



Australian Government

Comcare



WORK HEALTH & SAFETY

Year in Review 2022

Effective national regulator



CEO Overview

I present the Work Health and Safety Year in Review report for 2022. This report highlights Comcare's compliance and enforcement activities to promote and enable safe and healthy work across the Commonwealth jurisdiction.

Psychosocial work health and safety (WHS) risks continued to be a significant focus for Comcare in a complex and challenging workplace safety environment during 2022. Against the backdrop of increasingly prevalent compensation claims for psychological injury, we have worked collaboratively with duty holders to review approaches to managing these issues and foster mentally healthy workplaces to prepare for anticipated changes to WHS laws.

For the first time in four years, the Comcare National Conference was held in June 2022 at the National Convention Centre Canberra. The two-day conference theme of **Creating a safer workplace together** inspired presentations and positive discussion around best practice, the latest research, and how to effectively promote and enable safe and healthy work. The program included more than 50 keynote, concurrent and panel sessions and was supported by 37 sponsor and exhibitor organisations.

Ongoing national regulatory programs were also priorities. Our specialist Major Infrastructure Projects team carried out important inspectorate work on complex construction projects involving high-risk WHS matters, including tunnelling operations in Melbourne and Sydney. The Telecommunications Asbestos Safety Compliance program continued in 2022 for its sixth year of operations to ensure high levels of compliance on the NBN rollout through a risk-based, cooperative and proactive approach. We have also established a dedicated Investigations team responsible for conducting criminal investigations into alleged breaches of the WHS Act to deliver consistent and best practice investigation activities.

Transport and logistics is a significant industry within our scheme and it has faced significant challenges dealing with fire, floods and COVID-19 over the past three years. The impact of COVID continued to disrupt supply chains, driver retention and recruitment, amid high demands for delivery of goods and services.

Comcare hosted two successful Transport Network Forums in 2022, with significant support from transport organisations in the Commonwealth Licensee sector to progress and resolve safety concerns specific to the industry. This work continues to address key risks in the industry, develop networks and discuss topical issues with an audience that extends beyond the Comcare scheme and supports the broader sector. The feedback we received from attendees has been extremely positive and we will continue to host this forum twice a year.

Our ongoing enforcement work resulted in important outcomes in 2022. This included an enforceable undertaking for John Holland to deliver safety improvements worth more than \$1.2 million that will benefit the construction industry nationally, and a \$300,000 penalty for K&S Freighters over an incident that caused severe injuries to a worker. We also commenced two prosecutions in relation to fatalities in NSW and Victoria.

Important changes to the legislative framework came into effect in April 2023 with amended regulations giving specific detail to organisations about how to deal with psychosocial risks and hazards at work. The changes to the [Work Health and Safety Regulations 2011](#) will be supported by a Code of Practice that offers guidance on preventing harm, coming later this year.

Comcare continues to provide support and information including a range of guidance and education products on psychosocial hazards and risks including a dedicated webpage with the latest information about [changes to WHS laws](#).

A new 10-year national strategy to reduce workplace fatalities, injuries, and illnesses in Australia has been released. The [Australian Work Health and Safety Strategy 2023-2033](#) has been agreed by all Australian governments, including Comcare, and sets an ambitious national vision for WHS outcomes in Australia.

Union engagement remains a priority, with Comcare holding regular sessions with senior union leaders and officials to promote collaboration and to consult on projects and programs of work. These sessions have included discussions about psychosocial risk management, regulatory priorities, Health and Safety Representative engagement, guidance on Independent Medical Examinations, and psychological support for injured workers. Comcare and unions share a common goal of keeping workplaces safe and we are committed to continuing these engagement sessions throughout 2023.

In 2023, Comcare will continue to support our diverse jurisdiction of more than 400,000 workers and 200 employers with nationally consistent, targeted risk-based regulatory activities.

Greg Vines
Comcare CEO



About the cover

The Federal Election was held on the 21st of May 2022.

The Federal Election was held on the 21st of May 2022. The evolving COVID-19 environment at the time created unprecedented complexity and risks associated with the delivery of this federal election. Despite these challenges, the over 17 million Australians who were enrolled to vote were able to vote at one of the 7000+ polling places, through the postal voting offering, remote voter services, or via the expanded secure telephone voting service for COVID-19 affected voters. The Australian Electoral Commission (AEC) acknowledged Comcare's contribution to the success of the delivery on the federal election via facilitation of engagement with WHS regulators across the country, and the secondment of a Comcare Director to the AEC before, during and post the federal election.

