



Office of Industrial Relations Regulatory Performance Self-Assessment Report 2021-22



Office of Industrial Relations
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List of abbreviations

APC	Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee (Affected Persons Committee)
ASIEQ	Association of Self-Insured Employers Queensland
Best Practice Review	<i>Best Practice Review of Workplace Health and Safety Queensland</i> ¹
CFS	Compliance and Field Services
CMEP	Compliance Monitoring & Enforcement Policy
EESS	Electrical Equipment Safety System
ERAC	Electrical Regulatory Authorities Council
ESO	Electrical Safety Office
ES	Electrical Safety
GRPM	Good Regulatory Practice Model
HWCA	Heads of Workers' Compensation Authorities
HWSA	Heads of Workplace Safety Authorities
IPaM	Injury Prevention & Management Program
IRRC	Industrial Relations Regulation and Compliance
ISSC	Industry Sector Standing Committee
ISU	Industry Strategy Unit
OIR	Office of Industrial Relations
RPF	Regulator Performance Framework
SWA	Safe Work Australia
WAU	Workplace Assistance Unit
WCQ	WorkCover Queensland
WCRS	Workers' Compensation Regulatory Services
WHS	Work Health & Safety
WHSE	WHS Executive Group
WHSQ	Workplace Health and Safety Queensland

¹ <https://www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland/best-practice-review-of-workplace-health-and-safety-queensland>

Introduction

The Office of Industrial Relations (OIR) is committed to delivering contemporary and effective regulatory services for Queensland workplaces and communities. OIR's approach to regulation seeks to deliver public value by being responsive to stakeholder and community expectations, and applying a modern approach reflective of regulatory best practice (e.g. evidence-informed literature, stakeholder intelligence, external review findings and recommendations, benchmarking against best performing regulators and regulatory performance frameworks). Each year we assess our regulatory performance against both the Queensland Audit Office's Good Regulatory Practice Model² (GRPM) and the Queensland Government's Regulator Performance Framework (RPF)³, as well as within our own regulatory approach to help us identify opportunities to strengthen our regulatory effectiveness and enhance delivery of our services.

About OIR

The Office of Industrial Relations (OIR) is a division of the Queensland Department of Education which comprises four regulators striving to achieve the vision of 'Queensland workers, industry and communities being healthy, safe, fair and productive'. Our purpose is to 'deliver contemporary regulatory and other government services to Queenslanders'.

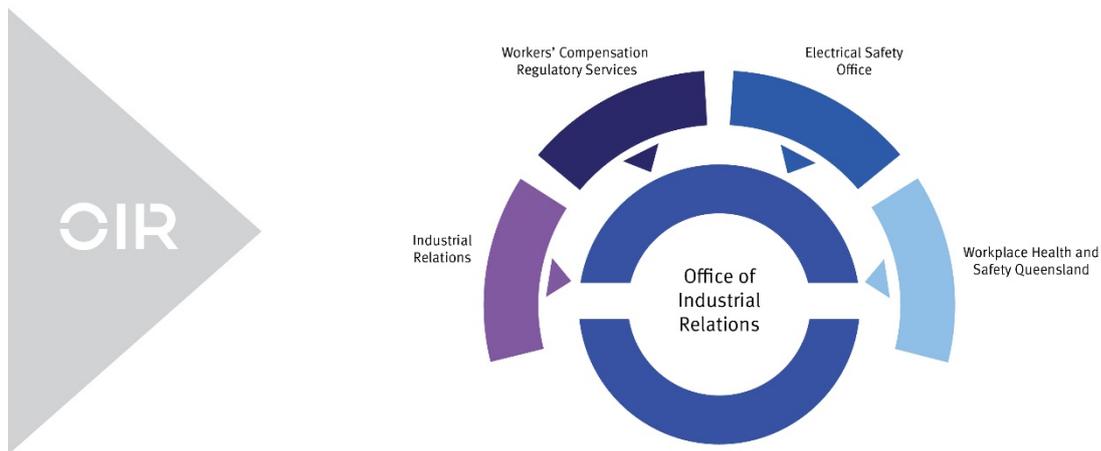


Figure 1: OIR – One office, four regulators

Workplace Health and Safety Queensland (WHSQ) is responsible for securing WHS standards in Queensland helping to reduce the risk of workers being killed or injured at work, through the design, development and facilitation of evidence-informed, preventative education programs and awareness campaigns. WHSQ enforces the *Work Health and Safety Act 2011* and *Safety in Recreational Water Activities Act 2011*, investigating work-related fatalities and serious incidents and taking legal action when WHS laws are broken whilst providing support to affected workers and families, and educating employees and employers on their legal obligations.

² The Queensland Audit Office (QAO) provides a principles-based good practice model for regulators to self-assess against that is based on insights from multiple QAO inquiries into regulatory functions. The QAO GRPM advocates for intelligence-led regulation (i.e. effective use of data and information to inform decision-making for effective, efficient, and economical regulatory outcomes and compliance²) and involves a plan-act-report-learn model to guide self-assessment tests of regulatory effectiveness.

³ The RPF requires regulators whose regulatory activities impact business to publicly report their performance against five model practices, with a focus on demonstrating the extent to which the model practices translate into business practices, and outlining plans for future improvements.

The **Electrical Safety Office (ESO)** has primary responsibility for delivering ES regulatory services in Queensland under the *Electrical Safety Act 2002* by developing and enforcing standards for ES and promoting improved safety performance across the community. This includes:

- advisory and enforcement activities to promote compliance with ES laws and standards to improve ES outcomes
- information, education and training activities to help industry, employees and the community reduce the risk of death, injury and destruction of property caused by electricity
- managing registration, licensing, certification (electrical equipment) and accreditation regimes required under the *Electrical Safety Act 2002*.

Workers' Compensation Regulatory Services (WCRS) is responsible for the regulation of the workers' compensation scheme under the *Workers' Compensation and Rehabilitation Act 2003*. WCRS works closely with scheme partners and stakeholders to balance the needs of workers and employers to ensure a fair and efficient scheme that better serves industry and to ultimately ensure that injured workers can safely return to the workplace after a workplace injury. Key services include:

- advice on workers' compensation matters
- policy and legislative frameworks for workers' compensation
- education and engagement of scheme stakeholders
- reviews and appeals across OIR's regulatory schemes
- facilitation of medical assessment tribunals
- licensing of self-insurers
- administration of grants
- accreditation of rehabilitation and return to work programs and activities
- monitoring of scheme performance and enforce compliance
- prosecution of offences under workers' compensation laws.

Industrial Relations (IR) is responsible for supporting improved productivity and fairness in Queensland workplaces by providing:

- advocacy, advice and support to government agencies, including government owned corporations, on public sector industrial relations matters and bargaining
- policy, legislation and research advice on state and national industrial relations matters
- compliance and information services on Queensland's industrial relations laws for state and local government, long service leave, child employment and trading hours
- licensing and compliance services to protect vulnerable labour hire workers and promote the integrity of the labour hire industry in Queensland.

IR has operational responsibility for the following Acts:

- *Industrial Relations Act 2016*
- *Trading (Allowable Hours) Act 1990*
- *Holidays Act 1983*
- *Child Employment Act 2006*
- *Private Employment Agents Act 2005*
- *Pastoral Workers Accommodation Act 1980*
- *Workers Accommodation Act 1952*
- *Labour Hire Licensing Act 2017*.

The *Industrial Relations Act* continues to regulate the state public sector, local government employees and the employees of a number of statutory authorities.

OIR's regulatory approach

OIR's regulatory approach embeds a strong focus on risk-based and responsive regulation and strategic enforcement, whilst striving for strengthened regulatory effectiveness to influence the compliance behaviour of individuals and businesses with duties under Queensland's work health and electrical safety, workers' compensation and industrial relations laws. Our approach involves applying regulatory education, guidance, compliance monitoring, and enforcement strategies to ensure all duty holders comply with their legislative obligations, and the underlying principles and values behind these requirements.

Our focus is on using evidence to inform our approach, developing practical solutions using contemporary methods and delivering our services with transparency, accountability and integrity to build trust with those whom we serve. We recognise that we have many priorities and finite resources and need to target greatest risk, working in partnership with our stakeholders to be responsive to changing expectations of regulatory effectiveness. This enables community trust in government, delivering 'public value' as we navigate regulating in a rapidly changing world. We recognise that while inspectors, officers and authorised persons have a key enforcement role, our approach also requires a focus on a broad range of strategies and partnerships to improve and sustain compliance in the long-term, including increasing focus on consultative mechanisms, and systems thinking. We do this by modernising our regulatory toolkit to blend old and new ways of working and make skilful use of these tools to ensure we apply the right tool to the right problem, recognising that different approaches are required for different types of risks.

