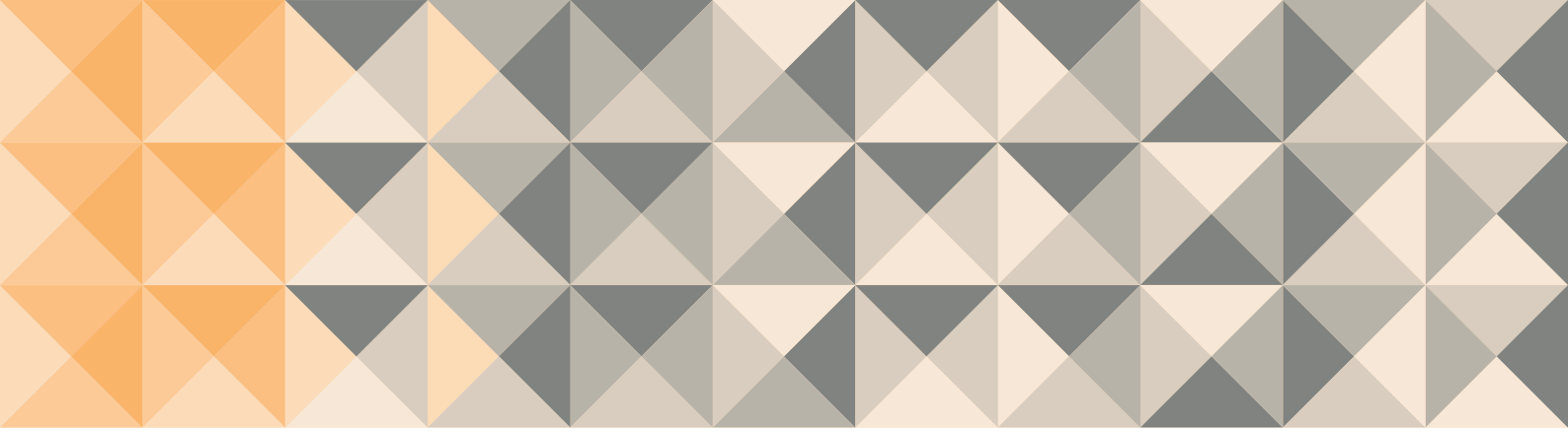




Australian Government

Comcare

# COMCARE WORK HEALTH AND SAFETY YEAR IN REVIEW 2023



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## CEO overview

**The 2023 Work Health and Safety Year in Review highlights Comcare's compliance and enforcement activities to promote and enable safe and healthy work across the Commonwealth jurisdiction. We saw important reforms to WHS laws, a new service to help injured workers and bereaved families following workplace incidents, and our biennial awards celebrating WHS innovation.**

### WHS law reform

Significant changes to federal work health and safety laws came into effect over the course of the year. The WHS Regulations were amended to strengthen and clarify how employers manage risks to psychological health, coming into force from 1 April 2023. The changes define important terms such as 'psychosocial hazard' and 'psychosocial risk' and identify the matters duty holders need to consider in managing psychosocial risks.

Comcare continued to support the jurisdiction with published guidance and education products on psychosocial hazards and risks including a new suite of guidance on [work demands](#),<sup>1</sup> a major cause of psychological injury across the scheme. More than 1,000 people attended our first webinar on psychosocial safety and regulation, and our ongoing education offerings such as instructor-led courses and online modules are helping workplaces adapt to the changes.

Comcare's Regulatory Operations Group piloted a proactive Psychosocial Inspection Program, engaging with five scheme employers to help them strengthen systems to manage psychosocial risk. An independent evaluation found the program met its objectives and was very well received by stakeholders. In 2024, this program will be scaled up to an ongoing regulatory activity.

