



Annual Activity Report 2019-20



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Message from our Executive Director



I am pleased to present SafeWork SA's Annual Activity Report for 2020. Over the past year, we have continued to work closely with industry, government and the community to ensure safe and healthy work.

Like everyone this year, COVID-19 has had a profound effect on our work and our people. The challenges and changes resulted in us adapting and refocusing our support and advice.

We have continued to make interactions with us simpler and more efficient. We want to ensure workplace safety remains the norm for all South Australians no matter when, where or how people work.

Progress has continued on a number of recommendations from the ICAC Evaluation Report. This has been a complex process embedding change, new systems and process improvement.

Our organisational structure was finalised and we have focussed on strengthening and improving the capability of our inspectorate. Continuity of our Executive team until 2023 will help ensure this momentum continues and remains a key focus.

Legislative reviews are an important part of a regulators function helping to ensure our laws continue to create safe workplaces for all. Discussions with Safe Work Australia have continued in the space of workplace violence, workplace sexual harassment and psychological health.

Prosecutions of breaches of WHS laws show the serious action we will take when businesses and responsible individuals do not take their health and safety responsibilities seriously. In a first for all Australian WHS Regulators, SafeWork SA was successful in securing a conviction against an individual for workplace bullying. I hope this sentence serves as a warning to all people in leadership positions.

In line with community expectations, we are increasingly driving our prevention and education through digital channels. Our website continues to be expanded and improved to ensure workers and employers can simply and quickly access the information and guidance material they need.

Reflecting on the many achievements of the past year, I would like to recognise the hard work of our passionate and committed workforce.

I would also like to thank our Minister, the Hon. Rob Lucas MLC and David Reynolds, Chief Executive Department of Treasury and Finance for their continued support.

Finally, I would like to thank our valued stakeholders and the community for working with us and sharing in our vision to make South Australian workplaces safe.

A handwritten signature in black ink, appearing to be 'Martyn Campbell', written in a cursive style with a long horizontal stroke extending to the right.

Martyn Campbell
Executive Director
SafeWork SA

About us

SafeWork SA plays a critical role in the lives of South Australian workers and employers.

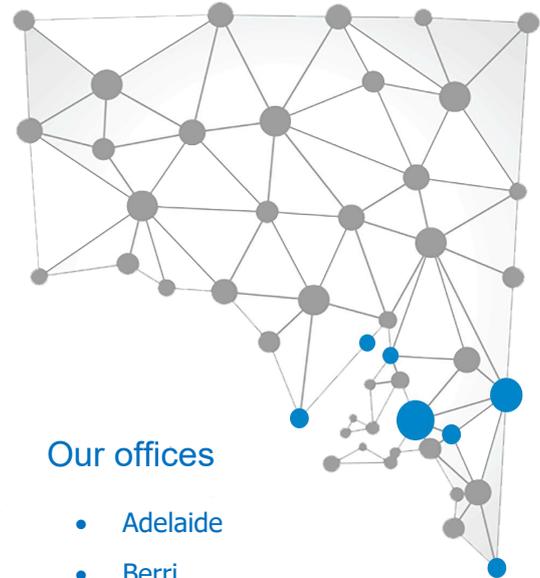
SafeWork SA provides information, advice and support as well as compliance and enforcement activities to ensure safe, fair, productive working lives and high standards of public safety for all South Australians.

SafeWork SA'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
- providing information, support, and advice to assist businesses, workers, health and safety representatives and the broader public.

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 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.



Our offices

- Adelaide
- Berri
- Mount Gambier
- Port Lincoln
- Port Pirie
- Whyalla

Our leadership team

Martyn Campbell | Executive Director



The Executive Director is the Regulator under South Australia's work health and safety legislation and delegates a number of powers and functions to inspectors in the agency.

The Executive Director reports to the Deputy Chief Executive, Department of Treasury and Finance.

The Executive Director is the current chair of the Heads of Workplace Safety Authorities.

Glenn Farrell | Director



Compliance and Enforcement

Compliance and Enforcement is the regulatory arm of SafeWork SA.

The directorate 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 services such as mining, engineering, chemical hazards, explosives.

Prema Osborne | Director



Workplace Education and Business Services

Workplace Education and Business Services is the educator arm of SafeWork SA.

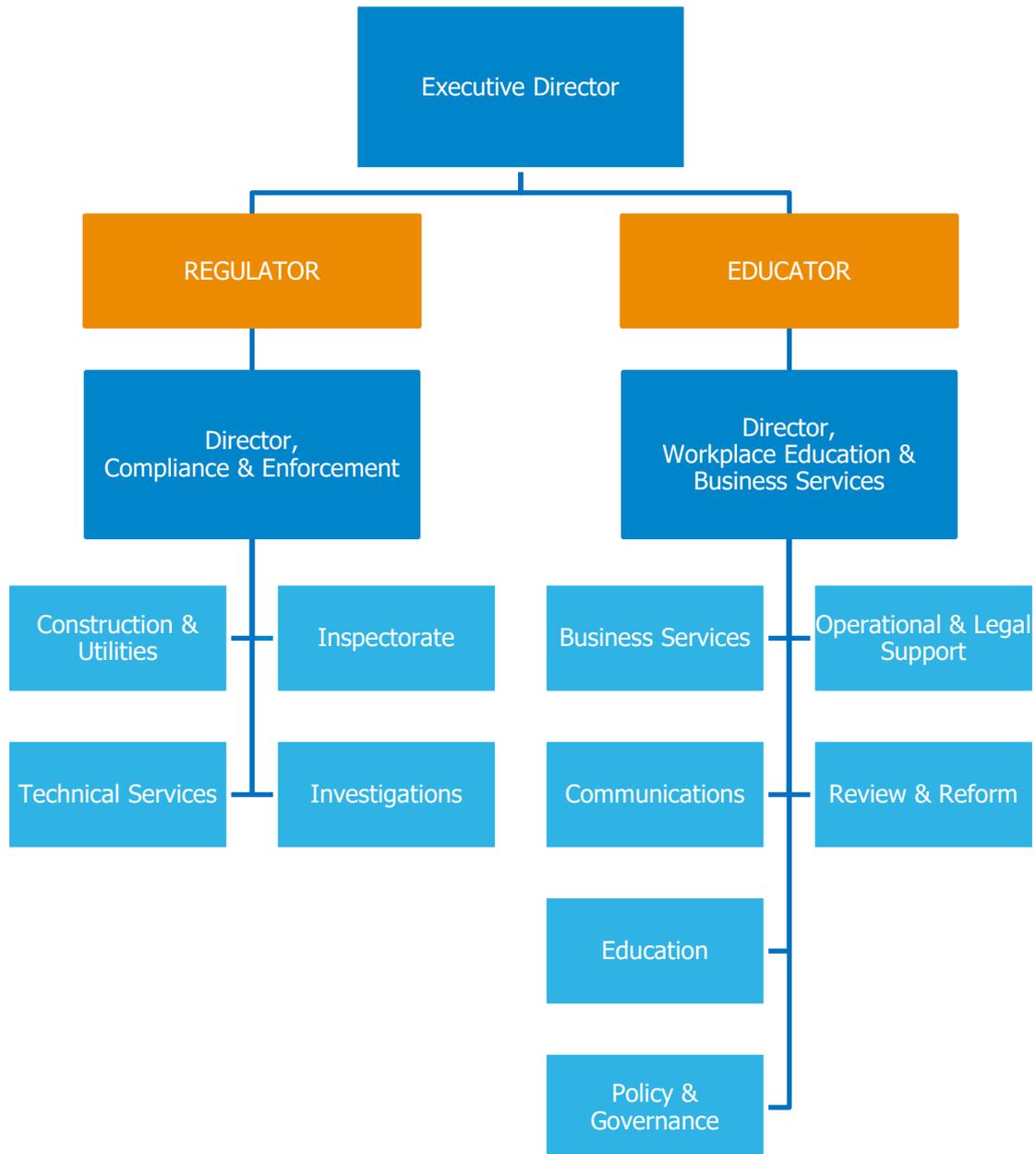
The directorate provides free information, support and advice to improve workplace safety and assist with industrial relation enquires. Staff in this directorate do not have any inspector powers. The directorate is also responsible for corporate and governance services.

The Director oversees SafeWork SA's reform program and implementation of recommendations from ICAC's report on SafeWork SA's regulatory arm.

Our organisational structure

as at 30 June 2020

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.



Structure evaluation

Following the release of the 2018-19 State Budget, SafeWork SA was required to meet significant budget savings resulting in a restructure of the organisation. Following consultation, the new structure became operational on 1 July 2019.

The new structure aims to address:

- 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.

12 months on, an evaluation of the organisational structure is underway to assess the success of the change. The evaluation focusses on how well the structure:

- reduces the silos between teams and functions
- increases opportunities for career development or succession planning
- improves team and role clarity
- focusses on developing roles that provide coaching and mentoring for staff
- focusses leadership on their people and the strategic direction of the organisation
- benefits from the introduction of Team Leaders in a majority of teams with the focus of their role being on staff
- improves workforce management
- confirms and clarifies expectations and performance of individuals and teams.

A significant part of this evaluation is staff consultation. Consultation is underway and the results will be reported in next year's report.

ReturnToWorkSA partnership

ReturnToWorkSA is responsible for providing work injury insurance and regulating the South Australian Return to Work scheme. Their insurance provides protection to South Australian businesses and their workers in the event of a work injury.

SafeWork SA works collaboratively with ReturnToWorkSA to ensure our education focus and work health and safety compliance campaigns are based on work injury claims and incident data.

Funding

The Work Health and Safety Act provides for a transfer of funds from ReturnToWorkSA to SafeWork SA for the cost of administering the WHS Act.

The WHS Regulations fixes the prescribed amount and percentage amount payable to SafeWork SA for the relevant financial year.

\$21,574,331

Prescribed amount

99.04%

Prescribed percentage

minus **\$207,114** 0.96% service fee

Total funding from RTWSA

\$21,367,217

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 safety for all South Australians.

Legislation we administer

SafeWork SA administers:

- *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)*

South Australian Government Explosives Reserve

The South Australian Government Explosives Reserve accepts expired or confiscated explosives for safe storage and disposal at this site.

