to improve conditions for young workers.

The awards ceremony was held on 31 August 2018 at Government House, with awards presented by His Excellency the Honourable Hieu Van Le, AC.

Prosecutions

SafeWork SA undertakes a range of activities to ensure positive WHS outcomes. Compliance and enforcement activities undertaken by the Regulator may lead to a prosecution being filed in the SAET.

A prosecution may be commenced by SafeWork SA for breaches of the WHS Act on its own initiative, or following consideration of a request to prosecute from a person as provided for by section 231(1) of the WHS Act. A prosecution may also commence for breaches under a range of other legislation administered by SafeWork SA such as the *Dangerous Substances Act 1979* and the *Shop Trading Hours Act 1977*.

These matters generally allege serious offences including breaches of the duty of care of a PCBU, serious incidents involving unsafe systems of work, plant operated in an unsafe condition, or failure to provide necessary information, instruction, training and supervision to workers.

The purpose of prosecuting these offences is to deter both the defendants in question and duty holders generally from placing the safety of workers and others at risk.

SafeWork SA's Investigations Team is a specialised team that undertakes the investigation of complex and serious incidents that may result in prosecution. This can include notifiable incidents that expose persons to or result in a serious injury or death. The Investigations Team is responsible for investigating alleged or potential breaches of legislation, and the provision of the necessary briefs of evidence to the Crown Solicitor's Office for assessment.

Following a Legal Review undertaken by the Crown Solicitor's Office into the investigation and prosecution arrangements within SafeWork SA in 2017, a number of recommendations were made to improve SafeWork SA's investigation functions, with a number of reforms and projects undertaken since then to improve this area of the agency.

In 2018-19 there were five convictions recorded in the SAET for WHS matters with fines totalling \$996,000. Those prosecutions are detailed below. It should be noted that all successful prosecutions are published on the SafeWork SA website.

Convictions 2018-19

Name	Charges and date	Penalty and date
Pro-Pac Packaging (Aust) Pty Ltd	On 1 June 2015 a workers suffered serious injuries to his leg when he was struck by a moving forklift being driven by a co-worker. The defendant failed to ensure, so far as was reasonably practicable, the provision and maintenance of a safe system of work in relation to the task which minimised the risk of pedestrians coming into contact with the moving forklift.	\$90,000 13 July 2018
BHP Billiton Olympic Dam	On 10 February 2015 a worker was killed when he was crushed by falling rocks while drilling. The defendant failed to ensure, so far as was reasonably practicable, the provision and maintenance of safe systems of work in that it failed to provide and maintain a documented safe work procedure which required jumbo drill operators drilling development faces into which no ground support was installed to change any drill bits required to be hanged not less than 2 metres from development faces.	\$390,000 8 December 2017 (On 18 October 2018 this matter was finalised following an appeal to the Full Court of the SAET, original sentence upheld.)
SIMEC Zen Technologies (Power and Energy Pty Ltd	On 31 March 2016 two workers were measuring energy consumption and attached power analyser test equipment to a live electricity board resulting in an electrical arc which injured one worker. The defendant failed to have in place adequate hazard identification and risk assessment process and adequate documented safe work procedures in relation to the use of a power analyser to measure electricity consumption.	\$114,000 31 October 2018

Name	Charges and date	Penalty and date
The State of South Australia (in the right of South Australia Police (SAPOL))	On 4 October 2016 a cook who was working alone at the SAPOL Echunga training site became trapped in a freezer and succumbed to hypothermia. SAPOL failed to provide and maintain, so far as was reasonably practicable, a safe work environment, safe plant at the site as well as adequate information, training, instruction or supervision to the cook.	\$390,000 16 April 2019
Tad-Mar – Defendant Rowe	Mr Rowe was a site supervisor employed by Tad-Mar Electrical Pty Ltd. On 25 March 2017 another employee squirted flammable liquid onto the boot and shirt of an apprentice and ignited the liquid. Mr Rowe failed to take steps to stop the unsafe behaviour, took no immediate steps to extinguish the flames and was reckless as to the risk of death or serious injury to the apprentice.	\$12,000 31 May 2019
Total		\$996,000

Enforceable undertakings

In addition to a prosecution, the WHS Act provides for alternative enforcement actions including enforceable undertakings (EU). An EU is a written, legally binding agreement between the alleged offender and the regulator (SafeWork SA) to implement specific actions to improve WHS where there is a serious breach of the law.

SafeWork SA has recently reviewed, consolidated and delivered revised practices and procedures around the lodgement and handling of an EU. This information can be found on our website.