We have also seen important changes to offences and penalties under the [WHS Act](#).<sup>2</sup> The *Work Health and Safety Amendment Act* came into effect in September 2023 and included measures that broaden the Category 1 offence to include negligence as a fault element. In December 2023, the *Fair Work Legislation Amendment (Closing Loopholes) Act* introduced increased penalties for the first time since the WHS Act came into effect. These amendments delivered a five-fold increase to penalties for Category 1 offences, including \$15 million for a body corporate, and an almost 40% increase to all other penalties.

### Support for families and injured workers

Comcare now has a dedicated service to help injured workers and families affected by workplace incidents. A Family Liaison Officer is available to assist [injured workers and bereaved families](#)<sup>3</sup> with support including understanding and navigating the processes involved with investigations and prosecutions.

Providing a single, permanent point of contact for affected workers and families is an important service for our jurisdiction. We recognise that enforcement action and court processes can be challenging for seriously injured workers and families who have lost a loved one. The Family Liaison Officer is independent of investigations and provides a range of supports including information about Comcare's investigation, prosecution and enforcement procedures, and liaison with other investigating or prosecuting agencies.

### Compliance and Enforcement

Comcare commenced three prosecutions during 2023 and concluded two matters in court with the support of our partner agency, the Commonwealth Director of Public Prosecutions. Outcomes included a [\\$450,000 penalty for Defence contractor Thales Australia](#)<sup>4</sup> for safety failures that resulted in the death of a worker in Victoria, and a [\\$100,000 penalty for construction company Lendlease](#)<sup>5</sup> after a worker was seriously injured at a Perth army base.

### WHS Awards

We continued to recognise and celebrate innovation across our scheme with the Comcare National Work Health and Safety Awards. Traditionally part of our biennial National Conference, the awards were held separately in 2023 for the first time.

Winners included an innovative approach to a project restoring a Second World War artefact, a mental health program at a major construction project, and a national initiative to support injured workers.

### Greg Vines – Comcare CEO

<sup>1</sup> <https://www.comcare.gov.au/safe-healthy-work/prevent-harm/work-demands-2>

<sup>2</sup> <https://www.comcare.gov.au/safe-healthy-work/prevent-harm/changes-to-whs-laws>

<sup>3</sup> <https://www.comcare.gov.au/about/contact/support-injured-workers-families>

<sup>4</sup> <https://www.comcare.gov.au/about/news-events/news/thales-fined-over-bendigo-fatality>

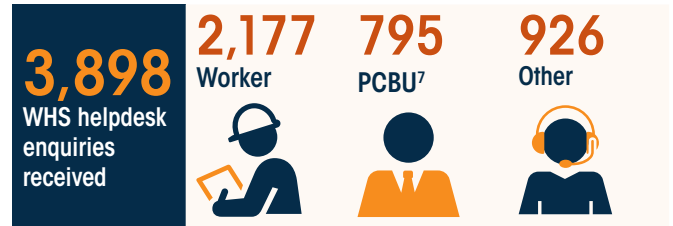
<sup>5</sup> <https://www.comcare.gov.au/about/news-events/news/company-fined-over-safety-breaches-at-army-base>