7000kg
of explosives safely destroyed

Industrial Relations Consultative Council

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

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

The Governor of South Australia appoints members to the IRCC. The current members are:

Name	Representing
Hon Robert Lucas MLC	Statutory Requirement
Natasha Brown	Public Service Association of SA (PSA)
Charlie Condo	Housing Industry Association (SA)
Gary Coppola*	Motor Trade Association of South Australia
Christopher Morey*	Motor Trade Association of South Australia
William Frogley	Master Builders Association of South Australia
Monique Gillespie	Shop, Distributive and Allied Employees' Association (SA)
Peter Lamps	Australian Workers' Union (SA Branch)
Erma Ranieri	Commissioner for Public Sector Employment
Jessica Rogers	Communications, Electrical and Plumbing Union (SA)
Angas Story	SA Unions
Estha van der Linden	Business SA
Owen Webb	Australian Hotels Association (SA Branch)
Leah York	Australian Education Union (SA Branch)

* During 2019-20, Gary Coppola resigned as member of the IRCC. Christopher Morey was appointed as his replacement.

Council meetings

The IRCC met four times during 2019-2020:

- 21 October 2019
- 5 November 2019
- 19 May 2020
- 5 June 2020.

During 2019 the meetings discussed:

- review of WHS Codes of Practice
- Christmas shop trading hours
- explosives laws
- SafeWork SA's Activity Report
- Adelaide Cup Public Holiday
- ICAC Recommendations progress
- EWP audit
- silicosis
- private members bills.

The meeting on 19 May 2020, held via teleconference, discussed:

- COVID-19
- WHS Codes of Practice
- silicosis.

On 5 June 2020 the IRCC discussed the five workplace relations matters that the Prime Minister has asked the Hon Christian Porter, Federal Attorney-General to address for finding ways to urgently regrow jobs lost as a result of COVID-19.

Fees

IRCC members are entitled to fees (at a sessional rate of \$206 per four hour session), allowances and expenses approved by the Governor (excluding the Treasurer and Erma Ranieri, who is a Government employee).

These fees are a category two, level two classification of the Cabinet approved remuneration framework.

During 2019-20 members were paid fees of \$3,090.

Updates to Codes of Practice

Under the WHS Act, the Treasurer may approve, vary or revoke a Code of Practice if acting on the recommendation of the Council.

A sub-committee of the IRCC reviewed 20 WHS Codes of Practice following a national review that considered the technical accuracy, usability and readability of the Codes.

The IRCC recommended that the Treasurer endorse the amended Codes and were gazetted on 4 June 2020.

20

WHS Codes of Practice reviewed
and updated

Wellbeing Group

In January 2020 SafeWork SA established a Wellbeing Group to develop and deliver a range of wellbeing initiatives for our agency.

The Group, comprising of SafeWork SA staff, reports to SafeWork SA's WHS Committee. Staff are encouraged to get involved and help the group create new initiatives and programs that will be beneficial to our mind, body and social wellbeing.

Initiatives from the Wellbeing Group have included a monthly bring your dog to work day, a Push-up Challenge, participation in the Foam Fest and connectivity activities during the COVID-19 pandemic for staff working remotely.



Staff are encouraged to develop new initiatives and programs that benefit the mind, body and social wellbeing



Top: SafeWork SA's team completes the 5Km Foam Fest; Bottom left: Staff and their furry friends; Bottom right: Putting a little extra effort into the Push-up Challenge.

Measuring our performance

During 2019-20 the COVID-19 pandemic affected many of SafeWork SA's education and compliance activities. WHS Advisors and Inspectors were restricted in their visits to businesses and a number of compliance campaigns were placed on hold.

During the pandemic our inspectors continued to respond to matters involving serious incidents or fatalities in the usual way.



4,466,639

views on SafeWork SA website



12,046

compliance and enforcement visits



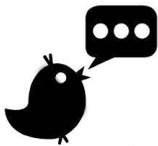
31,735

views on Asbestos website



584

prohibition notices issued



550

social media posts



2,406

improvement notices issued



32,660

education, engagement and support activities



28

letters of warning



63,000

customer service calls and emails answered



6

expiation / infringement notices issued



33,000

licence renewals processed



93%

complaints or notifications finalised within 6 months (target 85%)

Customer services

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.

The Help Centre and Licensing Unit are responsible for responding to calls to SafeWork SA's dedicated 1300 and 1800 telephone numbers and processing all new licence requests and licence renewals.

During 2019-20 we answered 44,970 calls. Staff categorise calls based on the predominant subject of the call.

Customer services staff answered 93.8% of calls in less than three minutes (time from caller connecting to our service to them speaking with a customer services officer).

In addition to telephone calls, our staff responded to over 18,000 customer service emails.

Over 100 visitors attended our Customer Service Centres to seek advice and information. Due to COVID-19 and to ensure the safety of our staff and the public, SafeWork SA closed their customer service counters on 18 March 2020 and remained closed as at 30 June 2020.

approximately **45,000**
customer service calls answered

Key topic of call	No. of calls (2019-20)
Licensing enquiries and applications	22,609
Enquiries falling under legislative remit (excl. IR)	4,275
Industrial Relations enquiries	3,495
Reporting incidents and WHS or IR complaints	4,764
Psychological risk and bullying	1,335
Asbestos	1,225
Enquiries about training and RTOs	916
Other enquiries	6,351
Total	44,970

Licensing

SafeWork SA receives applications and issues licences (approvals, registrations, permits and authorisations) involving:

- plant & machinery
- high risk work
- asbestos removal
- explosives
- chemicals
- dangerous goods and substances.

During 2019-20, our Customer Service Centre processed over 33,000 licence applications, including renewals, variations and change of ownership.

over **33,000**
licence applications processed

Licence type	Renewal applications	New applications, variations, transfers	Legislation
Accredited Assessor	66	9	WHS
Asbestos Assessor	61	13	WHS
Asbestos Removal	42	14	WHS
Blasters	351	248	Explosives
Classification of Explosives	N/A	23	Explosives
Dangerous Goods Driver	641	335	DGT
Dangerous Goods Vehicle	1,065	184	DGT
Dangerous Substances Storage	4,177	215	DS
Design Registration	N/A	78	WHS
Employment Agents	134	27	EAR
Explosives	1,019	73	Explosives
Gas Fitting Work	113	7	DS
High Risk Work	12,049	9,072	WHS
Major Hazard Facility	10	0	WHS
Petroleum Products	203	37	PP
Plant Registration	1,328	1,097	WHS
Pyrotechnics	58	15	Fireworks
Security Sensitive Ammonium Nitrate	34	3	SSAN
Shop Trading (eg in relation to sale of petroleum, motor spirits & lubricants)	115	17	STH
Other	27	453	
Total	21,493	11,920	

Complaints

The Department of Treasury and Finance Annual Report details the number of public complaints reported to SafeWork SA.

During 2019-20 there were 35 complaints covering: professional behaviour, communication, service delivery, policy and service quality.

Compliments

SafeWork SA also welcomes feedback and compliments from the community about an experience they have had with us.

During 2019-20, SafeWork SA received 8 compliments with the majority of those relating to service quality/delivery.

**Reforming the
way we work**

SafeWork SA has implemented a significant reform program aimed at building capacity and creating a trusted organisation that meets the expectations of stakeholders and industry.

Significant reform projects have developed the capability of the agency.

Areas that have been of focus include:

- a number of Business Process Improvement Projects to streamline processes
- development of a number of new and updated policies and procedures to establish set boundaries for decision making and expectations on standard operating practices.
- identification and implementation of new or updated IT solutions to increase efficiencies across the agency
- review of current processes to provide an improved service to the public.

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, 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).

Each SafeWork SA team has completed their Deep Dives which has resulted in a range of recommendations. The focus for 2019-20 has been on the implementation of the Deep Dive recommendations. Once completed, the agency should see improved efficiencies, streamlined processes.

As at 20 June 2020 the Construction and Utilities Team has completed the implementation of their Deep Dive.

Progress on implementing the recommendations is continuing.

ICAC evaluation

During 2018, the Hon Bruce Lander QC, Independent Commissioner Against Corruption (the Commissioner) undertook an evaluation of the practices, policies and procedures of the regulator arm of SafeWork SA. The Commissioner tabled his report on 29 November 2018.

The Chief Executive of the Department of Treasury and Finance responded to the Commissioner's report, addressing each of the 39 recommendations and how SafeWork SA intends to implement them.

SafeWork SA has adopted the majority of recommendations in full. However, SafeWork SA has considered alternate proposals for recommendations 1, 21, 22 and 27 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.

SafeWork SA established a Steering Committee to provide governance and oversight of the recommendations. The Steering Committee comprises senior members from SafeWork SA, Department of Treasury and Finance, Environment Protection Authority and Consumer and Business Services. The Steering Committee meet every six weeks to consider the progress of the projects aligned with the recommendations.

This 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.

SafeWork SA completed 11 recommendations during the 2019-20 financial year. As at 30 June 2020, SafeWork SA had completed 16 of the 39 recommendations and partially completed one further recommendation which has multiple components.

ICAC recommendations

Rec. No.	Recommendation	Project description and status
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>In progress</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 to manage communication within the agency.</p> <p>In progress</p>
3	That SafeWork SA develops and implements a strategic plan.	<p>Strategic Plan</p> <p>Development of a SafeWork SA Strategic Plan.</p> <p>COMPLETED</p> <p>Strategic plan developed and launched on 19 March 2019.</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> <p>In progress</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>COMPLETED</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 	<p>Governance framework</p> <p>The development of a new Governance Framework.</p> <p>In progress</p>

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.

7 That, following the establishment of an appropriate governance framework, SafeWork SA prioritises the creation of a policy framework which:

- 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.

Policy Framework

The development and implementation a policy framework which establishes a system to manage all policies and procedures in SafeWork SA.

COMPLETED

8 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.

Central repository

The development of a central repository for all current policy documents.

COMPLETED

9 That SafeWork SA improves its triaging practices by:

- conducting random audits of triaging decisions to increase oversight
- identifying those matters that are not within SafeWork SA’s statutory jurisdiction

Triaging procedure

The development of a triaging procedure.

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.