We appreciate that when we draw on all regulatory tools and avenues available, we are able to influence behavioural change and achieve positive outcomes through improved standards, leading to risk prevention and reduced social and financial cost (e.g. reduction in injuries, illnesses and damage to property, improved working conditions, sustainable return to work).

Our approach translates into practical, effective and measurable regulatory practices which demonstrate the principles for good regulatory practice in both the GRPM and RPF, as outlined in this report.

Setting and being responsive to priorities and targets

GRPM: Plan to be intelligence-led

Regulators should implement an intelligence-led, risk-based approach to planning their compliance program; design key performance measures; and implement the program control environment.

Good regulatory practices

- *Understand the regulator's role, functions, and objectives*
- *Implement systems and plans that support effective data collection and use*
- *Develop and implement a risk management framework*
- *Develop a compliance and monitoring plan.*

GRPM: Act to ensure compliance

Regulators should execute the plan to improve compliance and provide regulated entities with consistent and timely guidance. The regulator must act where it identifies non-compliance and escalate actions as needed.

Good regulator practices

- *Implement a compliance monitoring and enforcement plan*

RPF Model Practice 1: Ensure regulatory activity is proportionate to risk and minimises unnecessary burden

Principles

- *A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions*
- *Regulations do not unnecessarily impose on regulated entities*
- *Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.*

OIR applies a risk-based regulatory approach that is grounded in legislative functions, proven regulatory theory and Queensland Government policy and enacted through risk-based targeting of priorities. Our role, functions and objectives are clearly stated in the [OIR Strategy 2021-2024](#) and publicly available on our website. We focus on addressing the most serious current and emerging risks and deliver regulatory activities through a proportionate approach of compliance, engagement and regulatory enforcement actions that both reinforce and extend the application of national policy and strategies to the Queensland context. **This proportionate approach is a core tenet in our OIR Strategy 2021-2024, demonstrated through a specific commitment to delivering regulatory standards and services to ensure those most at risk are protected by using evidence to inform our approach, focusing on solutions, and using contemporary methods, and measuring through indicators of service costs, timeliness and impact.** This commitment is espoused through transparent and accountable communication and reporting of our regulatory effectiveness at multiple levels (i.e. internally, within Queensland Government, through tripartite advisory committees and Queensland parliament, to other regulators within Australia, and publicly), and enacted through a wide range of regulatory powers and targeted activities that promote compliance with the legislative framework. It transcends to the regulatory activities at all levels of our business through business-level operational plans which operationalise the OIR Strategy through specific regulatory activities and supporting governance processes.

In OIR, gathering and analysing intelligence is a core aspect of supporting effective regulation. OIR develops and maintains an evidence base to inform workplace health and safety and workers' compensation policy and regulation which helps to monitor and reduce the incidence and impact of work-related injuries, fatalities and diseases in Queensland and also provides updates and other

related intelligence gathering activities to the WHS Board; Electrical Safety Board and Committees and ISSC members. Much of this data is publicly available on the WorkSafe website and embedded in the standard papers for these Boards and Committees.

Workplace Health and Safety Queensland and the Electrical Safety Office

Data and intelligence are used to inform our risk-based targeting approach to identify and prioritise risks to OIR. It frames a process to manage the regulatory challenge of these risks, including identifying broad or focussed regulatory responses to the highest priority risks (both basic and innovative approaches). It responds to current trends in industry practice, WHS and ES requirements, data, and research to identify appropriate intervention strategies for the industry sectors (e.g. enforcement, advice, education). It also supports and reinforces the *Australian Work Health and Safety Strategy 2012-2022*, *National Return to Work Strategy 2020-2030*, *Five-Year Strategic Plan for WHS in Queensland 2018-2023* developed by the WHS Board, and *Electrical Safety Plan for Queensland 2018-2022* developed by the Commissioner for Electrical Safety and ES Board.

In 2021-22:

- **WHSQ and ESO finalised stakeholder consultation on an evidence-informed, solution-focussed and contemporary draft regulatory approach to provide stakeholders and the broader community with a clear vision for the delivery of regulatory functions and activities.**
- **WHSQ made substantial progress on a draft WHS Priority Plan to drive the identification of WHS priorities for Queensland and supporting prevention-focussed interventions to address those priorities.**
- **WHSQ and ESO continued its significant investment on a four-year service delivery transformation project which involves revitalising the regulatory ICT architecture and data governance to support a modern and mobile field-based inspectorate.**
- **WHSQ invested additional resources into a six-month internal initiative to identify opportunities to strengthen WHSQ's internal governance for the administration of public safety matters.**
- **WHSQ and ESO continued to develop and maintain codes of practice, in recognition of their importance as a tool in responding to current and emerging hazards in industry. Our codes of practice are informed by data and intelligence and developed through a policy collaboration process with industry partners. Our codes of practice meet the criteria set by the Office of Best Practice Regulation to ensure they are proportionate to the risk identified and consider the effectiveness of current legislation.**

The [WHSQ and ESO Compliance Monitoring and Enforcement Policy 2018](#)⁴ (CMEP) was developed in response to the *2017 Best Practice Review of Workplace Health and Safety Queensland*⁵ (Best Practice Review) and is consistent with the National Compliance and Enforcement Policy⁶ agreed nationally by WHS ministers to support model WHS laws. The CMEP is aligned with Strategic Lever 4 'Regulating effectively' of the *Five Year Strategic Plan for WHS in Queensland*⁷. The CMEP covers the administration and enforcement of legislation administered by both WHSQ and ESO and applies a proportionate approach by prioritising:

- monitoring compliance through observation, conversation and document examination at the workplace, and

⁴ <https://www.worksafe.qld.gov.au/about/publication-scheme/our-policies/office-of-industrial-relations-policies/compliance-monitoring-and-enforcement-policy>

⁵ <https://www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland/best-practice-review-of-workplace-health-and-safety-queensland>

⁶ <https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws#national-compliance-and-enforcement>

⁷ https://www.worksafe.qld.gov.au/data/assets/pdf_file/0016/21508/whs-five-year-strategic-plan-booklet.pdf

- taking action to enforce compliance where there are unmanaged risks and contraventions with high levels of culpability leaving workers and others exposed to the likelihood of serious injury or illness.

The focus is on sustaining compliance outcomes and higher performance, rather than simply point-in-time compliance. The overall approach is summarised by Figure 3 (below), which is part of the CMEP.