# WHS incidents and enquiries data

## WHS incidents



## WHS helpdesk



## Death of a person

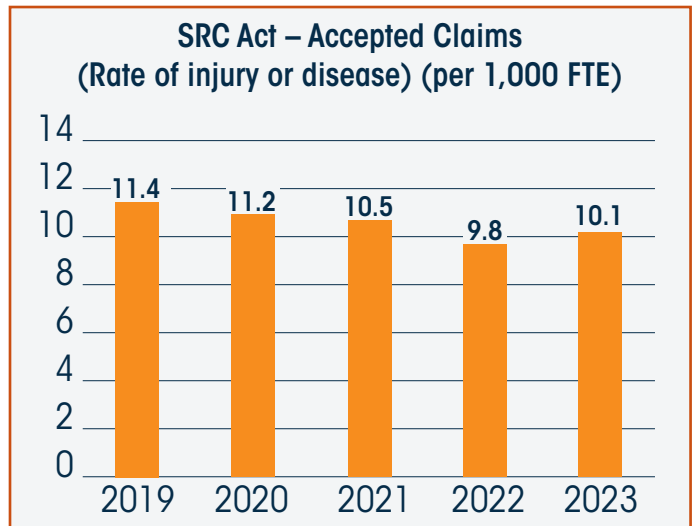
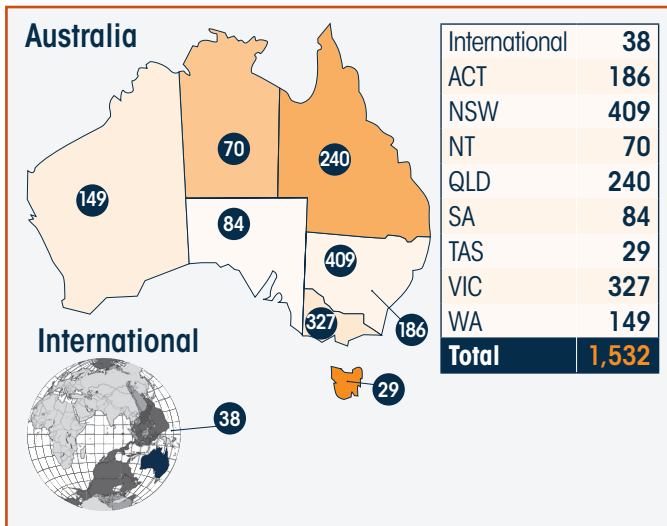


<sup>6</sup> Incidents reported to Comcare excluding duplication from PCBUs reporting the same incident. Death of a person, serious injury or illness and dangerous incident are terms defined under the WHS Act.

<sup>7</sup> Person conducting a business or undertaking.

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

## Notifiable incidents





## Inspectorate activities



**293**  
Providing information and advice



**946**  
Monitoring compliance inspections and investigations



**1,239**  
Compliance and enforcement activities

**99%** of inspections with corrective actions in the inspector report were subject to verification inspections, exceeding the target of **95%**

## Monitoring and compliance activities

Activities	ACT	NSW	QLD	SA/NT	VIC/TAS	WA	National
Inspections <sup>8</sup>	153	186	47	81	136	97	167
Verifications	4	19	11	13	11	10	1
Investigations commenced	0	4	4	1	1	0	0

### Notices



**17**  
Improvement notices  
under s191

**5**  
Prohibition notices  
under s195

**6**  
Non-disturbance notices  
under s198

**359**  
Notices to provide information and/or documents  
under s155

**50**  
Power to require production of documents and answer questions  
under s171

### Approvals and authorisations

**429** High-risk notifications<sup>9</sup>

**1,649** High-risk work licences

**2,653** Plant authorisations

### Prosecutions under the WHS Act



**3** Commenced



**9** Continued



**2** Concluded criminal proceedings

<sup>8</sup> Excl. Telecommunications Asbestos Safety Compliance activities.

<sup>9</sup> This includes Abandoned Tank Notifications, Carcinogen Authorisations, Demolition Works Notifications, Emergency Demolition Works involving Asbestos Notifications, Health Monitoring Reports, High Respirable Asbestos Fibre Levels Notifications, Lead Risk Work Notifications, Licensed Asbestos Removal Work Notifications (Notifiable), Manifest Notifications, and Pipeline Notifications.



## Regulatory programs

### Major Infrastructure Projects (MIP) team

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

The MIP team's work focuses on major infrastructure projects nationally. This includes complex and high-profile construction projects involving high-risk WHS matters. The team's regulatory approach includes information and advice, and monitoring and compliance activities in response to notified WHS incidents, hazards and concerns. MIP also conducts proactive regulatory activities in response to intelligence gained through risk and evidence-based practices.