COMPLETED

<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. 	
<p>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>	<p>Minimum standard of information</p> <p>This recommendation will be addressed within the new Compliance and Investigations Manual.</p> <p>In progress</p>
<p>11 That SafeWork SA requires its inspectors to prepare inspection reports in electronic form rather than in hardcopy.</p>	<p>Electronic inspection reports</p> <p>The development of a process to ensure inspection reports are prepared in electronic copy, with hard copy inspection reports phased out.</p> <p>In progress</p>
<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>	<p>Record of statutory powers</p> <p>This recommendation will be addressed by creating mandatory fields to record use of statutory powers.</p> <p>In progress</p>
<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>	<p>Upload of information within 2 business days (see InfoNet improvement project)</p> <p>This recommendation will be addressed within the new Compliance and Investigations Manual.</p> <p>In progress</p>
<p>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</p>	<p>Conflict of interest</p> <p>Review and implement conflicts of interest framework.</p> <p>COMPLETED</p>

	such a statutory declaration on appointment.	
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.	Gifts and benefits register The establishment of a gifts and benefits register. COMPLETED
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.	Workload allocation and management Development of a new process for allocating workload to inspectors and investigators and management of those workloads. In progress
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.	Intelligence proactive campaign The implementation of a framework for intelligence proactive campaigns. Also addresses recommendation 18. In progress
18	That SafeWork SA conducts a greater proportion of its proactive workplace visits as unannounced visits.	See recommendation 17. In progress
19	That SafeWork SA establishes a quality assurance program which includes: <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	Quality assurance program Development of a quality assurance program similar to the model adopted by another WHS regulator. In progress

exercising discretionary statutory powers during a one month period.

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.

GPS installation

The implementation of a Global Positioning System (GPS) on each SafeWork SA fleet car.

COMPLETED

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.

Two up visits

The implementation of a framework to determine when a two up site visits by inspectors occurs.

COMPLETED

22 That SafeWork SA provides inspectors with body worn cameras for use when attending workplaces.

Body cameras

SafeWork SA will trial the use of body cameras for inspectors and investigators for a three month period.

The trial would involve the use of body cameras at all site visits and when exercising a statutory power.

A group of volunteer inspectors and investigators will undertake the trial enabling SafeWork SA to assess the value of providing body worn cameras to all Regulator field staff.

Estimated start date for the trial is September 2020.

In progress

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.

Annual Report and additional report

SafeWork SA reports into the DTF Annual Report.

An additional report will be published by SafeWork SA annually on their website detailing their financial year activities.

COMPLETED

24 That SafeWork SA continues to develop a collaborative investigation approach which allows investigators to draw on the expertise of inspectors.

Internal expert register

Develop a register of internal experts to assist SafeWork SA in identifying suitable persons to assist in complex incidents, investigations and prosecutions.

COMPLETED

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. In progress
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.	Initial response procedure Implementation of an initial response procedure. COMPLETED
27	That SafeWork SA provides investigators with body worn cameras for use when attending workplaces.	See Recommendation 22. In progress
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.	Completion of CSO recommendations There are 18 (not 16) recommendations contained in the CSO advice. In progress SafeWork SA has completed a majority of these recommendations with one recommendation remaining in progress.
29	That SafeWork SA reviews its evidence management practices in its regional offices with a view to ensuring that: <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. 	Evidence management practice A evidence management framework will be developed to ensure appropriate management of evidence with a focus on storage. In progress
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	Recruitment and selection Implementation of a structured recruitment process for SafeWork SA. COMPLETED

through an assessment of the risks associated with the role.

- 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.

Recruitment and selection training

Training provided to staff who are involved in the recruitment and selection process.

COMPLETED

- 32** That SafeWork SA rotates new staff recruited to inspector roles through the separate industry teams as part of the inspector induction program.

Rotation of new inspectors

A model will be included in the new inspectors development training.

In progress

- 33** That SafeWork SA provides training as part of its inspector induction program as well as to all existing inspectors and investigators which addresses:

- ▶ grooming and capture
- ▶ managing competing pressures at workplaces and
- ▶ private interests and conflicts of interests.

Private interests and conflicts of interest training should be provided to all staff.

Training for staff

Development of a training package for grooming and capture for inclusion in the new inspector program. All inspectors and advisors from the Educator arm will also be required to undertake this training.

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.

In progress

Grooming and capture training – Completed

Conflict of interest training – Completed

Managing competing pressures – Scoping

- 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 the new recruit or inspector has prepared.

New inspector feedback from managers

This requirement will be incorporated into the new inspector training and will be a requirement of Managers or Team Leaders to provide feedback.

In progress

- 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.

Team Leader training

The Team Leader training program commenced in November 2018 and completed in August 2019. Manager training commenced in September 2019.

COMPLETED

		Team leader training will be held annually.
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.	Onboarding Implementation of a structured induction process for SafeWork SA. COMPLETED
37	That SafeWork SA provides written debriefs and regular training to assist staff members to learn from the outcomes of: <ul style="list-style-type: none">▶ investigations and prosecutions▶ experiences in court▶ internal and external reviews and▶ other comments received by SafeWork SA.	Debrief and learning framework Implementation of a framework that debriefs and train staff to assist them to learn from outcomes. Functional Working Group A formal debriefing function has been established to share learnings and improvements. In progress
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.	Audit capacity of electronic systems This recommendation is being scoped by the Department of Treasury and Finance. In progress
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.	New training – Confidential and sensitive information Development of a mandatory training package for all staff. In progress

Due to the COVID-19 pandemic SafeWork SA provided a written update to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation (the Committee) on the implementation of recommendations arising from the ICAC Evaluation of SafeWork SA.

At the request of the Committee, SafeWork SA also provided details on the general oversight mechanism that is currently in place.

Education activities with industry

Throughout the year our education team 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
- walk and talk sessions at Schneider Electric and Redarc Technologies
- attendance and representation at expos including the Small Business Commissioner, Tourism Industry Council South Australia (TICSA), MBA Building and Home Improvement Show and others
- 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 such as:
 - WHS duties
 - High Risk Construction Work Safe Work Method Statements (SWMS)
 - risk management.

Interactive simulations

During 2019-20, SafeWork SA, in partnership with the Local Government Risk Services and Sparke Helmore Lawyers, delivered four interactive simulations across the State. Audience numbers ranged from 20-47 per session and covered a range of Council employees from frontline operational staff to Executive.

The interactive simulations included:

Mock court

SafeWork SA conducted a 'mock court' where an identified breach was prosecuted and defended in front of a magistrate for the information and education of the audience.

Incident investigation simulation

The incident management and investigation simulation presents an incident as if it had just occurred. The simulation is an educational tool that provides essential information on:

- managing the initial response to an incident
- actions to take during the ongoing investigation
- conducting witness interviews
- the impacts of an investigation.

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

Participants in a mock court training session



Staff development and training

Much of the training that has occurred over the past 2 years is in response to the Legal Review, identification of gaps in the Deep Dives, recommendations from the ICAC Evaluation of SafeWork SA's policies and procedures of the Regulator and to support training and development for all SafeWork SA staff.

Leadership program for Team Leaders

In October 2018 SafeWork SA introduced a leadership program specifically designed for team leaders within the agency. The program, predominantly delivered through workshops, aims to enhance the performance and capabilities of Team Leaders and provide succession planning opportunities. Participation also includes follow up assessments to demonstrate learnings.

To date SafeWork SA has completed two cohorts. The first completed the program in August 2019. A second cohort commenced the program in October 2019 with a completion date of June 2020. However, due to COVID-19 restrictions, a new completion date was set for August 2020.

To create an environment that enabled team leaders to utilise and embed the tools learnt during the program in their day-to-day activities, SafeWork SA developed a range of activities that included:

- management of complex matters
- change management
- managing people.

Due to the success of the program, SafeWork SA has decided to run the course on a yearly basis opening up professional development opportunities for staff in non-leadership roles.

Leadership program for Managers

Following the implementation of the new corporate structure on 1 July 2019, SafeWork SA developed a program designed to enhance the strategic leadership capability of managers.

The program commenced on October 2019 aiming to create a high performing leadership team.

The program, predominantly delivered through workshops, aims to develop the performance of managers with a focus on strategic leadership of teams and functions. Participation also includes follow up assessments to demonstrate learnings.

To create an environment that enabled managers to utilise and embed the tools learnt during the program in their day-to-day activities, SafeWork SA developed a range of activities that included:

- management of system thinking
- unconscious bias
- building trust
- managing change and supporting strategic direction.

Inspector Development Program

The Inspector Development Program is a 12 month training program for all new inspectors and investigators.

The first part of this program is the 10-week Inspector Foundation Program. This 14-module program provides the essential knowledge and skills required for the inspector and investigator role.

Each module requires participants to successfully complete competency assessments. On completion of the 10 week course, inspectors and investigators are given powers pursuant to WHS and DS legislation with restrictions.

Following completion of the Inspector Foundation Program participants are required to complete the Critical Competency Record. This record has a range of competencies that staff are required to work through with the assistance of their team leader and Principal Inspector to achieve competency.

The new inspector or investigator is given full powers when they successfully complete all competencies listed on the Critical Competency Record.



Graduates of the 2019 Inspector Development Program

Training program for investigations and inspectorate

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

We partnered with Charles Stuart University to develop a training framework.

Two training programs were developed and delivered:

- Train the Trainer
- Investigation Management Program.

Staff who undertook the Train the Trainer course went on to train other inspectors and investigators. This training is an ongoing program.

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.

The grooming and capture training develops capabilities in recognising and addressing grooming and capture behaviours and risks; an important skill for a regulatory agency. All inspectors, investigators, advisors and those with delegations have attended the training.

The training package:

- identified various grooming behaviours relevant to SafeWork SA
- developed strategies to combat these behaviours including:
 - assertiveness
 - managing emotions
 - dealing with conflict and threats
 - confidence.
- encouraged staff sharing experiences.

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

This training is now a module in the Inspector Foundation Program, a compulsory program for all new staff in the Compliance and Enforcement Directorate.

Incident Cause Analysis Method (ICAM) course

All inspectors and investigators are required to complete the ICAM course. The course covers best practice in incident investigation and develops practical skills which inspectors and investigators can apply in their daily work.

The ICAM course helps inspectors and investigators to understand and apply the ICAM root cause investigation methodology, that is to not only to find out what happened, but importantly, identify why it happened and how we can stop it happening again.

Dangerous substances licensing decentralisation

The *Dangerous Substances Act 1979* requires SafeWork SA to ensure the risks associated in the grant of a Dangerous Substance (DS) licence does not endanger the life or property of any person, or cause harm to the environment.

In 2019, SafeWork SA received approximately 370 DS licence applications with the majority being allocated to inspectors in the Chemical Hazards and Explosives Materials (CHEM) team for processing.

SafeWork SA undertook an extensive review of the licensing process and began a 6-week pilot program to distribute the DS licensing function to other staff in the Inspectorate with the aim of delivering a streamlined and consistent assessment process, leading to improved timeframes for decision-making.