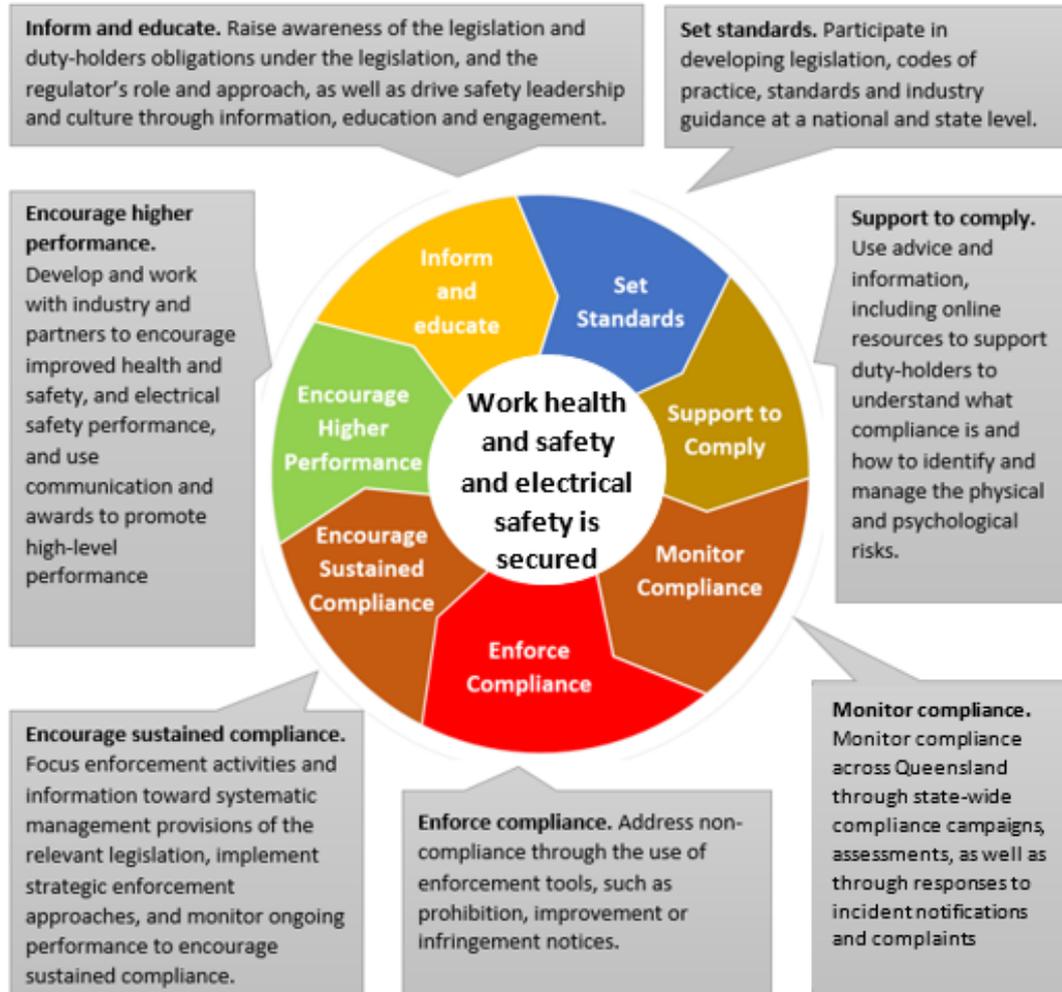


Figure 3: WHSQ and ESO Approach to Compliance Monitoring and Enforcement

In 2022-23, WHSQ will undertake a review of its CMEP to ensure it remains fit for purpose in balancing its intended purpose with practical application.

Workers Compensation Regulatory Services

WCRS administers the workers' compensation scheme in Queensland under the *Workers' Compensation and Rehabilitation Act 2003*. The [Workers' Compensation and Rehabilitation Compliance and Enforcement Policy](#) and [Self-Insurer Performance and Compliance Framework](#) explains how compliance monitoring and enforcement is undertaken to ensure duty holders meet their legislative duties and how credible deterrents for legislative breaches are applied. The Policy details the appropriate compliance and enforcement tool based on the circumstances of the breach, application of general criteria to guide enforcement decision-making, and specific criteria for the use of each compliance tool (e.g. advice or guidance, notices, prosecutions, licence implications for self-insurers, publication of enforcement actions and outcomes). The Framework is used to monitor self-insurer performance and assess whether they are fit and proper and complying with their licence conditions and obligations. The Framework aims to give effect to:

- continuous improvement across claims management performance;

- improved return to work outcomes;
- streamlined licence renewal application processes;
- an increased focus on monitoring performance and standards of service; and
- a more consistent application of effective and targeted compliance activities.

WCRS also investigates and manages the prosecution of certain offences under *the Workers' Compensation and Rehabilitation Act 2003*, including:

- defrauding a workers' compensation insurer
- providing false or misleading information to an insurer or medical provider
- failure by an employer to insure or under-insurance
- prohibited use of workers' compensation information by employers.

Industrial Relations

IR applies its [compliance and enforcement policy](#) to guide case resolutions and conduct of investigations and legal proceedings and has a [specific compliance and enforcement policy for labour hire licensing](#). This includes escalated compliance strategies through dispute resolution, wage recovery conference hearings, formal investigations, and institution of legal proceedings and issuing of infringement notices to assist in deterring non-compliance.

Designing strategic interventions

RPF Model Practice 2: Consult and engage meaningfully with stakeholders

Principles

- *Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances*
- *Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities*
- *Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.*

We appreciate there are many reasons for non-compliance, including underlying business drivers, incentives and other root causes. Our research and analysis equip us to understand and develop strategies to address these underlying systemic influencers. We shape our regulatory responses to create long-term and lasting outcomes that will reduce and where possible, eliminate harms in Queensland workplaces and communities. We aim to prevent harm and protect those most at risk by:

- using evidence to inform our approach
- focusing on solutions
- using contemporary methods.

Collectively, OIR actively engages and collaborates with agencies and regulators at the local, state and national level to promote trust and improve the efficiency and effectiveness of the regulatory framework. OIR has membership on high-level national consultative bodies for policy and regulatory issues with a view to developing recommendations for consistent operational policy across jurisdictions, and regularly corresponds and liaises with a variety of Ministerial Councils (or their Standing Committees), government departments, industry bodies and industry associations.

Examples of these include representation on:

- Safe Work Australia (SWA) – comprises Commonwealth, state and territory regulators as well as industry partners.
- Heads of Workplace Safety Authorities (HWSA) - comprises Commonwealth, state and territory WHS regulators and Safe Work Australia and includes sub-groups such as the HWSA NDIS working Group, HWSA Small Business Network and HWSA Inspector Forum.
- Heads of Workers' Compensation Authorities (HWCA) - comprises Commonwealth, state and territory workers' compensation regulators and Safe Work Australia.
- The Electrical Regulatory Authorities Council (ERAC) – comprises representation of all electrical safety regulators in Australia and New Zealand.
- The Electrical Equipment Safety System (EESS) Standing committee of Officials (SCO) – representing Ministerial appointed senior officers of participating jurisdictions of the EESS.

These bodies undertake research and develop guidance for national application with OIR support.

OIR has well-established and ongoing formal consultation mechanisms to provide a genuine understanding of the operating environment, while promoting trust, and allowing improvements to the efficiency and effectiveness of the regulatory framework, particularly when investigating legislative changes or amendments to the regulatory or policy framework.

We design our interventions to be responsive to industry and business structures and for maximum, reach, influence and deterrence effect. This is possible through our outreach to workers and the community and duty holders, and strong focus on stakeholder consultation and communication. We

consult with workers, businesses, insurers and other stakeholders to develop and raise awareness of acceptable minimum standards, providing support to comply with those standards, and applying monitoring and enforcement programs to detect and correct non-compliance (see Figure 3 in Setting and being responsive to priorities and targets). Collaboration is particularly eminent in policy design and option development in each of OIR's Regulators, through policy experts leading policy development and involving tripartite committees and groups that involve employer, worker and technical experts. This ensures that the regulatory approach remains current and informed by on-the-ground experiences. This co-design approach to policymaking provides for a continual assessment of the purpose and necessity of any new regulation being drafted.

We establish formal steering groups to advise on the development and review of all Queensland retained industry codes of practice and significant policy initiatives, ensuring representation from appropriate areas of industry and worker groups in the process. Informal consultation mechanisms which supplement formal mechanisms include industry networks which focus on addressing emerged and emerging work health and ES, workers' compensation and associated industrial relations issues, including leadership, technologies and supply chain implications, and serve as a conduit between industry and the Regulator for feedback on proposed campaigns, assessment tools and programs (e.g. manufacturing, transport and construction networks). OIR also actively engages with regulators in Federal, state and local government and regularly conducts client satisfaction surveys in which it regularly exceeds its 90% client satisfaction target.

In 2021-22 some of the notable policy collaborations included:

- **review of the *Work Health and Safety Act 2011* (final report to Government expected in 2023)**
- **review of the *Electrical Safety Act 2022* (Government is currently considering recommendations)**
- **review of the *Industrial Relations Act 2016* including investigations of protection for workers subject to sexual harassment (Amendment Act passed by Parliament in November 2022)**
- **the introduction of claims farming offences in the workers' compensation scheme through the commencement of the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022*. This also included facilitating information sharing between the relevant regulators (the Workers' Compensation Regulator, the Motor Accident Insurance Commission, and the Legal Services Commission) for enforcement and administration purposes.**
- **the development of the of the *Statewide Strategic Plan for the Safe Management of Asbestos in Queensland 2022-25* by the Asbestos Interagency Agency Group, which builds on the previous Plan and seeks to further improve the awareness and management of asbestos related risks as well as the way regulatory agencies respond to asbestos matters.**

In 2022-23, OIR will:

- **consult with key workers' compensation scheme stakeholders in relation to the 2023 statutory review of the Queensland workers' compensation scheme**
- **continue to consult on re-entry into the workers' compensation National Injury Insurance Scheme**
- **continue its various stakeholder-based formal consultative arrangements (e.g. WHS and ES Boards, ISSCs, Electrical Committees, APC, insurer meetings, other government agencies and regulators)**
- **finalise and implement the draft WHSQ and ESO regulatory approach to embed a strategic means of intervention design, responsive approach to regulatory practice, and refresh risk-based regulatory priorities. This will drive the identification of focus areas and priorities for the policy, design, implementation, evaluation and continuous improvement of compliance and enforcement by WHSQ and ESO in the next five years.**

- **implement the WHS Priority Plan that identifies WHS priorities for Queensland and specific proactive interventions to drive compliance, enforcement and engagement activities for WHSQ**
- **collaborate with stakeholders to develop codes of practice and compliance and education campaigns for silica and psychological hazards to ensure clear standards and compliance.**

Workplace Health and Safety Queensland

WHSQ's ongoing formal consultative committees include:

- the Work Health and Safety Board and six Industry Sector Standing Committees (ISSCs)
- the Electrical Safety Board and associate committees (for ES), and
- the Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee (Affected Persons Committee).