Photos supplied by the Australian Electoral Commission

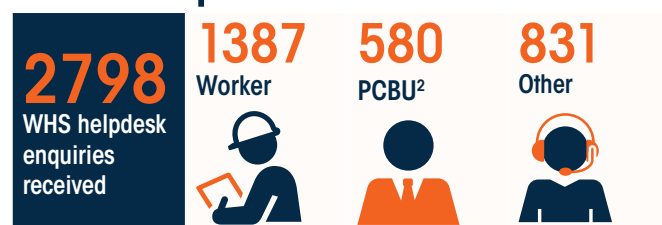
WHS incidents



Death of a person breakdown



WHS helpdesk



COVID-19 breakdown

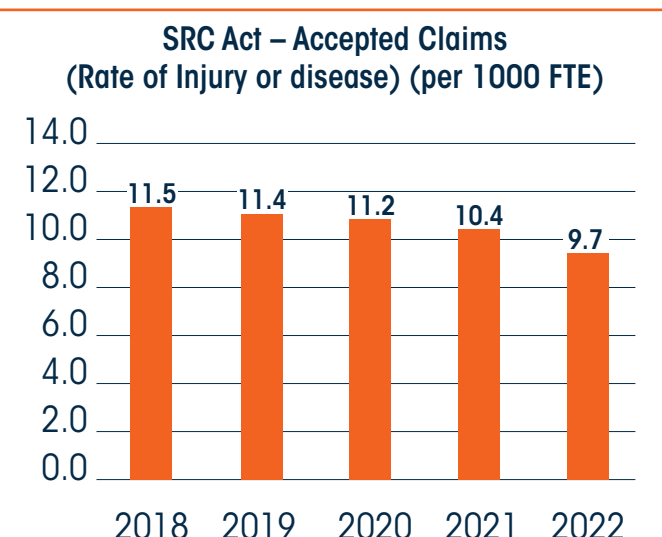
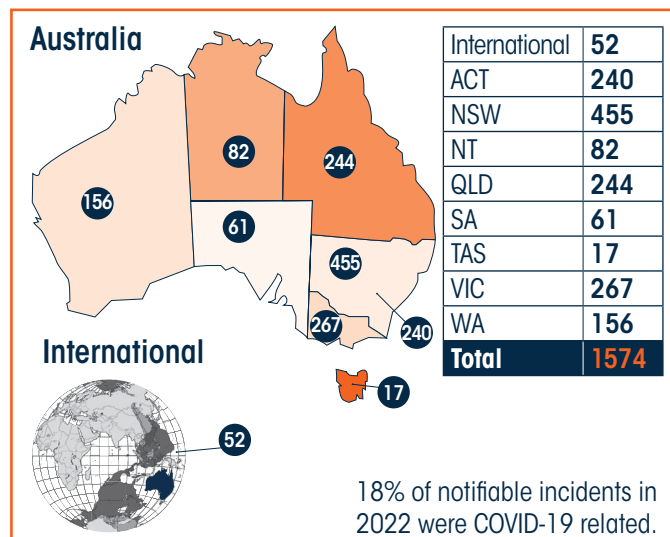


¹ Incidents relate to the actual number of incidents that were reported to Comcare as occurring and removes duplication by multiple PCBU's reporting the same incident. Fatality, serious injury or illness and dangerous incident are terms defined under the WHS Act.

² Person conducting a business or undertaking.

NB: The number of Worker and Other Person deaths is greater than the number of Death of a Person incidents due to multiple deaths resulting from one incident.

Notifiable incidents





Inspectorate activities



151
Providing
information
and advice



816
Monitoring
compliance
inspections and
investigations



967
Compliance and
enforcement
activities

100% of inspections with
corrective actions in the
inspector report were subject
to verification inspections,
exceeding the target of **95%**

Monitoring and compliance activities

Activities	ACT	NSW	QLD	SA/NT	VIC/TAS	WA	National
Inspections ³	90	163	72	73	109	61	138
Verifications	11	29	14	16	27	2	4
Investigations commenced	0	4	3	0	0	0	0

Other activities

Notices



9
Improvement
notices
under s191

8
Prohibition
notices
under s195

49
Non-disturbance
notices
under s198

282
Notices to provide information
and/or documents
under s155

20
Power to require
production of documents
under s171

Proactive WHS System audits

Approvals and authorisations



1 Intermediate Level WHS System Audit⁴

3 HSR/EPH course approvals

556 High-risk notifications⁵

1450 High-risk licences

835 Plant authorisations

Prosecutions under the WHS Act



2 Commenced



6 Continued



3 Concluded criminal proceedings

³ Excl. Telecommunications Asbestos Safety Compliance activities.