Following the success of the trial SafeWork SA implemented the change, conducting an extensive training program with all WHS inspectors.

This change allows the CHEM team to direct their scientific and technical skills towards regulation in extremely high consequence areas, such as explosives safety and security

Responding to COVID-19

Customer Service Centre

On 19 March 2020, SafeWork SA temporarily closed its Customer Service Centre counters. The Customer Service Centre continues to operate during business hours via telephone and email only. The counter remains closed as at 30 June 2020.

All transactions via the Customer Service Centre can be completed online or via the phone so customers were encouraged to visit our website or call us during business hours.

COVID-19 Working Group

SafeWork SA established a COVID-19 Working Group with staff representatives from across the teams in the agency to provide input and recommendations to Executive on how the agency would implement changes and support staff throughout the pandemic. The Group met fortnightly, or more often if required.

COVID-19 measures implemented included:

- all non-essential meetings, travel and events were postponed, cancelled or were held virtually
- fleet vehicles being allocated to individuals or specific teams to minimise contamination through vehicle sharing
- permitting a maximum of 2 people to travel in fleet vehicles
- all meeting rooms and common areas were reconfigured to allow for social distancing
- stringent personal and workstation hygiene measures
- all incoming mail quarantined for 48 hours before being opened
- interim policies and procedures to support safe systems of work
- all staff required to complete a series of COVID-19 training modules.

As at 30 June, SafeWork SA had announced that staff would be returning to the office on a 50/50 split arrangement from 6 July. Under the 50/50 split arrangement no team (excluding the Help Centre) could have more than 50% of staff in the office on any one day.

SafeWork SA staff wellbeing

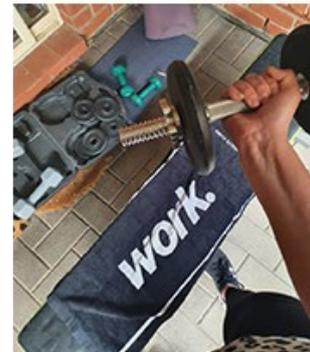
A work from home directive was issued on 30 March 2020. Staff were encouraged to keep in touch while working from home and support each other to keep spirits up.

Following staff concerns about feeling isolated and out of touch with SafeWork SA activities, Martyn Campbell commenced a "...the week that was" all staff email. This email communicated SafeWork SA activities; government COVID-19 advice; the impact of that advice on SafeWork SA responsibilities; acknowledged the good work of individuals and teams as well as a section of light-hearted trivia and interesting facts.

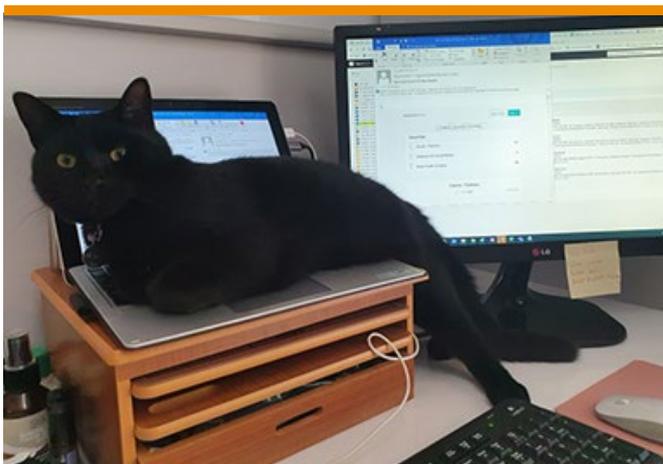
A Prism (intranet) page was established for staff to share their tips on keeping physically and mentally healthy as well as coping with the change to routine and the challenges of isolation.

"When I first started working from home I didn't bother setting an alarm, feeling I could just roll out of bed whenever and get a day's work done. As it happened, I actually found this very unsettling so I have returned to the habit of setting my alarm to waken early, and keeping my hours regular.

Normally, I would commute to work by bike. I am now 'commuting from home' – although this might be more readily identified as 'just going out for a bike ride', using the time I would normally spend getting to and from work."



Clockwise from top: Commuting from home; exercising during lunch; business on top, weekend on bottom; a 'helping' paw at home



Assistance to Department of Health

Following Department of Health advice, on 30 March 2020, SafeWork SA's Executive Director announced that all staff were to work from home, where duties permitted.

So as not to impact on businesses requiring assistance during the height of the pandemic, Help Centre and Licensing team staff remained working in the office. Staff from these teams spread out across the office to ensure physical distancing and prevent any COVID-19 exposure impacting the whole team.

Staff were seconded to Department of Health to assist with contract tracing.

As part of the whole-of-government response to COVID-19, a number of SafeWork SA staff were seconded, some for up to 6 weeks, to the Department of Health to assist in tasks such as contact tracing.

Whole-of-government response

A multi-agency Command Centre was launched within SA Health as part of a whole-of-government response to the COVID-19 pandemic.

The Command Centre allows agencies to work together to enable a comprehensive state-wide response and includes representatives from key State Government agencies. SafeWork SA assisted when required for measures and advice relating to WHS.

Statement of regulatory intent

On 1 April 2020, SafeWork SA released a statement of regulatory intent. This details the intent of all WHS Regulators to ensure a considerate, yet uniform approach to compliance and enforcement with Australian work health and safety (WHS) laws during the COVID-19 pandemic.

Information for business

SafeWork SA published, through their website, information and educational resources for employers who required further support and guidance to ensure they could keep their workers safe during the pandemic.

Topics covered:

- work health and safety responsibilities
- managing the risks of COVID-19
- physical distancing in lifts
- working from home
- mental health impacts.

SafeWork SA also assisted Safe Work Australia in the creation and review of targeted industry information made available on Safe Work Australia's website. Our website linked to South Australia's COVID-19 one-stop-shop website [covid-19.sa.gov.au](https://www.covid-19.sa.gov.au) to ensure employers and workers were receiving the latest information and advice, tailored to their industry sector.

Compliance and enforcement activities

At the height of the pandemic, SafeWork SA's focus was responding to matters that posed serious risks to health and safety.

Our inspectors continued to respond to matters involving serious incidents and fatalities.

We developed interim procedures, including a new risk assessment, to ensure that staff could respond to incidents without placing their health and wellbeing at risk.

Between 20 March and 24 July 2020, 96 COVID-19 related matters were referred to Inspectors. These were for a range of matters including workplaces not implementing social distancing guidelines and not providing adequate personal protection equipment (hand sanitiser, face masks, gloves).

SafeWork SA inspectors also investigated an outbreak of COVID-19 amongst baggage handlers at Adelaide Airport.

Impact on proactive compliance campaigns

As a safety measure SafeWork SA postponed all non-essential site visits to minimise face-to-face interactions during the pandemic.

Three proactive compliance campaigns and activities were suspended:

- Safety in Road Freight Industry Transport Audit
- Prevention of musculoskeletal disorders for new and young workers in the accommodation and food services industry, focussing on fast food outlets
- Prevention of musculoskeletal disorders in the manufacturing industry

These campaigns will be reassessed during 2020-21.

COVID-19 Education Campaign

From 1 June 2020, SafeWork SA Inspectors undertook a telephone-based proactive safety campaign to educate workplaces on how to maintain their work health and safety responsibilities in line with the COVID-19 advice.

The safety campaign targeted all industries in South Australia to educate business owners and employers of their WHS responsibilities during the pandemic. Inspectors provided advice and guidance to workplaces to help them manage the health and wellbeing of their workers and the community.

The scope of the COVID-19 educational campaign focused on:

- providing businesses with educational information and materials
- educating workplaces on the WHS risks associated with COVID-19
- providing guidance information through email
- raising awareness of WHS control measures available for workplaces.

During the campaign period (1 June 2020 to 31 July 2020), Inspectors provided assistance to 987 businesses.

SafeWork SA did not issue any statutory notices as the campaign focused on education, advice and assistance rather than enforcement action during a challenging period.

Licence exemption and fee waiver

SafeWork SA received inquiries from businesses and workers seeking exemption or waiver of licence renewal fees due to financial hardship.

The Treasurer approved the deferral of payment of certain licence fees, for those suffering financial hardship due to the COVID-19 pandemic, for three months.

On 7 May 2020, SafeWork SA granted an exemption under section 6(1) of the *Dangerous Substances Act 1979* regarding renewal of dangerous goods driver licence. The exemption related to the requirement for the applicant to provide evidence of training. The exemption was valid from 7 April 2020 until 30 September 2020.

Supermarket trading exemptions

The Treasurer granted a number of 30-day exemptions under the *Shop Trading Hours Act 1977*. The first 30-day exemption came into effect on 21 March 2020 allowing 24 hour weekday trading for supermarkets.

All supermarkets and other non-exempt shops were able to trade from 12.00am to 9.00pm Saturdays and 9.00am to 9.00pm Sundays. The extended shop trading was strictly voluntary and employers could not force workers to work during the additional hours.

The Treasurer made the decision to extend trading hours to help alleviate pressures during the COVID-19 pandemic, support the physical distancing measures and to cater for vulnerable customers in our community. The Government acted on the expert advice of SA Health public health officials, who supported the extended trading hours.

Extended trading continued for four months, ending on 19 July 2020.

Prioritising safety

Compliance campaigns and audits

Safe Work Method Statements for High Risk Construction Work

The principal purpose of a Safe Work Method Statements (SWMS) for High Risk Construction Work (HRCW) is to assist supervisors, workers and other parties at a workplace to understand the requirements needed to work in a safe way.

SafeWork SA engaged with industry stakeholders in February 2019 to develop [SWMS educational information](#) and a SWMS template. SafeWork SA published this information along with links to additional information on their website in November 2019.

From 17 February 2020 to 30 July 2020, following the release of the educational material, SafeWork SA undertook compliance audits focussing on SWMS.

SafeWork SA conducted 66 compliance audits consisting of 41 reactive and 25 routine visits across the 3 construction industry sub-divisions:

- 38 - Construction Services (Commercial)
- 23 - Building Construction (Residential)
- 5 - Heavy and Civil Engineering Construction (Civil)

These audits also included 25 construction projects where a principal contractor was in management and control of the workplace:

- 22 - Commercial
- 4 - Residential
- 3 - Civil

The audit consisted of 4 parts:

- SWMS preparation
- SWMS compliance
- Construction project – duties of contractor
- Construction project – duties of principal contractors.

SafeWork SA issued 64 statutory notices in response to non-compliances.