WHSQ informs and seeks advice from the WHS Board about WHS policies, strategies, allocation of resources, legislative arrangements, and implementation of recommendations from the Best Practice Review. ISSCs support the WHS Board through advice and recommendations about WHS in the industry for which it is established, this includes their perceptions of the effectiveness of the WHS regulatory approach. WHSQ also accesses the ISSC networks as informal consultative bodies, seeking feedback on proposed campaigns, assessment tools and programs. The ISSCs bring critical industry intelligence, additional insights about risks and hazards and how to manage them, and emerging trends to the Regulators' attention. **In 2021-22, this initiated activity to:**

- **continue a watching brief on current issues with WHS implications such as providing industry intelligence on direct and indirect risks associated with COVID-19 in numerous industries, mental health, work-related violence and aggression, and industrial magnets**
- **provide input into OIR's program of work to support and build capability for HSRs, and on quad bike safety**
- **explore forklift safety issues.**

In the 2021-22 financial year, WHSQ engaged with the WHS Board and the Industry Sector Standing Committees through:

- **7 general WHS Board meetings**
- **1 strategic planning meeting**
- **29 meetings across six Industry Sector Standing Committees (ISSCs): Construction; Health and Community Services; Manufacturing; Retail and Wholesale; Rural; Transport and Storage).**

In the 2021-22 financial year, 4 meetings of the Affected Persons Committee were held, resulting in the following outcomes:

- **building and strengthening networks with interstate committees with similar 'lived experience' remits including contributing to the Victorian's committees submission on best practice frameworks for supporting affected persons and families**
- **making a submission on the proposed work health and safety regulations for quad bikes and side by side vehicles and providing feedback on OIR's safety campaigns for quad bikes**
- **contributing to the Department of Justice and Attorney-General's review of the *Recording of Evidence Regulation 2018* particularly in relation to affected families access to court transcripts**
- **advocating strongly for safety in schools, including electrical safety**
- **hosting with OIR a Workers' Memorial Breakfast on 28 April 2022 to honour those who lost their lives in a work-related fatality.**

WHSQ also leads People at Work (PAW), an Australian validated psychosocial risk assessment tool that provides the only national lead indicator set and will be used in monitoring and evaluation for the next Australian WHS strategy. **As of 12 Dec 2022, almost 2 years after the official launch:**

- **33,702 respondents have completed the survey in 1093 survey runs by 380 organisations .**
- **new targets for PAW are currently being considered as uptake has met the original targets: 15,000 respondents by 2025, 500 surveys by 2025 and 200 organisations running at least one survey by 2022.**
- **research in 2022 examined both qualitative and quantitative aspects of PAW with likely publications.**
- **predominantly, the interest in PAW is from Australia however, there has been global interest in the tool across all populated continents with another country seeking permission to use design and survey.**

Electrical Safety Office

The ESO routinely works with other government agencies on matters of joint interest. For example, the ESO meets regularly with Queensland Office of Fair Trading, and the Australian Competition and Consumer Commission (ACCC) in relation to the regulation of product safety and prevent duplication of activities, share intel on consumer markets and leverage each other, benefiting both agencies. The ESO also works with the Australian Energy Regulator in the co-regulation of electricity entities, and is a contributing member of the Statewide Bushfire Committee convened by Queensland Fire and Emergency Services. **In 2021-22, ESO collaborated with other electrical safety regulators of Australia and New Zealand to advance electrical safety knowledge, share safety advice and programs and where possible obtain a consistent approach to electrical safety requirements, included:**

- **2 meetings of the Electrical Regulatory Authorities Council (ERAC) comprising of state and territory electrical safety regulators**
- **5 Standing Committee of Officials (SCO) meetings to provide governance and coordination of a nationally consistent approach to household electrical equipment safety through the EESS**
- **11 meetings of the SCO Equipment working group to provide uniformity and consistency of the technical aspects of the application of the EESS.**

The ESO also participates in the development of Australian and international safety standards for electrical installation and equipment. These committees work on a collaborative and consensus basis with industry stakeholders to enable the ESO to influence improvements in ES over time. Committees include for AS/NZS 3000 the wiring rules for electrical installations, committees responsible for safety standards for switchboards and switchgear, wind generators, solar photovoltaic (PV) installations and equipment, household type equipment, electrical accessories equipment, and lighting equipment.

The ESO informs and seeks advice from the ES Board and the Commissioner for Electrical Safety, about electrical safety policies, strategies, legislative arrangements, and implementation of relevant recommendations from the Best Practice Review. The Electrical Safety Education Committee, Electrical Licensing Committee and Electrical Equipment Committee support the ES Board through advice and recommendations about electrical safety in the industry for which it is established, including their perceptions of the effectiveness of the electrical safety regulatory approach. The ESO also accesses the committees' networks as informal consultative bodies, seeking feedback on proposed campaigns, assessment tools and programs. The Committees bring critical industry intelligence, additional insights about risks and hazards and how to manage them, and emerging trends to the Regulators' attention. **In the 2021-22 financial year, the ESO engaged with the ES Board and supporting committees through:**

- **4 ES Board meetings**
- **1 strategic planning meeting**
- **9 Electrical Licensing Committee meetings which conducted 66 disciplinary hearings, reviewed 12 licence decisions of the Regulator and issued a total of \$67, 000 in penalties for 2021/22**
- **3 Electrical Safety Education Committee meetings**

- **4 Electrical Equipment Committee meetings**
- **2 focus groups meetings.**

ESO routinely engages with all key stakeholders including employers, unions, associations, councils, prescribed electrical entities, electrical equipment importers, electrical workers/contractors and the community. The high level of engagement is demonstrated in **2021-22 by:**

- **3 presentations at various industry associations on electrical equipment and EESS safety requirements and obtain feedback on ways to refine requirements and information to assist industry in complying with legislative requirements**
- **2 industry meetings with Master Electricians Australia and NECA**
- **1 trade college (groups of 4th year electrical apprentices)**
- **Regional and remote engagement projects in Mt Isa, Cloncurry and Hinchinbrook**
- **Tablelands Community Engagement Campaign**
- **Toowoomba Solar Farm Forum for large-scale solar farm stakeholders across Queensland**
- **Presentation to Clean Energy Council (CEC) Large Scale Solar Safety Group.**

Regular consultation occurs with the supply chain of electrical equipment on matters such as subordinate policy relating to the Electrical Equipment Safety System (EESS). This includes the Australian Industry Group, Consumer Electronics Suppliers Association, Lighting Council Australia, Australian Information Industry Association, Australian Cablemakers Association, Swimming Pool and Spa Association of Australia, National Retail Association, and the Australian Water Heating Forum. These industry associations represent over 80% of the electrical equipment supply industry.

The ESO hosts annual safety forums for prescribed electricity entities and accredited auditors which includes providing advice and information to duty holders. Formal and informal consultation with accredited auditors is used to clarify governance requirements for the auditors. Feedback from prescribed electricity entities is sought and applied in the revision of prescribed electricity entity governance documents.

In 2021-20, key ESO stakeholder consultation and engagement included:

- **3 annual safety forums across areas of high voltage, hazardous areas and safety management system accredited auditors**
- **2 annual safety forums for prescribed electricity entities.**

Workers' Compensation Regulatory Services

WCRS regulatory engages with government and non-government stakeholders in the workers' compensation scheme.

WCRS engages with the National Injury Insurance Scheme (Queensland) and Queensland Treasury in relation to effective and efficient operation of the National Injury Insurance Scheme within Queensland. **In 2020-21, WCRS and Queensland Treasury considered stakeholder submissions following the 2020 Consultation regulatory impact statement (RIS) in relation to regulating a person's re-entry into the Queensland National Injury Insurance Scheme. In response to the submission, an alternative option which combined and simplified core elements of the options proposed in the Consultation RIS was developed and consulted on.**

WCRS also routinely engages with all key scheme stakeholders including insurers (including WorkCover Queensland and 27 self-insurers), employers, unions, medical, allied health and legal associations. The high level of engagement is demonstrated in **2021-22 by:**

- **4 quarterly Association of Self-Insured Employers Queensland and WorkCover Queensland, Queensland Treasury and the State Actuaries Office**
- **presentations at conferences or stakeholder led forums**

- 82 self-insurer relationship meetings
- 2 Insurer forums
- 3 Medical Assessment Tribunal Chairs meetings
- 4 WCRS/WorkCover Queensland Rehabilitation and Return to Work Strategy meetings
- 12 meetings (4 with each holder) with workers' compensation grant holders
- 3 meetings with Australian Rehabilitation Providers Association (ARPA) and 1 meeting with the Royal Australia College of General Practitioners (RACGP)
- monthly and bi-monthly meetings with key legal, allied health, medical, union and employer representatives on scheme matters.