⁴ Denotes the number of Federal Employer Audits and does not include the Licensee WHS Management Systems Audits conducted on behalf of the Safety, Rehabilitation and Compensation Commission (SRCC).

⁵ This includes Abandoned Tank Notifications, Carcinogen Authorisations, Demolition Works Notifications, Emergency Demolition Works involving Asbestos Notifications, Health Monitoring Reports, High Respirable Asbestos Fibre Levels Notifications, Lead Risk Work Notifications, Licensed Asbestos Removal Work Notifications (Notifiable), Manifest Notifications, and Pipeline Notifications.

Telecommunications Asbestos Safety Compliance (TASC) 2022 activity

Comcare has a dedicated program regulating the rollout of the National Broadband Network (NBN).

The TASC program aims to ensure the highest levels of work health and safety are applied to the rollout of the NBN through a risk-based, cooperative and proactive approach.

During 2022, the TASC program achieved:

- **886** site visits and assessments
- **684** contractors assessed
- **25% (186)** of contractors assessed were new contractors.

Major Infrastructure Projects (MIP) team activities

The MIP team regulates WHS matters pertaining to major infrastructure projects involving PCBUs in the Comcare jurisdiction.

MIP's program of work focuses upon major infrastructure projects nationally, including complex and high-profile construction projects involving 'high-risk' WHS matters. MIP's regulatory approach comprises of information and advice and monitoring and compliance activities, which are conducted in response to notified WHS incidents, hazards and concerns. Furthermore, regulatory activities are conducted in response to information gained through intelligence-led principles and risk and evidence-based practice.

During the 2022 period, the MIP program conducted:

- **84** reactive inspections
- **34** proactive inspections
- **35** provide information and advice activities.

Investigations team

In November 2022, Comcare established a dedicated Investigations team responsible for conducting criminal investigations into alleged breaches of the WHS Act.

The team also undertakes enquiries into all fatal incidents reported to Comcare, including liaison with state and territory police forces and Coroners. The team comprises of highly skilled criminal Investigators and they are located within the National Investigations and Oversight team, Regulatory Operations Group.

The addition of the Investigations team allows Comcare to respond to the growing complexity of its regulatory environment and the evolving jurisdictional landscape. It also promotes and supports consistency, best practice, and quality investigation activities, techniques, and capabilities.

Psychosocial Regulation team

In early 2022, Comcare established the Psychosocial Regulation team to provide a specialist focus on proactive regulation and harm prevention within Comcare's jurisdiction.





Prevention is the primary focus of the team, using targeted intelligence driven stakeholder engagement, education and inspection programs. Priorities for the team include developing inspectorate capability and supporting inspectorate activity around psychosocial hazards and risks, working with the Commonwealth jurisdiction to assess and facilitate compliance with legislation focussing on psychosocial hazards, and developing stakeholder relationships.



The Psychosocial Regulation team engages with stakeholders to identify and review psychosocial supports and resources while also working with other state and territory WHS regulators to inform consistent approaches. The team has developed guidance materials and delivered presentations at a variety of industry forums and will continue to develop their work throughout 2023.



Education and engagement


Throughout 2022, Comcare hosted a range of webinars and events including the return of the National Comcare Conference in Canberra. For the first time in several years, we also returned to hosting in person events for National Safe Work Month. We continue to receive positive feedback and high satisfaction ratings from our events and use feedback to improve our education and engagement offering.

Activities		Outcomes	
 Comcare National Conference	National Comcare Conference	Attendance	Satisfaction rating
	<p>The 2022 Comcare National Conference was a two-day event held on Tuesday 7 and Wednesday 8 June 2022 at the National Convention Centre Canberra, Comcare's first face-to-face conference in four years. As Comcare's flagship event, the conference brought together more than 790 delegates from across Australia to focus on key aspects of workplace health and safety, an increase of approximately 100 delegates from the 2018 event. The number of paid attendees for 2022 was approximately 612, where the 2018 conference had 495 paid tickets sold. 61% of attendees in 2022 had not previously been to a Comcare National Conference which was pleasing to see.</p> <p>Overall, a 92% satisfaction rating was received from the post-conference survey (in 2018, the satisfaction rating was 81%) with a 28.3% response rate (221 responses). Direct feedback received from speakers, sponsors and attendees can be seen throughout this report.</p>		
 National Safe Work Month Forum	National Safe Work Month Forum	Attendance	Satisfaction rating
	<p>Comcare supported Safe Work Australia by embracing the theme 'know safety, work safely'. Throughout the month we hosted a number of webinars and in person events.</p> <p><i>Creating a safe and healthy workplace</i> — 4 October 2022</p> <p><i>Resilience, adaptability and mental health</i> — 10 October 2022</p> <p><i>WHS systems and the future of work</i> — 26 October 2022</p>	<p>318 participants</p> <p>549 participants</p> <p>431 participants</p>	<p>90%</p> <p>97%</p> <p>82%</p>
Transport Network Forum — was held as a virtual event, hosted by Comcare.		Participating Agencies	Satisfaction rating
<i>Industry challenges and lessons learnt, safety hazards and risks, and initiatives to help manage and prevent injury to workers</i> — 19 May 2022		106 participants (representing 17 organisations in the scheme)	92%
<i>Practical challenges of body stressing risk and psychosocial risk, worker involvement in the identification and management of risk, and the role and impact of safety culture</i> — 28 September 2022		94 participants (representing 21 organisations in the scheme)	95%
Mental Health Community of Practice		Participating Agencies	Satisfaction rating
<i>What do you know about diversity and inclusion?</i> — 5 May 2022		71 participants	100%
<i>Wellbeing Initiatives: Finding what fits</i> — 7 September 2022		271 participants	100%