SWMS Statutory Notices

residential	34
commercial	27
civil	2

The largest areas of non-compliance related to a failure to prepare a SWMS before commencing HRCW (21) and a failure to have adequate control measures in place to manage a risk of a person falling more than 3 metres (16).

The industry sub-division that received the highest number of Statutory Notices for non-compliance was residential (34), followed by commercial (27) and civil (2).

As part of the audit, our inspectors worked closely with contractors and provided education and assistance to encourage on-going compliance with SWMS.

Elevating work platforms

From 1 January 2019 to 30 June 2019, SafeWork SA undertook a compliance program focused on Elevating Work Platforms (EWP).

We conducted 336 site visits and 261 compliance audits. These audits comprised of 234 EWP audits and 27 systems-only audits (for plant hirers).

Following this compliance campaign we committed to undertake a six-month follow-up compliance program to ensure compliance was being maintained. This program was planned to commence in March 2020, but due to COVID-19 restrictions, the date was postpone, until the restrictions were lifted. The campaign commenced in July 2020 for four months.

The 2019 campaign also recommended that SafeWork SA develop educational material for publication on our website based on the outcomes of the audit campaign.

336 site visits

261 compliance audits

We have released new material onto our website along with a mobile elevating work platforms guidelines and a minimum standard of training checklist.

Licensed asbestos removalist and licensed asbestos assessors during COVID-19 restrictions

SafeWork SA administers three types of licences associated with asbestos removal:

- Class A - Friable Asbestos
- Class B - Non-Friable (bonded) Asbestos
- Asbestos Assessor.

In April 2020, we initiated a targeted campaign of asbestos removalists and assessors due to an increase in licensed asbestos removal notifications.

It was believed that this increase was due to people undertaking home renovations during the COVID-19 restrictions.

Our asbestos notification data indicated there was an increase in asbestos removal work of approximately 20% from 13 March 2020 to 1 May 2020.

Following a review of previous compliance history inspectors targeted 10 licence holders, consisting of 9 asbestos removalists and 1 asbestos assessor. Some licence holders were selected due to their minimal recent interactions with SafeWork SA.

Between 23 April 2020 and 5 June 2020 our inspectors conducted 46 site visits, consisting of 27 asbestos removal jobs and 19 clearance inspections. During this period, we issued:

- 19 improvement notices
- 4 prohibition notices
- 8 letters of warning
- 1 non-disturbance notice
- 2 licence suspensions.

20%

increase in asbestos removal work
during COVID-19 lockdown

Manual handling: New and young workers in the fast food industry

SafeWork SA commenced a proactive compliance campaign within the fast food industry in January 2020. The aim of the campaign was to reduce the exposure of new and young workers to hazards and risks inherent in manual handling within the industry.

The campaign was based on information from ReturnToWorkSA that shows a high number of work-related injuries and illnesses, particularly in regards to body and muscular stressing, within the industry.

The accommodation and food services industry accounted for 7 per cent of total employment in November 2017.

The industry has the youngest age demographic of all industries with 44 per cent of workers aged under 25 years old.

The accommodation and food services industry has the highest proportion of workers (43%) aged 15–24 years.

The campaign included our inspectors visiting a number of fast food facilities and auditing the safety control measures in place to protect workers from musculoskeletal stress.

The campaign was suspended due to COVID-19 and we will report the results of the campaign in the 2020-21 Annual Activity Report.

Musculoskeletal disorders in the manufacturing industry

SafeWork SA commenced a safety awareness and compliance campaign on reducing musculoskeletal disorders in the manufacturing industry in January 2020. The aim of the campaign was to reduce musculoskeletal disorders and related traumatic joint, muscle and tendon injuries across the manufacturing sector.

The campaign was based on information from Safe Work Australia that shows workplace injury and musculoskeletal disorders led to 55% of serious claims in 2015–16, with the most common being traumatic joint / ligament and muscle / tendon injuries (almost 43%).

The campaign included our inspectors visiting a number of manufacturing businesses and auditing the safety control measures in place to protect workers from musculoskeletal disorders.

The campaign was suspended due to COVID-19 and we will report the results of the campaign in the 2020-21 Annual Activity Report.

Safety in road freight industry transport

SafeWork SA commenced a safety awareness and compliance campaign on reducing musculoskeletal disorders and injuries from slips trips and falls in the road freight industry.

In 2017 transport accounted for 5% of total employment with employment growing by 9% over the five years to 2017. The industry is comprised of a slightly older demographic with just under 50% being aged 45 years and over compared with 40% across all industries.

The campaign was based on work injury claims information provided by ReturnToWorkSA that identified musculoskeletal disorders and

related traumatic joint/ligament and muscle/tendon injuries as the largest injury claims for the industry.

The campaign included our inspectors visiting a number of businesses and auditing the safety control measures in place to protect workers from musculoskeletal disorders and injuries.

The campaign was suspended due to COVID-19 and we will report the results of the campaign in the 2020-21 Annual Activity Report.

Mines and quarrying

SafeWork SA has a team dedicated to ensuring work health and safety compliance within South Australian mine and quarry operations, including opal fields. The team work closely with industry and the Department of Energy and Mining (SA).

Of note, the mining team undertook site visits and inspections to:

- OZ Minerals Carrapateena Mine at the commencement of underground production
- the re-opening of the Peculiar Knob Mine
- Beach Energy's Otway Basin onshore gas drilling near Penola in the South East.

During 2019-20 the team completed 139 inspections issuing 67 improvement notices and 3 prohibition notices. We also received 187 notifiable incidents from mining and quarrying operations.

To assist with providing timely work health and safety resources to the sector, SafeWork SA created a dedicated Mines and Quarrying email database in 2019.

139 inspections

67 improvement notices

3 prohibition notices

187 notifiable incidents

Compliance at major events

Royal Adelaide Show

SafeWork SA inspectors attended the Royal Adelaide Show (held between Friday 30 August 2019 and Sunday 8 September 2019) during bump in. Bump in is the set-up phase for vendors and amusement device operators.

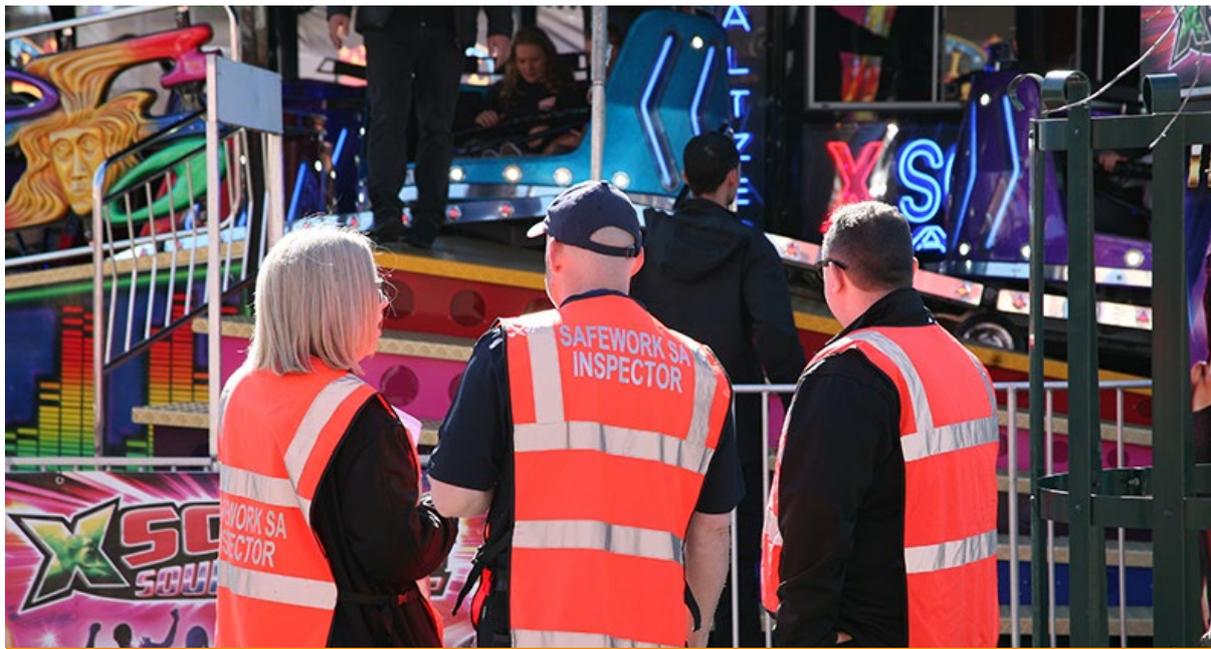
Inspectors conducted:

- compliance checks against work health and safety, dangerous substances, and explosives legislation
- audits on amusement devices
- walk-around inspections.

Our inspectors took a risk-based approach and audited 12 of the amusement devices. 17 devices had been audited at the Royal Brisbane Show the previous week.

Inspectors undertook:

- a full audit of 6 devices that had not previously operated in South Australia
- a partial audit of 5 Class 4 & 5 amusement devices
- a full audit of 1 South Australian based device that had not been audited within the previous 12 months.



SafeWork SA inspectors at the 2019 Royal Adelaide Show

Inspectors did not issue any statutory notices during the audits. Device owners and engineers rectified any identified non-compliances prior to the opening of the show.

SafeWork SA also took the opportunity to reinforce to ride owners, their engineers and the Royal Agricultural & Horticultural Society their health and safety obligations.

During the running of the show, Inspectors undertook walk-around inspections each morning and afternoon.

SafeWork SA received 7 reports of incidents during the show:

- 4 non-notifiable
- 3 complaints, which could not be substantiated.

Tour Down Under

Adelaide hosted the Santos Tour Down Under between 16 and 26 January 2020.

Our inspectors attended an initial stakeholder meeting with SA Tourism Commission and spoke at the Tour Down Under contractors main briefing in the lead up to the event.

Inspectors conducted site visits to the tour village in Victoria Square and grandstand complex.

A review of the Safe Work Method Statements for High Risk Construction Work for the Flinders Street grandstand build was conducted.

Tour Down Under's WHS management plan was also reviewed along with their personnel induction manual for volunteers and paid workers. Both the WHS management systems and personnel manual were of a good standard and appropriate to the size and scope of the event.

Inspectors did not issue any statutory notices during the audits. Any identified issues were addressed immediately by the PCBU or the site organisers.

There were no incidents reported during the Tour Down Under.

Tunarama

The Port Lincoln Tunarama was held between 24 January and 27 January 2020. SafeWork SA inspectors attended Tunarama during bump in.