In 2018-19 SafeWork SA entered into two EUs, detailed in the below table. These are also available on the SafeWork SA website.

Enforceable Undertakings 2018-19

Name	EU details	Date of EU and cost to PCBU
The State of South Australia (in the right of Department of Planning, Transport and Infrastructure)	Following the death at the Echunga Training Facility in 2016 SafeWork SA accepted an EU by DPTI. The EU includes an across-government review and reform of asset management and facilities maintenance and the training of approximately 250 Facilities Management Operators, on-site audits of SAPOL sites, plus other matters to improve safety.	It is expected the total minimum spend by DPTI will be approximately \$700,000. EU signed 25 March 2019
Solar Eggs Farms Pty Ltd	On 1 February 2017 a worker was operating a Moba egg grading and packing machine when they observed an egg fall in between the drop tray and the conveyor landing on the driver chain. While the machines was still operating the worker reached for the egg when her fingers became trapped in the drive chain.	It is expected the total minimum spend will be approximately \$50,000. EU signed 21 June 2019

Contribution to National Agenda

SafeWork SA contributes nationally to WHS in a number of ways and through various national bodies and committees.

Below details some of the peak national bodies as well of some of the important issues the nation has faced nationally regarding WHS and workplace relations.

Safe Work Australia

Safe Work Australia (SWA) is the peak tripartite WHS body consisting of Commonwealth and state and territory, unions (the Australian Council of Trade Unions and the Australian Manufacturers Working Union) and employer representation (the Australian Chamber of Commerce and Industry and the Australian Industry Group).

The Executive Director of SafeWork SA, Martyn Campbell is South Australia's representative. Throughout 2018-19 three meetings were held.

SWA's primary responsibility is to lead the development of policy to improve WHS and workers' compensation arrangements across Australia. SWA does not regulate WHS laws. The Commonwealth, states and territories retain responsibility for regulating and enforcing WHS laws in their jurisdictions.

Key topics of discussion at SWA meetings included:

- quad bike safety
- review of the model work health and safety laws
- occupational lung disease and silicosis
- discussions on asbestos related work by jurisdictions.

Heads of Workplace Safety Authorities

The Heads of Workplace Safety Authorities (HWSA) is a group comprising of the head of agencies (or their representatives) responsible for the regulation and administration of WHS in Australia and New Zealand.

The Executive Director of SafeWork SA, Martyn Campbell is South Australia's representative on HWSA. In 2018-19 three meetings were held.

HWSA is a cooperative group that is committed to working together to improve WHS, minimise health and safety risks within the community and identify causal factors for non-compliance within industry.

HWSA is committed to promoting and implementing best practice in WHS and contributing towards the achievement of the targets of the *Australian Work Health and Safety Strategy 2012-2022*.

Key topics of discussion at HWSA meetings included:

- quad bike safety
- silica exposure prevention
- strengthening asbestos licensing scheme
- South Australia agreed to lead a new group regarding inspector training and development
- SafeWork SA has agreed to host the 2019 annual HWSA Inspectors Forum in Adelaide in early December 2019.

Submission to the Discussion Paper for the 2018 National WHS Review

On 24 July 2018, SafeWork SA lodged a submission to the 2018 National Review of the model WHS laws. The Review is the first holistic review of the model WHS laws since their development.

On 19 February 2018, a Discussion Paper was released which provided 37 questions covering a range of topics.

SafeWork SA's submission to the Discussion Paper indicated that whilst the laws are working as intended, some aspects may need to be reviewed. In particular, clearer direction around managing physiological injuries and bullying; how workers in the new gig economy should be protected at work; and suggestions for clarifying the powers of Regulators in relation to obtaining information.

The Final Report of the Review was published on the Safe Work Australia website on 25 February 2019 and included 24 recommendations aimed at enhancing the WHS framework. A Consultation Regulatory Impact Statement (RIS) was then released on 24 June 2019 for a six week consultation period.

Both the Final Report and submissions to the Consultation RIS will help inform a Decision RIS which will be considered by Commonwealth, State and Territory WHS Ministers.

Legislative amendments

SafeWork SA continues to make legislative amendments where necessary and when required under various pieces of legislation. Throughout 2018-19 a range of amendments were made to regulations detailed below.

Construction Industry Long Service Leave Regulations

Pursuant to the *Subordinate Legislation Act 1978*, the *Construction Industry Long Service Leave Regulations 2003* (CILSL Regulations) had been postponed from expiry until 1 September 2018 and could not be further postponed.