Over 2021-22 WCRS' engagement covered the following regulatory issues:

- appearing before separate Parliamentary Committees as part of their examination into mental health and claims farming in the Queensland scheme
- ongoing consultation with key scheme stakeholders in relation to re-entry conditions for the National Injury Insurance Scheme and claims farming practices
- consulting with grant recipients to understand key industry trends relating to requests for advice and education on workers compensation matters
- collaborating with insurers and industry representatives to educate scheme stakeholders via presentations and joint sponsorships
- conducting extensive stakeholder consultation on the rehabilitation and return to work guidelines for insurers, as well as inviting consultation on other publications
- disseminating key messages and publications to wider scheme audience, including via the Rehabilitation and Return to Work e-Bulletin and the Return to Work Queensland Facebook page
- reciprocating support on ARPA award judging panel and Safe Work and Return to Work Award judging panel
- delivering three RRTW-focused online Work Well 365 presentations, as well as facilitating the promotion of Safe Work Month, Mental Health Week and Work Well 365 events
- circulating recent research on scheme issues and best practice recommendations such as the It Pays to Care report
- facilitating relevant recommendations of the Respect@Work report
- discussing key issues such as cross-border workers, stigma within the schemes, psychological injuries, gig economy workers, national return to work strategy initiatives, national return to work survey and deemed diseases, consideration of the benefits of a coordinated national approach to presumptive legislation covering post-traumatic stress disorder and other psychological injuries in first responder and emergency services agencies.

Industrial Relations

Within IR, the labour hire licensing and compliance area, OIR has actively built and nurtured collaborative relationships with local, state and commonwealth agencies. This has enabled data sharing and intelligence (as permitted by relevant legislation), joint field engagements, education, compliance and enforcement activities with a range of agencies including:

- Victorian Labour Hire Licensing Authority
- Australian Border Force and Home Affairs
- Fair Work Ombudsman
- Workplace Health and Safety Queensland
- WorkCover Queensland
- Australian Taxation Officer [member of the Phoenix Taskforce]
- Dept of Jobs and Small Business
- Dept of Agriculture and Fisheries
- Dept of Children, Youth Justice and Multicultural Affairs
- Dept of Employment and Workplace Relations

- QLD Revenue Office
- Office of Liquor and Gaming
- Local Councils.

OIR also engages with other Australian jurisdictions regarding discussions for a proposed national labour hire licensing scheme.

Delivering effective interventions and regulatory responses

Model Practice 3: Provide appropriate information and support to assist compliance

Principles

- *Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience*
- *Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance*
- *Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.*

We recognise that we have a range of tools and avenues to influence compliance outcomes, and value the role of information, advice and persuasion in initiating duty holder behaviour change. Guidance is developed in consultation with industry based on current understanding of risks and solutions and provide practical examples on how to manage these risks. In this way, businesses can understand what is reasonably practicable in a best practice type scenario. Another element is raising the awareness of the identified health and safety issues for industry prior to conducting enforcement activities. This information is typically disseminated across a variety of industry platforms (such as social media, industry associations and unions, media publications and other platforms) to increase awareness.

OIR comprehensively delivers information and advice to support compliance through:

- OIR and Business Queensland websites, including online enquiry forms at www.worksafe.qld.gov.au and telephone call centre - 1300 362 128
- its wide-ranging consultation mechanisms discussed in the Designing strategic interventions section
- newsletters and information alerts (which provide comprehensive information on how to prevent similar incidents reoccurring using the hierarchy of controls)
- social media channels including Facebook and LinkedIn
- awareness events, conferences and information sessions, and
- responding directly when advice or information is sought, including through its information hotlines.

OIR administers six websites to provide stakeholders with compliance information and the work of its regulators, including worksafe.qld.gov.au, asbestos.qld.gov.au, labourhire.qld.gov.au, electricalsafety.qld.gov.au, owhsp.qld.gov.au, and oir.qld.gov.au.

The main website at worksafe.qld.gov.au is a combined site for injury prevention and workers compensation services, maintained and administered in partnership with WorkCover Queensland. **In 2021–2022 this website achieved:**

- **7,298,796 unique visits and 9, 136,344 page views**
- **485,483 downloads of PDF resources**
- **42 films published (or promoted) with 139,035 views between them**

- **76 downloads for an audit campaign report for onsite traffic management (published May 2022 and promoted in our June 2022 eSAFE newsletter).**

Workplace Health and Safety Queensland and Electrical Safety Office

To assist compliance, OIR provides clear and practical guidance for the priority industries and regularly undertakes targeted campaigns. As an aid to ensure current and consistent advice, OIR has a dedicated focus on providing inspectors with clear operational direction on enforcement matters, including responses to the more complex operational questions. There are also regular case reviews and oversight of decision-making by team leaders. A good example of clear and timely guidance and support that is accessible to stakeholders and tailored to meet the needs of the target audience is the previously mentioned support given to amusement park operators including interim guidance, developing guidance about preparing safety cases (see Setting and being responsive to priorities and targets section). **Through the timely provision of support and guidance from WHSQ, all the Major Amusement Parks (MAPs) delivered their Safety Cases by the 1 May 2021 deadline and WHSQ has since been regularly assessing the safety cases and undertaking verification audits. The new safety case regime, implemented in response to coronial recommendations released in 2020 from the inquiry into the 2016 Dreamworld amusement park fatalities, empowers WHSQ continue to work with industry to improve safety systems and standards at all MAPs in Queensland. Another notable example relates to the development of a new code of practice on amusement devices to complement the amusement device regulations currently in place. Stakeholder reference group meetings have informed the development of this code with Queensland stakeholders, WHS regulators in other jurisdictions and the Safe Work Australia Agency were provided with a draft code of practice for review in January 2022. OIR is progressing the Ministerial considerations for approval of this code to enable finalisation in 2022-23.**

WHSQ and ESO regularly undertake targeted campaigns designed to reduce injuries and fatalities and improve health outcomes. This approach is based on detailed research and evidence undertaken into the high-risk industries and is designed to improve the capacity of businesses to identify and manage their own WHS risks. The process typically involves consultation with network members during the development of campaigns, and development of resources for the industry such as self-assessment tools, followed by a program of inspector visits for compliance monitoring and enforcement, and feedback surveys from workplaces involved in the campaign. **In 2021-22, some notable endeavours to provide information and support to assist compliance through campaigns included:**

- **the release of a safety alert outlining specific requirements for tower crane safety in response to recent audit campaign findings.**
- **44 incident alerts offering practical advice to minimise recurrence following serious incident and 18 incident alerts following a fatal incident across leading industries of construction, manufacturing and agriculture and common hazard topics of plant, mobile plant or vehicles, falling objects, and falls from height.**
- **in consultation with other ES regulators nationally in the EESS and with industry, drafting of 'Information Bulletins' and 'General Guidance' and other activities aimed at assisting the supply chain of in-scope electrical equipment in the EESS to achieve safe outcomes for household appliances and electrical equipment with a total of seven notices published in 2021-22 and a number of others in draft for consultation with industry.**
- **an ESO campaign to ensure that electrical contractors advertising via online platforms are appropriately licensed and that the electrical contractors, when advertising for electrical work, are doing so in accordance with legislative requirements.**
- **delivery of the ESO's annual Compliance and Engagement program for 2021-22 which included projects within the key target project areas: Construction and Demolition Industry, Electrical Contractors and Workers, Community Safety, Renewables and High Risk, and Community Engagement.**

- ESO regional visits to Mount Isa, Cloncurry and Hinchinbrook local government areas as part of a drive to improve electrical safety for regional Queensland. Engagement included stakeholder forums, presentations at TAFE and schools, and meetings with local councils and industry groups.

In addition, in 2021-22, WHSQ's compliance and enforcement activity included:

- responses to 12 405 complaint and incident notifications
- a total of 27 415 workplace visits conducted (both inspectors and IPaM advisors)
- 13 673 compliance assessments completed
- 1304 advisories completed
- 242 comprehensive investigations conducted
- 2 375 immediate compliance actions
- 11 451 improvement notices issued
- 1763 prohibition notices issued
- 923 infringement notices issued to the value of over \$2.3million
- 72 prosecutions successfully finalised by the Office of the WHS Prosecutor and resulting in over \$3.5million in fines imposed
- 5 enforceable undertakings

ESO's compliance and enforcement activity included:

- responses to 1636 complaint and incident notifications
- 4814 site visits
- 2695 audits
- 1204 response assessments completed
- 200 advisories completed
- 198 immediate compliance actions
- 1657 improvement notices issued
- 93 electrical safety protection notices issued
- 267 infringement notices issued in excess of \$265,000.