The MIP team engages with PCBUs, workers, HSRs, unions and corresponding WHS regulators, while seeking to ensure compliance and the sharing of better practice WHS initiatives.

In 2023 the MIP program conducted:

- **86** reactive inspections
- **65** proactive inspections
- **61** information and advice activities.

### Telecommunications Asbestos Safety Compliance (TASC)

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

TASC aims to ensure the highest levels of work health and safety are applied to the rollout of the NBN, through a cooperative and proactive approach. The program's main focus is the removal of asbestos containing material and associated civil construction works.

TASC uses a targeted, risk-based approach to inspecting NBN rollout works. The TASC team also regularly provides the rollout's delivery partners and contractors with guidance and information to improve understanding of the WHS requirements related to the work.

In 2023, the TASC program achieved:

- **590** site visits and assessments
- **391** contractor assessments (82 were new contractors).

### National Investigations and Oversight team

**The team investigates alleged breaches of the WHS Act, and manages, monitors and reports on WHS undertakings.**

Established in November 2022, this dedicated investigations team allows Comcare to respond to the growing complexity of its regulatory environment and the evolving jurisdictional landscape. The team also promotes and supports consistency, best practice, and quality investigation activities, techniques and capabilities.

The team has 18 active investigations. In its first year of operation:

- 10 investigations into alleged breaches of the WHS Act were commenced
- three prosecutions were commenced under the WHS Act and a further two matters were referred to the Commonwealth Director of Public Prosecutions (CDPP).

A Comcare investigation can result in a number of possible outcomes, including a referral for prosecution, alternative enforcement action or a WHS undertaking. In 2023:

- Comcare accepted one application for a court enforceable WHS undertaking
- one WHS undertaking was finalised.

**Comcare now has a dedicated service to support workers and families after a workplace incident.**

A Family Liaison Officer is available to support injured workers and bereaved families to navigate the processes involved in an investigation and prosecution and to access publicly available supports.



The Family Liaison Officer is independent of investigations and separate from any workers' compensation processes, providing a range of supports including:

- general information about Comcare's investigation, prosecution and enforcement procedures
- liaison with other investigating or prosecuting agencies
- ongoing support as the primary contact for workers, families and other persons affected by an incident.

The National Investigations and Oversight team has developed and published family support guides that offer practical advice for workers and families following an incident. The guides cover:

- available support including counselling, obtaining financial and legal advice, family support groups and other forums to help impacted families and workers
- the roles of government agencies following a death or serious injury
- investigation and prosecution processes.

More information: [Support for injured workers and bereaved families](https://www.comcare.gov.au/about/contact/support-injured-workers-families)<sup>10</sup>

## Psychosocial Regulation team

**In 2023, the team continued to uplift regulatory capability, with a focus on minimising psychosocial risks within Comcare's jurisdiction.**

Prevention is the primary focus of the team, using targeted intelligence-driven stakeholder engagement, education and inspection programs. The team piloted a proactive psychosocial inspection program to assess organisational systems to identify and manage psychosocial risks, and provide advice and information to duty holders to strengthen and improve these systems.

The team completed five proactive inspections in 2023, with five PCBUs, comprising of 51 engagements (in person and online). Through these engagements they met with 87 senior executive members, 16 health and safety representatives and safety team members, and 147 workers.

An independent evaluation of the Pilot provided strong validation that the program met its objectives. In 2024 the team will refine the program methodology in anticipation of scaled-up and ongoing implementation.

In addition to the proactive inspection program, the team provides information and advice about psychosocial risks and related WHS duties through presentations and forums.

Activities included:

- delivering five presentations to PCBUs in the Commonwealth jurisdiction
- delivering two webinars including the psychosocial health and safety forum
- co-facilitating communities of practice with Commonwealth employers to build capacity in psychosocial risk management.