The purpose of the *Construction Industry Long Service Leave Act 1987* is to enable workers in the construction industry to qualify for long service leave based on service in the industry, rather than a single employer. The CILSL Regulations provides for the ongoing regulation of the portable long service leave scheme in South Australia.

The scheme is administered by the Construction Industry Long Service Leave Board (the Board). Following a review of the Act and Regulations by the Board, the Board is seeking a range of amendments to the legislation to improve administration and service delivery to its customers. This matter is being dealt with separately and consequently the CILSL Regulations need to continue to ensure the maintenance of regulatory control of the portable long service leave scheme in South Australia.

Minor drafting amendments were made to the CILSL Regulations that included:

- the commencement: this was included to enable the regulations to be made prior to their expiry
- references to the legislation contained within the definition of 'corresponding law' have been updated to reflect the current Acts
- changes were made to provisions that relate to workers compensation to reflect the new arrangements under the *Return to Work Act 2014*.

The new *Construction Industry Long Service Leave Regulations 2018* came into operation on 30 August 2018.

Shop Trading Hours Regulations

As with the CILSL Regulations the *Shop Trading Hours Regulations 2003* (STH Regulations) also had been postponed from expiry pursuant to the *Subordinate Legislation Act 1978* until 1 September 2018 and could not be further postponed.

The STH Regulations ensure the regulatory control of opening and closing times for shops in South Australia.

The STH Regulations were made without amendment because, at the time, the Retail Trading Bill 2018 was introduced to Parliament with the aim of deregulating shop trading hours. If that Bill was to pass through Parliament the STH Regulations would have become obsolete.

Minor amendments were made to the STH Regulations which included updating existing symbols and number to words as well as reordering section 6 and 7 to bring the Regulations into line with the provisions of the *Shop Trading Hours Act 1977*.

The new *Shop Trading Hours Regulations 2018* came into operation on 30 August 2018.

Proclamation of March public holiday

Since 2006, following a request from Thoroughbred Racing SA, the public holiday for the Adelaide Cup has been transferred from the third Monday in May to the second Monday in March each year, to coincide with a shift in date for the running of the Adelaide Cup.

The *Holidays Act 1910* prescribes the third Monday in May each year as the public holiday. The public holiday was originally established in 1973 to coincide with the running of the Adelaide Cup horse race.

Section 5(1) of the Holidays Act states that the Governor may, by proclamation, declare some other day to be a public holiday instead of a day listed in the Act, and that other day will in that year be substituted as a public holiday.

The public holiday in March now coincides with many major events held during 'Mad March', such as the Adelaide Festival, Adelaide Fringe, WOMADelaide and the Superloop Adelaide 500. There is strong support to retain the public holiday in March.

On 30 August 2018, the Governor proclaimed the second Monday in March for 2020 to be the public holiday. On this day it was also published in the Government Gazette.

Work Health and Safety (Asbestos Air Quality) Variation Regulations

Under the *Work Health and Safety Regulations 2012* (WHS Regulations), air monitoring is only required for asbestos removal work under a Class A licence. However, in South Australia a transitional provision was included in the WHS Regulations, which ensured that air monitoring be conducted by an independent licensed asbestos assessor for asbestos removal under both a Class A and Class B licence. This has been the case since the model WHS Regulations were adopted in 2013.

A Class A licence allows the holder to remove any form of asbestos material. Where a Class B licence enables the holder to remove asbestos cement products and other non-friable asbestos containing materials.

The transitional provision that required air monitoring for Class B removals was scheduled to cease on 1 January 2019. SafeWork SA has taken the necessary steps to extend the transitional provision for another two years, which will ensure a higher level of monitoring for asbestos removal work in South Australia.

The *Work Health and Safety (Asbestos Air Quality) Variation Regulations 2018* were made under the WHS Act on 20 December 2018 and came into operation on the same day. Regulation 726(2) was amended and 1 January 2021 was substituted.

SafeWork SA communicated this continued transitional arrangement through our website and social media to ensure key stakeholders were informed.

Work Health and Safety (Blood Lead Removal Levels) Regulations

Under the WHS Regulations there are provisions relating to blood lead monitoring.

In 2016, the majority of WHS Ministers agreed to amend the WHS Regulations aimed at reducing potential adverse health outcomes caused by exposure to lead in the workplace.