Compliance is also assisted by dedicated microsites for each industry type on the worksafe website, which provides targeted resources for key focus areas. This includes a variety of products, including general guidance, case studies, webinars, short films, podcasts, short animations, self-assessment tools and campaign reports. The resources produced are evaluated by examining the number of practical guidance products developed, monitoring the number of downloads, and measuring the level of participation in industry engagement such as webinars.

OIR maintains an eNews subscription service, catering for specific industries as well general WHS and ES topics. eSafe newsletters include articles on regulatory changes and requirements, audit campaigns and compliance activity, prosecutions, best practice safety management, promotional campaigns and events, resources, tools and safety advice. **In 2021-22, key electronic communications included:**

- 6 editions of eSAFE to an average 25,464 subscribers, with an average open rate of 33.5%
- 3 editions of eSAFE Construction to an average of 18,252 subscribers, with an average open rate of 33.55%
- 3 editions of eSAFE Rural to an average of 14,631 subscribers, with an average open rate of 32.3%
- 15 editions of eSAFE Electrical to an average of 81,486 subscribers, with an average open rate of 35.46%.
- 9 safety alerts to an average of 22,346 subscribers, with an average open rate of 35.6%
- 42 incident alerts to an average of 31,387 subscribers, with an average open rate of 35.4%.

OIR hosts forums and conferences aligned to key topics such as injury prevention, rehabilitation and return to work, mental health, musculoskeletal disorders, asbestos awareness and electrical safety.

In the 2021-22 financial year, these included:

- **Electrical Safety Week (September 2021) comprised of four events both in-person and online with more than 900 attendees.**
- **8 online events during Safe Work Month 2021 totalling 3,748 registrations.**
- **82 entries received for the Safe Work and Return to Work Awards.**
- **3 paid events during Mental Health Week 2021 (Mental health forum, work-related violence webinar and mentally safe workshop) resulting in 540 registrants, 421 live attendees and 232 views of recordings. A pre-recorded session on the changing legislative landscape had 757 views.**
- **294 registrations for the North Queensland Injury Prevention and Return to Work Conference.**

OIR draws on social media to provide information and support to assist compliance (e.g. Facebook, Twitter, LinkedIn) and issues media releases to publicise significant prosecutions and deter non-compliant activities. **As at 8 December 2022, the WHSQ, ESO and Rehabilitation and Return to Work Facebook accounts had a total of 45,295 followers, with an average post reach of 320,362 users per month and post engagement of 54,290 users per month. LinkedIn had 17,258 followers, reaching on averaging 20,746 users and post engagement of 2.95 per cent. In 2022, 49 prosecutions media releases were issued.**

The WHSQ and ESO safety advocate program draws on the experiences of everyday people who have either been injured or have had a family member killed at work. Safety advocates visit workplaces and speak at safety meetings, toolbox talks and other events. **In 2021-22, the safety advocates undertook 79 workplace visits, speaking to 4022 people (COVID-affected as the program was closed during periods of 2021 and 2022 to minimise risk). Robyn Neilson, a trained nurse, joined the program in October 2021, being the first responder to her neighbour who suffered horrific injuries after her arms caught in a post-hole digger on a remote cattle property. For two hours, Robyn gave life-saving care to keep her neighbour alive until the Royal Flying Doctor Service arrived.**

WHSQ also administers an Injury Prevention and Management Program (IPaM) to work with employers across Queensland to prevent and manage the outcomes of workplace injuries. Employers participating in the IPaM program develop a tailored Business Improvement Plan. This plan is based on thorough assessment of the safety and injury management workplace practices and clearly articulates, and prioritises, what is required for the business to achieve systemic WHS improvements. A dedicated advisor works with the employer's existing expertise to introduce or enhance injury prevention and management, develop a plan of action and support the employer through the implementation of that plan. Consistent IPaM advice is aided by advisor decision making being overseen by team leaders and the application of regular structured case file reviews to ensure consistency and delivery of timely information and support to employers. **In 2021-22, 2172 workplace visits were undertaken through the IPaM program.**

In addition, in 2021-22, OIR produced a number of resources to assist employers and workers by outlining the steps to minimise risks when working with crystalline silica containing materials, including a brochure titled [Reduction in workplace exposure standard for respirable crystalline silica](#) and a toolbox talk for the construction industry. In the same year, despite the continued disruption caused by the COVID-19 pandemic, WHSQ and ESO effectively delivered regulatory services by:

- **engaging in over 27 000 workplace visits issuing over 16 000 improvement, prohibition, electrical safety protection, unsafe equipment, and infringement notices**

WHSQ also achieved 94% overall client satisfaction with regulatory compliance services in its annual customer satisfaction survey.

Workers Compensation Regulatory Services

To assist compliance, a range of publications are made available on the worksafe.qld.gov.au website to support obligation holders and stakeholders and fund three advisory grants (the Workers' Psychological Support Service, the Workers' Compensation Information Advisory Service – Worker, and the Workers' Compensation Information Advisory Service – Employer).

From March 2020, WCRS in conjunction with Resources, Safety and Health Queensland and WorkCover Queensland established a single point of contact (the Mine Dust Health Support Service) for past and present Queensland mine and quarry workers to support them in navigating processes from pre-health screening to accessing post workers' compensation claim support services. This new approach has highlighted the difficulties in navigating across various schemes and the benefits of a single point of contact. **An evaluation of the Mine Dust Health Support Service undertaken in 2021-22 found:**

- **the service is overwhelmingly well received and supported by clients, stakeholders, and staff. The service is providing quality support to current and former workers to navigate their mine dust health journey.**
- **The current model is considered to be enabling workers to better navigate the system and jurisdictional boundaries as workers are more aware of services, including government and non-government.**

Separately in December 2021, WCRS published expert medical guidelines for safely returning to work after a mine dust lung disease diagnosis. The guidelines aim to assist with decisions on safe return to work, including what levels of dust exposure are appropriate for workers with disease and ongoing health monitoring of workers. The guidelines provide a best practice and evidenced-based framework which considers the individual circumstances of the worker's mine dust lung disease, including its severity and the best outcome that can be achieved.

WCRS continued to administer grants to fund \$5m of medical research into occupational dust lung diseases, particularly coal workers pneumoconiosis (black lung) and silicosis with grant recipients announced in July 2022.

In 2021-22, WCRS has undertaken, facilitated or assessed the following self-insurer performance monitoring activities:

- **7 licence renewal audits**
- **15 mid-licence audits**
- **5 special licence condition audits**
- **20 improvement action plans issued**
- **12 licence renewals.**

In addition, in the same year, 29 WCRS prosecutions were commenced and 12 successfully finalised. As a result of the 12 successful prosecutions:

- **the Workers' Compensation Regulator recovered \$545,400 in restitution on behalf of insurers**
- **the Workers' Compensation Regulator was awarded \$232,986 in legal costs**
- **defendants were ordered to pay fines totalling \$121,500 to the Workers' Compensation Regulator.**

Industrial Relations

For Labour Hire Licensing we offer a dedicated website, client service facilities and an online portal to assist providers to comply with the requirements of the Act and other relevant employment, taxation and superannuation and safety laws. Updates are provided regularly via email to the client

base to help them notify OIR of any changes in circumstances which may impact on their licence status. In 2021-22, OIR provided over 1,842 updates reaching licensees/clients regarding legislative requirements and over 15,00 prompts (initial advice and reminders) for compliance with renewal and reporting obligations were delivered through the client management system in a timely manner to ensure voluntary compliance. To streamline operations and benefit from a more effective and timely automated notification, the labour hire licensing unit arranged to receive automatic alerts from ASIC with change in circumstances notifications, resulting in a significantly lower volume of updates required for legislative requirements in this financial year.

In 2021-22 key compliance and enforcement activity included:

- 392 wage case resolutions where parties were afforded the opportunity to resolve matters without formal conferences, investigations, or litigation
- 7 wage recovery conference hearings involving referral of cases to the Queensland Industrial Relations Commission
- 5 legal proceedings finalised
- 122 child employment matters completed
- 6 private employment agency matters completed.

Specific compliance actions for labour hire licensing in 2021-22 included:

- 692 risk assessments and audits of applications for a labour hire licence
- 119 complaints addressed
- 86 applications withdrawn or refused
- 76 licences issued with conditions
- 33 suspensions and 5 cancellations of labour hire licences
- 4 successful labour hire prosecutions resulting in fines totalling \$305,000.
- maintaining a public register showing on average between 3600 and 3700 licensed labour hire providers in Queensland.