Activities	Outcomes
 Guidance and resources Comcare provides a range of guidance and resources to support employers and workers with maintaining healthy and safe workplaces. Our information covers a range of topics including COVID-19 guidance and psychosocial hazards. Most viewed WHS content on the Comcare website (total unique views) <ul style="list-style-type: none"> Physical hazards (49,028) Biological hazards (35,287) Workplace health and safety management system (32,463) Health and safety representatives (HSRs) (27,898) Psychosocial hazards (25,519) Most downloaded resources (total number of downloads) <ul style="list-style-type: none"> Work health and safety management plan (3,797) Health and Safety Representative handbook: a Guide for HSRs in the Commonwealth Jurisdiction (1,179) Work Health and Safety Incident Notification guide (730) Compliance and Enforcement Policy (730) Incident Notification form (421). 	 WHS digital learning Comcare offers a range of WHS learning courses for PCBU's, managers, supervisors and workers through our learning management system called Comcare LMS. These courses are promoted through the Comcare website and other communications activities. Participants attending facilitated workshops recorded satisfaction ratings of 94% or above across all our training key performance indicators. Training delivered <ul style="list-style-type: none"> Self-paced courses completed: (7,079) Facilitated workshops attendees: (1,317) Top three WHS self-paced courses <ul style="list-style-type: none"> WHS for workers Workplace Rehabilitation Provider SRC Act and Comcare Scheme Overview

Regulatory priorities and work activity programs 2019-2022

Comcare identified four regulatory priorities through an extensive process of engagement, consultation and analysis of our regulatory intelligence, injury and WHS data.

	Psychosocial impacts relating to organisational change		WHS contractor management
	Transport industry body stressing		WHS management systems

The Regulatory Work Activities Planning Model (RWAPM) was designed as a multi-year program to benchmark compliance, provide education and engagement, and improve jurisdictional understanding of the appropriate controls available in relation to the regulatory priorities.

Throughout 2022, the final phase of the program was delivered through webinars and forums, with an emphasis on targeted education and engagement to address the knowledge gaps identified in the initial phases. These included:

- Contractor Management: Shared Duties and Control** webinar was delivered to 275 attendees across 57 Scheme organisations. This webinar aimed to clarify attendees' understanding of shared duties and responsibilities under the WHS Act using case studies. Throughout the webinar the importance of implementing, maintaining, and reviewing WHS management systems formed part of the key messaging. **"The topics and panel of people were excellent and dealt with the practical challenges faced by people in the industry."** — Survey feedback
- The introduction/delivery of the first **Transport Network Forum** to 106 attendees across 17 Scheme organisations and 17 external organisations. This forum is a virtual event hosted by Comcare, and is designed to address key risks in the transport and logistics industry. It is open to the road transport and logistics industry, and provided an opportunity to discuss work health and safety issues, and initiatives to manage risks, prevent injury and support workers. Following the success of this forum in May 2022 and a second forum in September, the Transport Network Forum will continue to be hosted by Comcare twice a year. **"The presenters related the legislation back to real life issues and how to take care of our Contractors and our own businesses."** — Survey feedback

Information captured from the attendees throughout the program and within the post-event surveys will assist in informing future proactive work and allows measurement/analysis/determination of the impact of the engagements. The post-event surveys showed high participant satisfaction rates for the programs, and a high proportion of attendees indicated that their knowledge and understanding of the content was improved from their attendance.

New Regulatory Priorities and proactive activities are in the process of being determined, and will be promoted to the jurisdiction in the new financial year.



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