In December 2017, Safe Work Australia Members agreed to amendments to reduce the notification levels of the allowable blood lead levels in workplaces. The amendments related specifically to blood lead levels:

- contained in the definition of 'lead risk work' under regulations 394
- that determine the frequency that a PCBU must arrange biological monitoring of workers who carry out 'lead risk work'

- that mandate a worker's immediate removal from carrying out 'lead risk work'
- that determine the threshold at which a PCBU may allow a worker to return to 'lead risk work'.

Each State and Territory is responsible for implementing the changes in their own jurisdictions and determining when the new regulations will come into effect.

The *Work Health and Safety (Blood Lead Removal Levels) Variation Regulations 2019* (Variation Regulations) included the recommended amendments, along with making two minor typographical corrections.

The Variation Regulations were approved in March 2019 to come into operation on 1 July 2019, with a two year transitional period for the new blood lead levels, to ensure industry is ready to comply with the new requirements.

SafeWork SA wrote to relevant business and industry group, promoting the change through SafeWork SA's education service as well as communicating this through our website and social media.

Work Health and Safety (Prescribed Fee) Regulations

Provisions under the WHS Act provide for a transfer of funding from ReturnToWorkSA (RTWSA) to SafeWork SA to be applied towards the cost of administering the WHS Act. The funding collected by RTWSA contributes to SafeWork SA undertaking its education, compliance and other functions.

The prescribed amount for a financial year is fixed by the WHS Regulations as well as a prescribed percentage of the prescribed amount payable to SafeWork SA for the relevant financial year.

Each year SafeWork SA amends the WHS Regulations and for 2019-20 the prescribed amount is \$21,048,128 and a prescribed percentage of 99.04%. This enables SafeWork SA to receive revenue from RTWSA of \$20,846,066 for 2019-20, with the remaining \$202,062 (0.96%) retained by RTWSA as a service fee.

The arrangement ensures the continuation of the high quality and professional services by SafeWork SA to promote safe, fair and productive working lives and high standards of public safety for all South Australians.

The *Work Health and Safety (Prescription of Fee) Variation Regulations 2019* came into operation on 1 July 2019.

Dangerous Goods (Dangerous Goods Transport) Regulations

In South Australia the *Dangerous Substances Act 1979* (DS Act) and the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* govern the transport of dangerous goods.

The *Model Act on the Transport of Dangerous Goods by Road or Rail 2007*, the *Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007* and the *Australian Code for the Transport of Dangerous Goods by Road and Rail* provide the framework for the regulation of the transport by road and rail of dangerous goods in Australia.

There have been various amendments made nationally that are required to be adopted in South Australia. States and territories committed to making the necessary amendments to their dangerous goods transport legislation by 1 July 2019.

South Australia drafted the *Dangerous Goods (Dangerous Goods Transport) Variation Regulations 2019* (Variation Regulations) to ensure this State adopts the amendments.

The Variation Regulations were gazetted on 23 May 2019 to come into operation on 1 July 2019.

However, following further examination of the required amendments, it became apparent that some of the variations were unnecessary and some additional related and consequential changes were required to be made. This was due to the highly technical nature of the dangerous goods transport regulations.

Consequently the *Dangerous Goods (Dangerous Goods Transport Packaging and Labelling) Variation Regulations 2019* were made to come into operation on 1 July 2019 immediately after the Variation Regulations came into operation.

Other

Conflicts of interest

In addressing ICAC recommendation 14 that states:

SafeWork SA requires, on an annual basis and within one week of a change of circumstances, all staff to sign a statutory declaration disclosing direct and indirect private interests and real, potential and perceived conflicts of interest. SafeWork SA should also require new staff to sign such a statutory declaration on appointment.

SafeWork SA amended and reviewed its existing policy and procedures in regard to the management of conflicts of interest, incorporating the requirements of the recommendation. A revised reporting template was also developed and implemented.

In 2018-19, five notifications of conflicts of interest were submitted from staff as per the following table.

Type of Conflict	Number of staff	Action taken to address conflict	Subject to annual review
Actual	Nil	Nil	
Potential	3 ⁽¹⁾	Removed staff members from any interaction of potential conflict	Yes
Perceived	2 ⁽¹⁾	Removed staff members from any interaction of perceived conflict	Yes

Section 158 of the *Work Health and Safety Act 2012* (SA) requires an inspector must give written notice to the regulator of all interests, pecuniary or otherwise, that the inspector has, or acquires, and that conflict or could conflict with the proper performance of the inspector's functions.

In the table above four inspectors notified of a conflict of interest in 2018-19.