Evaluating, monitoring performance and reporting for continuous improvement

GRPM: Report transparently for accountability

Regulators should provide internal and external performance monitoring and reporting of the regulated industry and its compliance levels, including of those administering legislation.

Good practice principles

- *Implement systems and processes for internal and external reporting*

Model Practice 5: Be transparent and accountable in actions

Principles

- *Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders*
- *Decisions are provided in a timely manner, clearly articulating expectations, and the underlying reasons for decisions*
- *Indicators of regulator performance are publicly available.*

GRPM: Learn through continuous improvement

Regulators should regularly review and update their processes for improvement, provide learnings for staff, and adapt planning based on the learnings.

Good practice principles

- *Implement processes for reviewing and continually improving the efficiency, effectiveness, and quality of services*

Model Practice 4: Commit to continuous improvement

Principles

- *Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk based, leverages technological innovation, and remains the best approach to achieving outcomes*
- *To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community*
- *Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.*

As outlined earlier in the setting and being responsive to priorities and targets section, OIR's regulatory approach is responsive to current trends in industry practice, WHS requirements, data, research and trends to identify appropriate intervention strategies for the industry sectors (e.g. enforcement, advice, education). At the same time, our approach values prosecutions as a powerful deterrent to ensure those who contravene the legislation are held to account, whilst also generating an awareness of the consequences of such contravention. OIR regularly reviews its approach to regulatory activities, collaborating with stakeholders and other regulators to ensure that decisions are risk-based, leverage technological innovations and are the best approach to achieving policy outcomes. Our continuous improvement efforts can be categorised into four broad areas: research and evaluation, performance monitoring and reporting, business systems and processes, and our people.

Our research and evaluation

OIR's commitment to continuous improvement is reflected in a comprehensive OIR evaluation framework ingrained in project management processes. The framework defines a planning and implementation process to guide evaluation activities. It provides rigour and consistency when determining whether OIR work results in the intended effects and whether intended outcomes have been achieved effectively and efficiently. It allows focus on determining what OIR work produces (outputs) and the changes that brings about (benefits), while supporting learning, and informing and enabling resulting decision making and action. **For example, in 2021-22 the recently completed People at Work Digital Platform Evaluation Report described a national evaluation and research initiative to determine the success of delivering the survey via the digital platform. Overall, the feedback on the PAW platform was positive and highlighted that the platform helped workplaces to consider the management of psychosocial hazards.**

OIR undertakes research to inform our regulatory approach and support to achieve compliance. **In 2021-22 OIR established a formal research program which executes its *Research Strategy 2021-2023* and encompasses key components of research governance, research activity, research applications, research advocacy and engagement, research collaborations, and research capability development and support functions.** Examples of OIR's recent continuous improvement focus through research include:

- **Examination of perceived utility of labour inspections for work-related psychological health and safety outcomes.**
- **Research on People at Work examining psychosocial hazards with psychological and physical outcomes.**
- **Project to identify the persuasive language that motivates key stakeholders and workplaces to take evidence-based action to create healthy, safe and productive workplaces.**

- **Project into inspector and investigator perceptions regarding human factors and/or systems thinking as applied within compliance work.**
- **Research project into the human factors associated with arc flash incidents.**
- **Project to measure the effectiveness of the National BeUpstanding Champion Toolkit in reducing sedentary occupations in the workplace.**
- **More broadly, ongoing active participation as a partner in the Australia and New Zealand Research Collaboration for WHS and workers' compensation, as well as supporting research initiatives through Safe Work Australia.**

In 2022-23, OIR will continue to support these and new research projects whilst also working to extend on these research foundations through development of supporting toolkits and strengthened governance.

Our performance monitoring and reporting

OIR conducts itself in an open and transparent manner, using its professional judgement, authority and powers responsibly. Many of OIR's transparency and accountability actions are outlined in previous practices (e.g. compliance and enforcement policies, reporting of enforcement activity to the WHS Board, reviewable decision outcomes and notice appeal processes) and represent both detailed operational reporting of the performance of regulatory functions (e.g. licensing, enforcement) as well as high-level corporate performance reporting. The metrics we report seek to tell a performance story and include efficiency, economy and quality measures as well as activity or output results (as demonstrated in the data presented throughout this report).

OIR regularly reports on regulatory activities and performance to its stakeholder-based advisory boards and committees. **For example:**

- **Quarterly performance reports provided to the Work Health and Safety Board and Electrical Safety Board (and supporting committees) include data and information on all compliance and engagement actions, incidents, prosecutions, licensing, policy, organisational development and training.**
- **Annual comparative performance monitoring reporting to Safe Work Australia**
- **Regulatory performance self-assessment reporting through the QAO GRPM and Queensland Treasury RPF**
- **Where appropriate, OIR's regulators provide the outcome of policy consideration and analysis of regulatory decisions to industry stakeholders to ensure coherent regulatory approaches.**

Workplace Health and Safety Queensland

The Organisational Response Report – which covers both WHSQ and ESO - is used by the OIR Executive and external stakeholders to review responses to notified fatalities and serious incidents in a 12-month period, and also includes an analysis of investigation and prosecution trends. The report is refreshed at six monthly intervals. Senior executives also attend the meetings of the Affected Persons Committee as requested to provide updates and respond to issues that the committee may raise. OIR's effectiveness and efficiency measures are published annually in the Service Delivery Statements, and the statistics pages on the Safe Work Australia website also provides information such as national comparisons e.g. WHS inspector performance. **In 2021-22, OIR prioritised and allocated additional resources to an internal metrics mapping and reporting project to streamline data collection and analysis associated with its complex regulatory activity performance reporting datasets to generate data capture and analysis efficiencies, and inform improvements to database design and performance reporting across several interrelated areas, including reporting templates provided to both internal and external audiences.**

In addition, OIR publicly publishes review and appeal mechanisms, claims processes, licensing, training and registration information, dispute resolution processes and other policies relevant to administration. OIR also releases information through Right to Information (RTI) processes, and in

2021-22 received 433 compliant access applications under the *Right to Information Act 2009* and *Information Privacy Act 2009* and focussed on streamlining these processes through development of an Administrative Release Framework and supporting internal governance mechanisms. The 433 compliant access applications included:

- **408 compliant RTI access applications under the Right to Information Act 2009 (RTI Act)**
 - 1 application made to the Office of the Workplace Health and Safety Prosecutor
 - 1 application made to the Industrial Registry
 - 2 applications made to the Office of the Minister for Industrial Relations.
- **25 compliant access applications under the Information Privacy Act 2009**
 - 1 application made to the Industrial Registry
 - 2 applications made to the Office of the Minister for Industrial Relations.

WHS and ES prosecution outcomes are published on the Office of the Work Health and Safety Prosecutor's website: www.owhsp.qld.gov.au and Enforceable Undertaking activity and outcomes are published on the worksafe.qld.gov.au website.

Workers Compensation Regulatory Services

WCRS manages self-insurance licensing, workers' compensation compliance and prosecution functions, and dispute resolution functions across the workers' compensation, WHS and ES regulatory frameworks. Regulatory decisions are consistent with the requirements of legislation, case law precedent and principles of effective and fair administrative decision-making. Robust review processes include providing fair opportunity for parties to provide submissions and respond to information affecting their interests according to procedural fairness principles, requesting insurers to gather further information to clarify issues in dispute, and providing guidance to parties on how to seek further assistance from external sources where appropriate. **In 2021-22, timely decision-making outputs by WCRS included:**

- **Self-insurance licences (7 licence renewals)**
- **2580 workers' compensation reviews completed (average of 18.5 business days after being allocated to a review officer)**
- **204 workers' compensation appeals finalised at an average cost of \$3,997 per appeal**
- **144 WHS and ES internal reviews completed within legislative timeframes**
- **57 WHS and ES external reviews finalised**
- **81% of medical assessment tribunal block booked hearings held within 40 days of a valid referral**
- **87% of medical assessment tribunal ad hoc hearings held within 50 days of a valid referral**
- **2526 medical assessment tribunal decisions finalised (average of 5.0 days from last hearing).**

The www.worksafe.qld.gov.au website provides detailed information for applicants about applying for administrative review of workers' compensation insurers' decisions and appealing review decisions to the Queensland Industrial Relations Commission. This includes information about timeframes for requesting statements of reasons for decision from insurers and lodging the review application with the Review and Appeals Unit or a notice of appeal with the Commission. Guidance is provided on which matters are reviewable under the legislation and preparing for and navigating the review and appeals processes, including how to contact external sources of assistance.