The team continues to support the development of inspectorate capability in regard to psychosocial regulation. Over 2023 the team implemented the following initiatives:

- designed and delivered a training package on trauma-informed regulation for the inspectorate
- delivered a presentation on systems-based regulation of psychosocial risks for the inspectorate
- attended site inspections and presentations with the ROG inspectorate.

The team continues to build positive and productive stakeholder relationships to influence positive health and safety outcomes. In 2023, the team collaborated on strategic initiatives with the recently established Family Liaison Officer, Regional Inspectorates and Comcare's Prevention Committee.

The team also collaborated with WHS regulators to inform consistent approaches to the regulation of psychosocial hazards. This included the Heads of Workplace Safety Authorities committees including the Psychosocial Health Community of Practice, Respect at Work Community of Practice, and Workplace Wellbeing Community of Practice, and other regulatory forums.

## WHS law reform

### Psychosocial regulations

#### Important changes to Commonwealth work health and safety laws<sup>11</sup> came into force throughout 2023.

From 1 April, the WHS Regulations prescribe how employers must identify hazards and manage risks to workers' psychological health and safety. The amended regulations define important terms including 'psychosocial hazard' and 'psychosocial risk'.

Those employers with control or management of the workplace must use the hierarchy of controls to manage psychosocial risks, set out in the WHS Regulations. This requires a step-by-step approach to eliminating or minimising risks, ranking controls from the highest to the lowest level of protection.

Comcare supports compliance with the new regulations by providing guidance and education on psychosocial regulation, hazards and risks. Web publications in 2023 include:

- new guidance on work demands,<sup>12</sup> the second highest cause of psychological injury across the scheme (after bullying/harassment)
- a Prevention Strategy<sup>13</sup> that focuses on common threats to psychological health and safety.

In March 2023, Comcare held two webinars on psychosocial hazards and regulation. More than 1,400 people from scheme and non-scheme organisations attended to hear about the amendments and Comcare's regulatory approach, and to receive guidance and support materials. In October we hosted the Psychosocial Health and Safety forum during Safe Work Month. The forum had nearly 800 attendees and received a satisfaction rating of 97%.

Comcare's Psychosocial Regulation team is developing an evidence base to inform future inspectorate activity and support better understanding and management of psychosocial risks.

### Tougher WHS penalties and industrial manslaughter

The Fair Work Legislation Amendment (Closing Loopholes) Act came into effect on 15 December 2023. The legislation amends the WHS Act to:

- increase penalties for contraventions of work health and safety laws, indexed annually to inflation
- introduce the offence of industrial manslaughter (taking effect on 1 July 2024)
- establish a Family and Injured Workers Advisory Committee to inform the Minister for Employment and Workplace Relations and Comcare by the end of 2024
- make new criminal responsibility provisions for bodies corporate and the Commonwealth.

The increased penalties and indexation were key recommendations of the 2018 Review of the model WHS laws and apply to both the WHS Act and Regulations, marking the first increases to penalties since the WHS Act came into effect. The changes provide for the amounts to be indexed to the Consumer Price Index for ongoing annual increases.

The legislation amends the WHS Act to include significant increases to penalties for Category 1 offences. Comcare has published a new Regulatory Guide<sup>14</sup> that explains the new penalties and indexation.

<sup>11</sup> [www.comcare.gov.au/safe-healthy-work/prevent-harm/changes-to-whs-laws](https://www.comcare.gov.au/safe-healthy-work/prevent-harm/changes-to-whs-laws)

<sup>12</sup> <https://www.comcare.gov.au/safe-healthy-work/prevent-harm/work-demands-2>

<sup>13</sup> <https://www.comcare.gov.au/safe-healthy-work/prevent-harm/prevention-strategy>

<sup>14</sup> <https://www.comcare.gov.au/scheme-legislation/whs-act/regulatory-guides/prosecutions>





## Events and engagement

### Comcare National Work Health and Safety Awards

The [2023 Comcare National Work Health and Safety Awards](#)<sup>15</sup> recognised employers across the categories of Prevention, Recovery at and Return to Work, and Individual Contribution. The winners pictured below showed outstanding commitment to work health and safety while successfully eliminating and minimising hazards and risks in their workplaces.