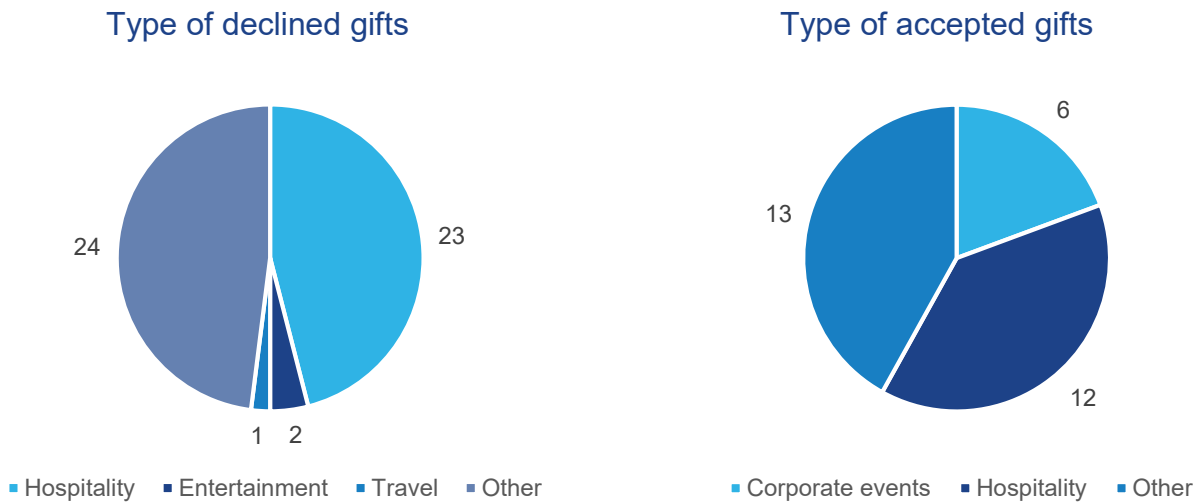
Gifts and benefits

Recommendation 15 of the ICAC Evaluation states:

That SafeWork SA establishes its own gifts and benefits policy which requires all staff to report all gifts and benefits offered, accepted or rejected on its own register. The register should be made available to the public for inspection at any time.

SafeWork SA's Policy and Governance Team reports on the number of gifts and benefits that have been offered throughout the financial year, and whether they have been accepted or declined.

During 2018-19 there was a total of 81 gifts and benefits recorded, with 50 declined gifts and 31 accepted gifts.



Grants and subsidies

SafeWork SA provides a range of contributions, grants, subsidies and sponsorships to external organisation, including Approved Training Providers for the provision of HSR training.

The commitments for 2018-19 were as follows.

Organisation	Funding 2018-19
Safe Work Australia South Australia’s contribution to the administration of Safe Work Australia.	\$717,872
SA Unions – Young Workers Legal Service The main purpose of the service is to assist young workers under the age of 30 with employment relations issues, such as unfair dismissal, underpayment of wages, bullying and harassment. Qualified staff assist young workers to resolve disputes at the workplace through the legal process if required.	\$135,915
Augusta Zadow Award This funding is used to meet the costs of a work health and safety initiative that benefits working women, which may involve research or further education.	\$45,000
Asbestos Diseases Society of South Australia This funding is used to inform students of the dangers of asbestos in both their homes and workplaces through the delivery of workshops at schools in South Australia.	\$25,000 (plus up to \$5,000 in-kind support)

Organisation	Funding 2018-19
Asbestos Victims Association This funding is used to promote awareness of asbestos in the community, in particular during home renovation. Promotional activities are also conducted in regional South Australia.	\$25,000 (plus up to \$5,000 in-kind support)
WHS Supplementary Scholarships (WHS Grants Program) These scholarships were designed to increase the momentum of high quality WHS research in South Australia by providing a financial incentive for new researchers to enter this field.	\$5,000
Health and Safety Representative (HSR) Training Subsidy This subsidy is available to HSRs and the Approved Training Providers that deliver training to those HSRs. Certain criteria needs to be met to be eligible for the subsidy.	\$100,000
Total Amount of Funding Committed	\$1,053,787

The majority of funding committed by SafeWork SA in grants and subsidies is for the establishment and ongoing maintenance of Safe Work Australia pursuant to the *Independent Agreement for Regulator and Operational Reform in Occupational Health and Safety*.

It should be noted the Work Health and Safety grants program has now been phased out completely and the funding for new projects ceased from 1 July 2016.

Financial statements

It should be noted that SafeWork SA financial statements form part of the DTF Annual Report. Further financial details form part of the Budget Papers. Both documents are available through the DTF website.