Inspectors audited all eight amusement devices that were attending the Festival.

Based on the device's history and their last audit date, Inspectors conducted a full audit of 3 devices and a site audit of 5 devices.

No statutory notices were issued during the audits. Device owners and engineers rectified any identified non-compliances prior to the opening of the festival.

There were no issues reported during the event.

Super Loop

Adelaide hosted the Super Loop Adelaide 500 between 20 to 23 February 2020.

SafeWork SA attended an initial stakeholder meeting with SA Tourism Commission and spoke at the contractors main briefing in the lead up to the event.

Inspectors conducted routine site visits during the setup of the event including amusement device audits and inspection of dangerous substance storage.

A review of Safe Work Method Statements were undertaken where High Risk Construction Work was identified.

SA Tourism Commission and the main contractors WHS management plans were also reviewed.

Inspectors did not issue any statutory notices during the routine visits. Any identified issues were addressed immediately by the PCBU or the site organisers.

There were no incidents reported during the event.

Safety Alerts

Safety Alerts provide industry with information regarding key risks and hazards for equipment, workplaces or work situations.

SafeWork SA publishes all safety alerts on our website as well as distributing them via social media.



During 2019-2020 we published:

- Dangers of applying heat to sealed hydraulic cylinders
- Preventing collapse of free-standing scaffolding
- Clearing metal tramp blockages in cone crushers
- Working in proximity to plant hydraulic systems
- Managing the risk of fall from a fragile roof
- High Risk Work licences suspended
- Safe use of racking in stores
- Heavy earthmoving equipment
- Working with imported plant or pressure equipment
- Hot cutting in container modifications
- Mobile impact crushers in mines.

11

Safety Alerts issued in response to workplace incidents

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 with the South Australian Employment Tribunal.

SafeWork SA may commence a prosecution 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 person conducting a business or undertaking (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 not only to penalise those who have breached their duty, but to also deter both the defendants in question and duty holders in general 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.

The 2017 Legal Review undertaken by the Crown Solicitor's Office into the investigation and prosecution arrangements within SafeWork SA made a number of recommendations to improve our investigation functions. We have since undertaken a number of reforms and projects to improve this area of the agency.

In 2019-20 there were five convictions recorded in the South Australian Employment Tribunal for WHS matters with fines totalling \$996,000. We publish all successful prosecutions on our website.

5

successful prosecutions

Convictions

Name	Charge	Penalty
S & AD Basheer Nominees Pty Ltd	<p>The defendant, who owns and operates the Strathmore Hotel in Adelaide, failed to provide and maintain a safe working environment at the Hotel, and to provide adequate information and training to its employees.</p> <p>In August 2013, a Murray Pest and Weed Control contractor was injured when he fell through the open trapdoors of a cellar in the Hotel's gaming room. The worker sustained a spleen laceration and required immediate treatment in hospital.</p>	<p>\$70,000 10 December 2019</p>
Anthony Rosier	<p>In November 2017, Mr Rosier removed about 94m² of asbestos containing material from a domestic dwelling without the necessary licencing to do so. He also failed to ensure that appropriate signage alerting the public to the presence of asbestos was put in place to indicate that this work was being carried out.</p>	<p>\$8,100 15 November 2019</p>
Tad-Mar Electrical Pty Ltd	<p>On 25 March 2017, an apprentice engaged at the defendant's electrical business was exposed to a risk to his safety when supervisors squirted flammable liquid onto the apprentice and ignited it.</p> <p>The defendant had a duty to ensure, as far as was reasonably practicable, the health and safety of its workers.</p> <p>In this case it failed to adequately train and supervise its site supervisors involved in the incident and it failed to ensure that it possessed and made known to all of its workers a documented bullying and harassment policy.</p> <p>The defendant accepted there were deficiencies in their bullying and harassment policies at the time of the incident and have made considerable investment to ensure workers have an avenue to report bullying.</p>	<p>\$15,000 13 November 2019</p>

Name	Charge	Penalty
Tad-Mar – Defendant Chenoweth	Mr Chenoweth was a site supervisor employed by Tad-Mar Electrical Pty Ltd. On 25 March 2017 Mr Chenoweth squirted flammable liquid onto the boot and shirt of an apprentice and ignited the flammable liquid. Mr Chenoweth took no immediate steps to extinguish the flames on the apprentice's shirt and his conduct made it possible for the apprentice to be killed or to sustain serious injuries from burns to his body.	\$21,000 29 August 2019
TC Formwork	On 6 December 2016 a worker at a Windsor Gardens site fell over an exposed edge of formwork from a height of 4.4 metres above the ground, fracturing his leg. Workers at the site were exposed to a risk of death or serious injury because no static line system or fall restraint system had been installed, and workers did not wear harnesses.	\$120,000 21 August 2019
Total		\$234,100

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 and benefits to the business, the industry and the community where there is a serious breach of the law.

In 2019-20 SafeWork SA did not enter into any Enforceable Undertakings.

**Supporting
health and
safety**

SafeWork SA website redevelopment

On 27 April 2020 we launched our new website with updated content, user-friendly navigation and modern design.

The redeveloped website aims to:

- be user friendly and provide better navigation and findability of content through menus
- showcase our programs, services and initiatives
- be intuitive to user needs
- brand SafeWork SA as a modern, digitally-focussed agency, in line with the government's digital by default commitment
- increase accessibility and ensure compliance with web content accessibility guidelines (WCAG) for all future content
- provide dynamic content that will be continually updated in line with documented processes
- provide improved search functionality
- meet mandatory security requirements in line with standards from the Digital Transformation Agency
- allow for future machinery of government changes as the site can be redeveloped in-house.

Asbestos website redevelopment

SafeWork SA manages the South Australian Government Asbestos website. The website, originally released in 2014, is a collaboration between authorities responsible for different aspects of asbestos management.

The collaboration includes:

- SafeWork SA
- SA Health
- Environment Protection Agency
- Local Government Association of South Australia
- Housing SA
- Department of Planning, Transport and Infrastructure.

In 2019 SafeWork SA undertook a redevelopment project that included a review of all content and a new design. The site went live in July 2019 using the SA Government's Website Design System that is an accessible platform with improved functionality and security.

The website includes both residential and workplace asbestos information and continues to be the first point of information for asbestos management in South Australia.

Intranet redevelopment

On 19 December 2019 SafeWork SA launched their new Intranet. The redevelopment project was undertaken to meet technological changes within the Department of Treasury (DTF) as well as to align it with the newly released DTF Intranet ensuring easy user access across both intranets.

The new Intranet promotes the work of the agency and gives staff the ability to access news, information, documentation and applications when they need it.

Bushfire response

In January following bushfires that devastated parts of South Australia SafeWork SA was committed to helping those affected in getting back to work safely.

SA Government staff were approved to take leave to support the bushfire response and recovery effort. 2 staff members assisted across affected areas.

Those affected could apply for lost or destroyed licence and authorisation documentation and have it replaced as a priority with the associated fee waived.

Mobile elevating work platforms guidelines

SafeWork SA developed a guideline for Mobile elevating work platforms (MEWP) to assist persons conducting a business or undertaking (PCBU), workers and self-employed persons understand and control identified hazards and risks associated with the safe use of MEWPs.

not always consider the increased crush risk to workers from the MEWP platform or within the basket.

MEWPs are mobile items of plant designed to lift or lower people and equipment by a telescopic, hinged or articulated device, or a combination of these, from a base support.

SafeWork SA
Institution & Safety & Health

Mobile elevating work platforms (MEWP) are mobile items of plant designed to lift or lower people and equipment by a telescopic, hinged or articulated device, or a combination of these, from a base support.

Safe work practices when using MEWPs

PCBU's duties

Worker's duties

Mobile elevating work platforms (MEWP) guidelines

While MEWPs may control work at height risks, the movement of mobile plant introduces new risk. PCBU's usually understand the risks MEWPs pose to people on the ground but may

Public Health Partnership Agreement

SafeWork SA formalised a strategic relationship with ReturnToWorkSA and Wellbeing SA in the signing of the Public Health Partnership Agreement (PHPA).

The group shares a single vision where employers are supported to improve health in the workplace.

Workplaces are an important setting for the protection and promotion of health and wellbeing. It can be a complex issue with many influencing factors, therefore requiring a strategic and coordinated approach.

This partnership allows SafeWork SA to reinforce the health benefits of work and the positive contribution it can make to community health and wellbeing.

Key areas of focus include:

- the need for a coordinated state-wide strategy for South Australia
- ensuring a cohesive support system for all SA businesses
- use of data, research and evidence for effective action.



SafeWork SA, Wellbeing SA and ReturnToWorkSA at the Partnership signing in March 2020.

Mental health at the Fringe



The WHS Advisory team were involved in the development of the *Mental Health at the Fringe* booklet.

Produced by Big Mood, the booklet is aimed at festival performers and workers to help manage their mental health which can be impacted by the long days, longer nights, bad reviews and exhausting performances of the event.

Mental Health at the Fringe provides tips and tricks to reduce stress and keep mentally healthy throughout the Fringe as well as on the festival circuit.

Fatigue and bullying in hospitals and health services

On 16 October 2018, the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation (the Committee) resolved to undertake a wide-ranging Inquiry into Workplace Fatigue and Bullying in South Australian Hospitals and Health Services (the Inquiry).

SafeWork SA appeared before the Committee on 7 December 2018. The Inquiry's Final Report contained 27 recommendations; two of which were specific to SafeWork SA:

Recommendation 25 – That SafeWork SA develop and implement targeted strategies and plans, developed in conjunction with hospital employers, aimed at reducing instances of workplace fatigue and bullying. This could be achieved as part of an update to the existing Hospitals Action Plan if appropriate.

Recommendation 27 – That the Department for Health and Wellbeing and SafeWork SA appear separately before the Committee to provide a progress update on the implementation of the Inquiry recommendations relevant to them within 18 months of the Inquiry Report being tabled.

SafeWork SA contributed to the response to the Committee, tabled in Parliament on 18 June 2020.

We have established a project to ensure we meet our obligations in implementing the recommendations. This includes a review of our Hospitals Action Plan 2018-20 and will undertake a proactive compliance campaign scheduled for 2020-21.

Victim Assistance and Information Service

SafeWork SA has entered into a Memorandum of Understanding with the Office of the Director of Public Prosecutions enabling us to have a Victim Assistance Officer role.

This position supports SafeWork SA's Victim Assistance and Information Service and has a role in assisting injured parties, next of kin and vulnerable witnesses, to navigate the SafeWork SA investigation process, the prosecution process and the South Australian Employment Tribunal system.