As one of five winners, the Australian War Memorial was awarded the Preventing Physical Harm Category for designing safe frame support stands for the restoration of a World War II era 14 metre rocket (pictured on page 12). Recognising the risks involved in completing the project from a height, the team developed a rotating steel support stand allowing them to access the rocket from the ground. The innovative solution increased efficiency, safety and allowed the rocket to be preserved for research and display.



Award winners from Telstra, John Holland, The Australian War Memorial and Konekt, pictured with Comcare CEO Greg Vines and Comcare executives.

### HSR Engagement

[Health and safety representatives](#)<sup>16</sup> (HSRs) play a critical role under the WHS Act by representing workers and helping to identify and support the resolution of health and safety issues in workplaces. There are approximately 4000 HSRs within Comcare's WHS jurisdiction.

In 2023, a focus for Comcare included increasing engagement opportunities with HSRs. This included:

- development of an Action Plan by Comcare's HSR Working Group for capability building, communications and engagement with HSRs
- launching the Comcare HSR Network, to raise awareness of Comcare's programs and priorities and deliver practical tools and guidance directly to HSRs. The network grew to 901 subscribers from its launch on 25 July 2023 to 31 December 2023
- increased engagement with HSRs through the inspection process (engagement on location).


<sup>15</sup> <http://www.comcare.gov.au/about/news-events/events/whs-awards>

<sup>16</sup> <http://www.comcare.gov.au/roles/hsrs>



## Webinars and resources

Comcare hosted a range of webinars and events including the 2023 National Safe Work Month Forum. We continue to receive positive feedback and high satisfaction ratings from our events and welcome feedback to improve our education and engagement offerings.

Activities	Outcomes	
 National Safe Work Month Forum 2023	Attendance	Satisfaction rating
Psychosocial health and safety forum – 10 October 2023	<b>942</b>	<b>97%</b>
Body stressing, musculoskeletal disorders and good work design – 26 October 2023	<b>503</b>	<b>91%</b>
<b>Transport Network Forum – virtual events, hosted by Comcare</b>	Participants	Satisfaction rating
Design safety case study, panel session on responding to unexpected and extreme events, mental health and wellbeing of transport and logistics workers, and insights on psychosocial risk and mental health strategy – 10 May 2023	<b>106</b> (representing 16 organisations in the scheme)	<b>95%</b>
Addressing psychosocial hazards to prevent musculoskeletal and mental health disorders in the road transport industry, industry licensee case study and preventing sexual workplace harassment – 17 October 2023	<b>167</b> (representing 36 organisations in the scheme)	<b>91%</b>
<b>Mental Health Community of Practice – virtual event, hosted by Comcare</b>	Participants	Satisfaction rating
Approaches of a thriving workplace – 3 April 2023	<b>260</b>	<b>96%</b>
<b>Regulatory Webinars – virtual events, hosted by Comcare</b>	Attendance	Satisfaction rating
Psychosocial hazards and regulation, WHS amendment (managing psychosocial risk and other measures), 2022 regulations, Comcare's regulatory approach, and guidance and support materials – 27 March and 5 April 2023	<b>1,119</b> and <b>466</b>	<b>85%</b> and <b>91%</b>
2023–24 Regulatory priorities and incident management, introduction of Comcare's regulatory priorities for the upcoming year and overview of incident management systems inspections program for 2023–24 – 23 July 2023	<b>544</b>	<b>91%</b>



### Guidance and resources

Comcare provides a range of guidance and resources to support employers and workers with maintaining healthy and safe workplaces.

**Most viewed WHS content on the Comcare website (total unique views)**

- Physical hazards **(38,921)**
- Biological hazards **(32,239)**
- Workplace health and safety management system **(28,255)**
- Health and safety representatives (HSRs) **(27,991)**
- Psychosocial hazards **(27,761)**

**Most downloaded resources (total number of downloads)**

- Work health and safety management plan **(4,604)**
- Certificate of capacity form **(4,488)**
- Work demands employers guide **(1,520)**
- Medical services claim form **(1,366)**
- Workers' compensation claim form **(1,352)**



### WHS digital learning

Comcare offers a range of WHS learning courses for employers, managers, supervisors and workers through our learning management system called Comcare LMS. These courses are promoted through the Comcare website and other communications activities.

Participants attending facilitated workshops recorded satisfaction ratings of 90% or above across all our training key performance indicators.

**Training delivered**

- Self-paced courses completed **(7,934)**
- Facilitated workshops attendees **(1,002)**

**Top three WHS self-paced courses**

- eLearn: WHS for workers
- eLearn: Introduction to psychological health and safety in the workplace
- eLearn: WHS for managers



## Regulatory priorities 2023–2024

Comcare identified six regulatory priorities to deliver on through proactive programs of work in 2023–2024.

	<b>Psychosocial Hazards</b>		<b>WHS Management Systems</b>
	<b>Being Hit by Moving Objects</b>		<b>Contractor Management</b>
	<b>Body Stressing</b>		<b>Silica</b>

These priorities were determined using a risk-based and evidence-led approach, including the review and analysis of our regulatory data, and a focus on the priorities in [Comcare’s Prevention Strategy 2022–2025](#)<sup>17</sup> and Safe Work Australia’s [Australian Work Health and Safety Strategy 2023–2033](#).<sup>18</sup> The identification of priorities ensures additional focus is placed on specific WHS risks with a prevention focus to incorporate into the planning and delivery of national and regional engagement activities.

In 2023, Comcare began delivering on these priorities through proactive programs of work, including a series of webinars and the provision of information and resources on our website.

Some highlights include:

- a program of proactive inspections with organisations to assess incident management systems and arrangements. Well-implemented, effective WHS management systems are key to providing a framework to deliver improved WHS performance in an organisation and are an ongoing priority for Comcare. A webinar was delivered in July 2023 with an overview of our regulatory approach to incident management systems, and outlining key considerations for PCBUs.
- psychosocial hazard harm prevention, which is a key focus and priority for all WHS regulators. Throughout 2023, our Psychosocial Regulation team provided a specialist focus on proactive regulation and harm prevention within Comcare’s jurisdiction through targeted intelligence-driven stakeholder engagement, education, and inspection programs. Comcare’s first Psychosocial Health and Safety Forum was delivered in October 2023 during National Safe Work Month, providing an update on the regulatory landscape and approaches to address psychosocial hazards.

Work continues on these priorities into 2024. More information can be found on our [Regulatory Priorities](#)<sup>19</sup> webpage.

<sup>17</sup> <https://www.comcare.gov.au/about/forms-pubs/docs/pubs/corporate-publications/Comcare-Prevention-Strategy-2022-2025.pdf>

<sup>18</sup> [https://www.safeworkaustralia.gov.au/awhs-strategy\\_23-33#:~:text=The%20purpose%20of%20the%20Australian,delivering%20on%20key%20WHS%20improvements.](https://www.safeworkaustralia.gov.au/awhs-strategy_23-33#:~:text=The%20purpose%20of%20the%20Australian,delivering%20on%20key%20WHS%20improvements.)

<sup>19</sup> <https://www.comcare.gov.au/scheme-legislation/whs-act/reg-priorities>



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## Contact us

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Worker from the Australian War Memorial, Canberra restoring a World War II rocket. This project was given a Comcare National Work Health and Safety Award for preventing physical harm.

**Note:** unless otherwise indicated numbers refer to 2023 calendar year.

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