Global Positioning Systems (GPS) vehicle installation

In early 2020 all SafeWork SA fleet vehicles were installed with a telematics (GPS) system for the work health and safety of staff when travelling in government vehicles.

The telematics system enables visibility of staff if required and alerts management to

potentially dangerous driving and emergency situations.

A new policy and procedure and staff training was undertaken to assist in the systems implementation

Study partnership with University of Adelaide

SafeWork SA has committed to host student placements yearly from the University of Adelaide. In 2019 SafeWork SA hosted two Master of Public Health students to complete a research report as part of their course work. The students were located with our Education team to analyse phone call data for the 2017-18 financial year.

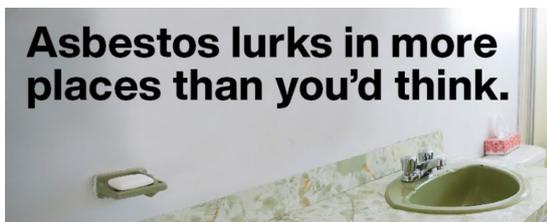
The project *'SafeWork SA telephone enquiries-identification and analysis of the most common enquiries to support the review and redevelopment of customer and staff*

resources' required the students to analyse common call enquiries using the content analysis method.

The students submitted their report in November 2019.

The report highlighted areas where a review and redevelopment of identified website material may help to provide better customer service and offered recommendations on actions to take.

Asbestos Awareness Week 2019



The last week in November is National Asbestos Awareness Week. The Asbestos Safety and Eradication Agency set a national theme *'Asbestos lurks in more places that you'd think'*.

SafeWork SA conducted a campaign to promote awareness of the week via social media, on the new State Government Asbestos website, in our monthly email newsletter to a registered database and on SafeWork SA's website.

We also held two information forums for licensed asbestos assessors and removalists to outline our expectations and their obligations.

Premier's Awards for Energy and Mining

In 2019 SafeWork SA became an official partner in the *Premier's Awards for Energy and Mining*. Our involvement included the creation of two new categories to recognise excellence in developing and implementing an innovative solution to a work health and safety issue:

In November 2019 an Awards dinner was hosted by the Premier to recognise and celebrate excellence across the energy and mining sectors.

SafeWork SA sponsored two new awards:

Resources sector – Innovation: Health & Safety

Winner

BHP: Underground Mining School of Excellence

Energy sector – Innovation: Health & Safety

Commendation

Enerven: Switch-ON Safety Program

2nd International Conference of Safety in Mines

In July 2019 SafeWork SA's Lead Inspector of Mines represented the South Australian Government at the 2nd International Conference of Safety in Mines held in Lima, Peru.

Our representative shared South Australian experiences and knowledge to international delegates on managing safety and controlling the risk of rock falls at development faces.

Our representative also undertook a site visit with the Peruvian Mines Department, Osinergmin, to Cerro Lindo Mine, Peru's largest underground mine.



SafeWork SA's Lead Inspector of Mines (centre) on a site visit to the Cerro Lindo Mine, Peru

2019 National Safe Work Month

National Safe Work Month is an annual 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 2019, for the first time SafeWork SA took a fully online approach to engage workplaces to run events and activities. The 2019 Organise your own workplace activity was run as a competition where registered business were in the running to win a prize from the \$2,000 prize pool.

SafeWork SA received 41 registrations for the Organise your own workplace activity.

Registered businesses were assessed against a judging matrix including originality of event, relevance to health and safety, and promotion of event.

There were six award winners.

The prizes awarded were vouchers to SA-owned supermarkets to the value of \$500, \$300 and \$100 to encourage the business to hold further workplace events with a focus on safety.



National Safe Work Month winners (clockwise): N.F. McDonnell & Sons, Advanced Plastic Recycling, ATEC Group Training, ATYS, Parkwynd Private Hospital, Rapid Global

2019 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 2019 Awards were open from 9 June 2019. The assessment panel short-listed three applicants of the 13 received. Two projects were successful.

The Awards aligned with National Safe Work Month with His Excellency the Honourable Hieu Van Le AC. presenting the awards on 3 October at Government House.

The winning proposals gained coverage on the front page of the Advertiser as well as online through a number of news sources including The Advertiser and News.com.au.



Georgia Thain and Cassandra Deon-Wierda following the award ceremony at Government House

Georgia Thain from the Sex Industry Network Incorporated was awarded \$10,000 for her project *Work Health and Safety in the Sex Industry of South Australia: Beyond Criminalisation*.

This project will have Georgia undertake research within the sex work industry to understand specific health and safety issues and develop policy and practice applicable to the South Australian sector in line with legislation, if decriminalised.

Cassandra Deon-Wierda from the Working Women's Centre was awarded \$10,000 for her project *Responding to client disclosures: Training for Hairdressers in recognising and responding to domestic and family violence*.

Cassandra's project will provide the tools and education to hair and beauty professionals based in areas with high incidents of domestic and family related crimes so they have the skills necessary to engage in client disclosures.

Contributing to the National Agenda

SafeWork SA contributes to the national work health and safety (WHS) agenda and is a member of various national bodies and committees.

Over the last 12 months SafeWork SA has addressed a number of issues in regards to WHS and workplace relations.

Safe Work Australia

Safe Work Australia's primary responsibility is to lead the development of policy to improve WHS and workers' compensation arrangements across Australia.

Safe Work Australia does not regulate WHS laws. The Commonwealth, states and territories retain responsibility for regulating and enforcing WHS laws in their jurisdictions.

South Australia's representative on Safe Work Australia is Martyn Campbell, Executive Director, SafeWork SA.

During 2019-2020 Safe Work Australia held two meetings (31 July 2019 and 27 November 2019) with the heads of the state and territory regulators and social partners.

Key topics of discussion at regular SWA meetings included:

- review of the model work health and safety laws
- workplace exposure standards for respirable coal dust and respirable crystalline silica
- asbestos related work by jurisdictions
- enforcement and compliance data.

Safe Work Australia held a further six COVID-19 extraordinary meetings with state and territory regulators via teleconference. These meeting provided jurisdictions an opportunity to share how they were responding to the evolving COVID-19 situation.

Safe Work Australia also consulted with its members about the COVID-19 industry guidance developed relating to proposed physical distancing and hygiene measures.

National Review of WHS Laws

The 2018 National Review of the model WHS legislation commenced in February 2018, led by an independent reviewer with support from Safe Work Australia.

SafeWork SA submission to the discussion paper included clear direction around managing psychological injuries and bullying, protection for workers in the gig economy and suggestions for clarifying the powers of Regulators in relation to obtaining information.

The Final Report published in February 2019 contained 34 recommendations to enhance the WHS framework.

A Consultation Regulatory Impact Statement (RIS) was publicly released for consultation mid-2019, seeking comments on the recommendations.

The Decision Regulation Impact Statement is now with WHS ministers for their consideration and decision. Due to the COVID-19 pandemic, jurisdictions have not been in a position to give full consideration to the recommendations. A revised timeline is being considered to progress this matter.

Should WHS Ministers agree to recommendations resulting in legislative change, each jurisdiction will be responsible for amending their own WHS laws to ensure national consistency.

Family support project

Safe Work Australia commenced a project that looks at the support provided to families affected by an industrial death. The project aims to:

- improve how families are notified of an industrial death
- the support they receive afterwards, including during an investigation and prosecution
- forums available for families to have input to the prevention and response to industrial deaths.

SafeWork SA has provided input into this project detailing the support offered in South Australia.

Participation in this study was voluntary with families interviewed being provided with information sheets, copies of questions and contact details for relevant support services.

This work will assist Safe Work Australia and jurisdictional authorities to respond to a number of recommendations from the Senate Inquiry Report *They never came home – the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*.

As at 30 June 2020 this project remains ongoing.

International Labour Organization - Violence Harassment Convention

In July 2019 the International Labour Organization (ILO) formally adopted the *Violence and Harassment Convention, 2019* (No. 190) (the Convention).

The Convention seeks to end all forms of violence and harassment in the workplace, including gender-based violence. It includes obligations to ensure monitoring and enforcement of laws, and access to dispute resolution mechanisms, anti-discrimination obligations and protection for vulnerable groups.

The Commonwealth is considering the ratification of the Convention. SafeWork SA provided a law and practice report to the Commonwealth in December 2019 confirming South Australia is compliant with the Convention.

South Australia has also provided their support for ratification of the Convention to the Australian Government expressing support for important international labour and human rights standards.

Heads of Workplace Safety Authorities

Heads of Workplace Safety Authorities (HWSA) is a cooperative group committed to working together to:

- promote and implement best practice in WHS
- minimise health and safety risks within the community
- identify causal factors for non-compliance within industry
- achieve the targets of the *Australian Work Health and Safety Strategy 2012-2022*.

The Heads of Workplace Safety Authorities comprises senior representatives from Commonwealth, state and territory work health and safety regulators.

Martyn Campbell, Executive Director of SafeWork SA, is South Australia's representative on HWSA.

In 2019-2020 HSWA held three ordinary meetings and six COVID-19 meetings via teleconference.

Key topics of discussion at HWSA meetings included:

- People at Work Digital Tool
- sharing of information regarding high risk work licences
- HWSA Inspectors Forum (held in Adelaide 3-5 December 2019).

Heads of Workplace Safety Authorities Inspector Forum

The Heads of Workplace Safety Authorities (HWSA) Inspector Forum is aimed at WHS inspectors to share experiences, ideas and challenges that each jurisdictions may be experiencing.

SafeWork SA hosted the 2019 forum *The Challenges for the Future Workplace Inspector* at the Adelaide Convention Centre from 3 to 5 December 2019.

116 people attended the forum from different jurisdictions and one international attendee from the International Association of Labour Inspections.

Martyn Campbell, Chair of HWSA and Jack Buckskin, who presented the Welcome to Country



Workplace Exposure Limit reduced level

A person conducting a business or undertaking at a workplace must ensure that no person is exposed to a substance or mixture in airborne concentration that exceeds the exposure standard for the substance or mixture.

A workplace exposure limit (WEL) is set for respirable crystalline silica (RCS) and details the airborne concentration that workplaces must not exceed.

WHS Ministers agreed by majority to reduce the WEL for RCS to a time weighted average of 0.05mg/m³ over 8 hours.

South Australia implemented this nationally agreed reduction effective 1 July 2020.

Influencing change

Christmas shop trading hours exemption

The Treasurer granted a special exemption under the *Shop Trading Hours Act 1977* to give all retailers, including non-exempt shops, in metropolitan Adelaide the opportunity to trade additional hours in the lead up to Christmas. There was also the opportunity for retailers to open until midnight on 29 November for the Black Friday sales.

Following the success of Boxing Day trading across Adelaide in 2018, the Treasurer granted

permission for retailers in suburban Adelaide to trade on Boxing Day 2019, in line with CBD trading. All retailers across Adelaide could trade from 9.00am until 5.00pm on Boxing Day.

The Treasurer granted an exemption for the following additional hours in the Greater Adelaide Shopping District over the 2019 Christmas period:

Day	Extended until	Changed from
Friday, 29 November 2019	until 12 midnight	until 9pm
Sunday, 1 December 2019	9am to 5pm	11am to 5pm
Sunday, 8 December 2019	9am to 5pm	11am to 5pm
Sunday, 15 December 2019	9am to 5pm	11am to 5pm
Thursday, 19 December 2019	until 12 midnight	until 5pm (CBD) until 9pm (metro)
Friday, 20 December 2019	until 12 midnight	until 9pm (CBD) until 5pm (metro)
Saturday, 21 December 2019	until 6pm	until 5pm
Sunday, 22 December 2019	9am to 6pm	11am to 5pm
Monday, 23 December 2019	until 12 midnight	until 9pm
Thursday, 26 December 2019	9am to 5pm	9am to 5pm (CBD) Closed (metro)
Sunday, 29 December 2019	9am to 5pm	11am to 5pm

Explosives legislation

South Australia's explosives laws have been a source of criticism from industry claiming it is out of touch with contemporary standards and practices and inconsistent with the requirements of other states and territories.

In October 2019 work commenced on drafting new explosives legislation that will modernise the laws and incorporate the nationally agreed four key policy proposals:

- definition of explosives
- licensing framework
- notification processes
- explosives authorisation process.

The agreement of nationally consistent policy proposals and the finalisation of the national process presents an opportunity to implement new laws that deliver the greatest level of safety standards as well as efficiencies through reduced red tape and regulatory and administrative burden on business.

We are working closely with Parliamentary Counsel to finalise a Draft Bill. Once drafted, we will undertake extensive consultation on the draft proposals.

Classification of explosives

Pursuant to section 6(1) of the *Explosives Act 1936* (the Act), SafeWork SA's Director may define the composition, quality and character of explosives, and classify explosives, with the consent of the Governor.

Once an explosive has been classified, it becomes legal to manufacture, sell, possess or use that explosive in South Australia or to import that explosive into South Australia from another State or Territory or another country.

The types of explosives which are classified include detonators and detonating cords, ammonium nitrate products, propellant powder for ammunition, explosives charges for blasting and drilling and emergency distress flares.

The list of classified explosives was published in the Government Gazette on 17 February 2020. This source of information is for interested parties such as manufacturers, importers, transport carriers, suppliers and users of explosives, as well as those who enforce explosives legislation.

Regulations postponed from expiry

The *Subordinate Legislation Act 1978* includes an automatic expiry or 'sunset' clause, which causes regulations to expire on 1 September the year following their tenth anniversary.

Regulations may be postponed for a period not exceeding two years at a time and not exceeding four years in aggregate.

SafeWork SA administers seven sets of regulations that were due to expire on 1 September 2020.

- *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*
- *Daylight Saving Regulations 2009*
- *Explosives (Security Sensitive Substances) Regulations 2006*

- *Fair Work (Clothing Outworker Code of Practice) Regulations 2007*
- *Fair Work (General) Regulations 2009*
- *Fair Work (Representation) Regulations 2009*
- *Petroleum Products Regulations 2008*

These regulations were postponed from expiry and were included in the Government's omnibus submission. The *Subordinate Legislation (Postponement of Expiry) Regulations 2020* postponing the expiry of the above regulations was published in the Government Gazette on 13 August 2020.

Response to the Royal Commission into Aged Care Quality and Safety

On 2 August 2019, SafeWork SA was asked to produce documents and data in relation to notifications made to SafeWork SA under section 38 of the *Work Health and Safety Act 2012* (SA) to the Royal Commission into Aged Care Quality and Safety.

We responded to this request on 14 August 2019, by the way of a formal statement. We detailed the information and guidance materials, detailed projects tailored to the aged care sector and provided copies of documents that were produced in response to specific incidents in the aged care sector, including compliance campaigns.

The Royal Commission into Aged Care Quality and Safety published its Interim Report on 31 October 2019 laying the foundations for fundamental reform and redesign of Australia's aged care system.

The Final Report is yet to be finalised.

Our disclosures

Conflicts of interest

Following the ICAC recommendations, we amended and reviewed existing policy and procedures in regard to the management of conflicts of interest, incorporating the requirements of the recommendation.

We require, 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. We also require new staff to sign such a statutory declaration on appointment.

A revised reporting template was developed and implemented.

In 2019-20, staff submitted 17 notifications of conflicts of interest.

Type of Conflict	Number of staff	Action taken to address conflict	Annual review
Actual	1	Another officer was in the decisions-making role in relation to this investigation.	Yes
Potential	3	The management plan will mitigate or remove the potential conflict of interest but will continue to monitor the situation.	Yes
Perceived	13	(5) A plan to manage the conflict of interest is not required and that no further action is necessary in relation to this matter. (8) The management plan will mitigate or remove the conflict of interest but will continue to monitor the situation.	Yes

Gifts and benefits

All SafeWork SA employees must declare any gifts or benefits offered or received in the course of their work that affect, could affect, or be perceived to affect doing their jobs impartially.

For the 2019-20 financial year SafeWork SA employees had to declare all gifts and benefits with a 'nil' or more value.

During 2019-20 there was a total of 52 gifts and benefits recorded, with 19 declined gifts and 33 accepted gifts.

Examples of commonly accepted gifts include coffees, promotional items such as pens, and entry to stakeholder events.

Grants and subsidies

Organisation	Actual 2019-20
<p>Safe Work Australia</p> <p>South Australia's contribution to the administration of Safe Work Australia pursuant to the <i>Independent Agreement for Regulator and Operational Reform in Occupational Health and Safety</i>.</p>	\$729,667
<p>SA Unions – Young Workers Legal Service</p> <p>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.</p>	\$140,000
<p>Office of Industrial Relations, Queensland Government</p> <p>South Australia's contribution to the development of the People at Work (PAW) digital platform. This is in partnership with the Psychological Health Unit within the Office of Industrial Relations, Queensland Government and the Heads of Workplace Safety Authority PAW working group.</p>	\$54,545
<p>Asbestos Diseases Society of South Australia</p> <p>Funding to educate students of the dangers of asbestos in both their homes and workplaces through the delivery of workshops at schools in SA.</p>	\$25,000
<p>Asbestos Victims Association</p> <p>The Asbestos Victims Association promotes awareness of asbestos in the community throughout SA, in particular during home renovation.</p>	\$25,000
<p>Health and Safety Representative (HSR) Training Subsidy</p> <p>This subsidy is available to business in remote and regional areas to send HSRs to metropolitan or regional centres for training. Businesses must meet certain criteria to be eligible.</p>	\$20,682
<p>Augusta Zadow Award</p> <p>The Augusta Zadow Award is a work health and safety scholarship that benefits working women and young people. The award may involve a new initiative, research or further education.</p>	\$20,000
<p>Scholarships Program</p> <p>Contributions to various awards, expos and conferences.</p>	\$15,546
<p>SA Hair & Beauty Association, South Australia</p> <p>Funding to review and update industry's safety guide.</p>	\$10,000
Total 2019-20 grants and subsidies	\$1,040,440

Health and Safety Representative (HSR) Training Subsidy

In 2018 SafeWork SA reviewed our HSR training subsidies and from 1 July 2019 the changes took effect.

The HSR Remote Area Subsidy remains on offer and makes a contribution towards additional travel, accommodation and meal expenses for participants who meet the eligibility criteria.

The subsidy is discretionary and considered on an individual basis

Examples of circumstances may be where the HSR is from a very small business experiencing financial hardship and cannot afford to pay for the HSR's travel/accommodation costs, as well as wages for the duration of the course.

Financial statements

SafeWork SA's financial statements form part of the DTF Annual Report and further financial details form part of the Budget Papers.

Both documents are available through the DTF website.

External review

If a person is dissatisfied with the outcome of an internal review or wishes for a review of a reviewable decision they may make an application to the South Australian Employment Tribunal (SAET) for an external review.

During 2019-20 one external review was lodged regarding the suspension of an Asbestos Removalist Licence. The SAET upheld the decision confirming the suspension.

In 2017 there were two external reviews lodged with SAET reported as ongoing in last year's report. The issuing party has since withdrawn these matters. The improvement notices subject to the review remain in place.

Internal review

An internal review allows an eligible person to seek a review of a range of decisions made by SafeWork SA Inspectors when dealing with work, health and safety issues and by other SafeWork SA officers in relation to licences, registrations and authorisations.

During 2019-20, SafeWork SA processed 13 internal reviews:

Date of lodgement	Decision to be reviewed	Outcome	Date of decision
23/07/19	Review of a provisional improvement notice – section 102	Notice upheld	20/08/19
23/07/19	Issue of an improvement notice - section 191	Notice upheld	20/08/19
05/08/19	Issue of an improvement notice - section 191	Confirmed improvement notice with a variation.	19/08/19
04/10/19	A decision of SafeWork SA in relation to a licence, an accreditation, a registration, an induction, an authorisation or a determination to any of the WHS Regulations	Decision confirmed	06/11/19
22/01/20	Issue of an improvement notice - section 191	Confirmed improvement notice with a variation.	04/02/20
28/02/20	Issue of a prohibition notice – section 195	Notice upheld	12/03/20
11/02/20	Issue of an improvement notice - section 191	Notice cancelled	02/03/20
12/03/20	Issue of an improvement notice - section 191	Notice cancelled	31/03/20
16/03/20	Issue of a prohibition notice – section 195	Notice cancelled and substituted with another notice	17/03/20
17/03/20	Failure of negotiations – section 54(2)	Confirming no decision was made	31/03/20
17/04/20	Issue of a prohibition notice – section 195	Notice upheld	01/05/20
30/04/20	Issue of an improvement notice - section 191	Notice cancelled	11/05/20
16/06/20	Issue of an improvement notice - section 191	Notice upheld	25/06/20

For Further information please contact:

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