WCRS completes internal review decisions under WHS and ES legislation within strict time limits, to avoid deemed decisions arising under the legislation. Review officers prepare detailed statements of reasons for decision that address legislative requirements and clearly apply relevant legislative elements and case law principles to the available facts to reach a conclusion on the issues for decision. This ensures the review process addresses applicants' disputes, clearly articulates the allowable scope of the review under the legislation and is defensible in the event of further challenge.

WCRS publishes all workers' compensation prosecution outcomes on the www.worksafe.qld.gov.au website for transparency and visibility and to educate stakeholders about key learnings to assist them to develop and implement appropriate processes to ensure compliance. WCRS is also working closely with WCQ to ensure that compliance action and outcomes regarding under and uninsured employers is published to ensure similar transparency and visibility.

Our business systems and processes

OIR's governance committees provide a system to manage both organisational and operational risks, provide a platform to raise issues for review and resolution, and are accountable for the investment (budget and resources) in delivery of initiatives that contribute to achieving strategic priorities and objectives. This helps ensure our organisational approach to compliance, monitoring and enforcement is evidence-based, informed by data and proportionate to the evaluated risk. **In 2021-22, OIR's six governance committees addressed corporate risk and regulatory improvement as part of their function, with key achievements and improvements in this area including:**

- reviewed and considered further organisational response to 94 finalised fatality investigations
- monitored the response to outstanding coronial recommendations directed to the Queensland Government from workplace death inquests
- decision to provide investigation reports into electrical fatalities and related reports of the Serious Electrical Incidents Review Committee to the Coroners Court of Queensland simultaneously to mitigate the risk that coronial investigations into electrical fatalities could be finalised without a comprehensive OIR response
- established Hydrogen Reference Group to monitor emerging developments within the hydrogen industry space
- established and progressed implementation of the WHSQ and ESO OIR Regulatory Approach and supporting standard inspection process
- established organisation-wide frameworks for governance, stakeholder engagement and HR case management.
- improved whole of organisation planning for budget and FTE cap allocation.

Two reviews have ensured that the approach to regulatory activities is appropriately risk-based and the best approach to achieving outcomes, namely the 2017 *Best Practice Review of Workplace Health and Safety Queensland*⁸ and the the 2018 *Five-Year Review of Queensland's Workers' Compensation Scheme*⁹. OIR's extensive stakeholder and regulator consultation measures outlined in the designing strategic interventions section contribute to the continual examination of the regulatory approach. For example, both WHSQ and IR monitor and review opportunities for service delivery improvement through stakeholder feedback from regular client satisfaction surveys. In addition, OIR draws on findings of coronial inquests as opportunities to review and improve our operations, and has a comprehensive OIR evaluation framework ingrained in project management processes as part of ongoing continuous improvement efforts. Where opportunities are identified to strengthen regulatory effectiveness for one regulator, the lessons learned are routinely shared across regulators as part of our regulatory assurance endeavours.

OIR adapts its approach to be responsive to situational factors. For example, in dealing with the unique challenges and changed workplace conditions resulting from the COVID-19 pandemic, floods and bushfires, OIR updates its regulatory approach to maintain focus on continuing risk whilst also managing emerging risk. OIR's key regulatory decision makers liaise with other government agencies

⁸ <https://www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland/best-practice-review-of-workplace-health-and-safety-queensland>

⁹ <https://www.worksafe.qld.gov.au/laws-and-compliance/workers-compensation-laws/five-year-review-of-queenslands-workers-compensation-scheme-2018>

to monitor environmental factors and meeting regularly to temporarily adapt OIR's enforcement practices as needed, utilising intelligence drawn from whole of government discussions and the views of worker, business and WHS/ES/IR/WCRS professionals. This has ensured high ongoing levels of compliance and performance, for not only the emerging priority of pandemic, flood and bushfire risks but also the ongoing WHS/ES risks which, in some cases, became more pronounced due to lower on-premises staffing levels at many businesses.

Workplace Health and Safety Queensland and Electrical Safety Office

Since the Best Practice Review, all industry codes of practice in Queensland are legislatively bound to be submitted to review every five years in order to ensure that they remain current with technology and WHS developments, as well as being appropriate to the needs of industry stakeholders.

OIR's Service Delivery Transformation (SDT) began in 2017 to deliver process, people and technology change to WHSQ and ESO business areas of OIR and make OIR a more effective and efficient regulator and deliver enhanced customer centric services. The program aligns to recommendations in the Best Practice Review and plans to enable organisational transformation across the OIR through the alignment of business and Information Communication and Technology (ICT) to deliver contemporary, digital, and customer centric services. The program will deliver new ways of working enabled by a common ICT platform with modern and mobile ready solutions for both WHS and ES inspectors. **The program has delivered foundations of technology for a more mobile and efficient inspectorate (e.g. smart phones, voice recorders and electronic notebooks) and across 2020-21 and 2021-22 and continuing into 2022-23, the focus is on designing and testing a renewed inspectorate database that facilitates a reduction in administration tasks, improved access to data in the field, improved data accuracy and streamlined and consistent inspector processes.**

To protect our own workers whilst being responsive to situational factors, WHSQ and ESO applies a 'Risk Matrix for Frontline Inspector Work' to assess which regulatory activities can continue in pandemic or natural disaster environments. Additional communications and guidance for inspectors are provided to clarify where there is a higher risk of exposure to situational risks, and enforcement expectations are revised (whilst supporting the requirements of other government agencies by redirecting to other messaging from Queensland Health and other relevant agencies).

Workers Compensation Regulatory Services

WCRS works with workers' compensation scheme stakeholders on the potential and actual impacts of the pandemic, cyber security and natural disaster risks to allow for business continuity, providing formal advice to all insurers in relation to expectations for claims management and advising all key workers' compensation scheme stakeholders on organisational responses and impact on critical services as a result of revised responses, including virtual Medical Assessment Tribunals hearings.

Business improvement in WCRS in 2021-22 included:

- **Completed an independent audit of the Medical Assessment Tribunal's Booking Systems that identified 6 recommendations to improve the efficiency and effectiveness of the tribunal's booking processes**
- **Developed and implemented various strengthened governance arrangements including updated conflict of interest management practices for Medical Assessment Tribunals, reviewed the grants governance and evaluation framework to guide the consistent administration of grants under the scheme**
- **Piloted 'intensive' tribunal sessions to streamline less complex psychiatric and orthopaedic referrals**
- **Reviewed the WCRS Reach Strategy to set out how we plan, implement, and evaluate stakeholder engagement in delivering our services**

- Updated the guidelines for submitting a RRTWC course for approval by the Workers' Compensation Regulator
- Completed an independent review of the process for training scheme doctors on the guidelines for the evaluation of permanent impairment, completed a review of the provision of information to the scheme database with a view to seeking a contemporary and consistent approach to regulatory data capture and appropriate data governance to assist the Regulator to maintain a database of claims information collected from insurers
- Completed an independent review of the Mine Dust Health Support Service to ensure it is continuing to meet its objectives and the needs of mine workers affected by mine dust lung disease
- Audited authorised persons appointed under the *Workers' Compensation and Rehabilitation Act 2003*, resulting in the development of a policy, procedure and training document for managing appointment, suspension, termination and auditing processes to reduce future risk exposure
- Engaged the Queensland Centre for Mental Health Research to create a training package to assist staff across all regulatory functions to understand and manage unreasonable complainant conduct in relation to service delivery
- Completed an independent review of the operating model used by the Review Unit that delivered 44 recommendations for a sustainable operating model
- Commissioned an independent audit of external legal service delivery to the Review Unit early
- Continued the WCRS Learning and Development (L&D) Committee as the driving force to keep L&D at the forefront of conversations across WCRS and ensure L&D is undertaken in a strategic and structured way towards continuous improvement.

Industrial Relations

The Customer Relationship Management system, used to support Labour Hire Licensing, is an example of technical innovation being used to continuously improve business processes and refine risk detection using data and principles of behavioural economics to prompt compliance. During the third year of operation of the Labour Hire Licensing Scheme, improving compliance by licensees with the 6-monthly reporting obligations was a key focus. **In 2021-22 this translated to**

- **a total of 7,095 six-monthly reports being received on time without the need to issue any manual reminders (such as calls and emails), representing 83.2% of the total reports due, maintaining for a second year running more than 80% voluntary compliance with reporting.**

The consistent increase in voluntary compliance is attributable to process and communication redesign, ensuring that the system generated reminder emails are clearer and more instructive, and delivered just prior to the reporting due date. **The outcomes reflect the positive impact our approach to front end compliance has had over the past two years where voluntary compliance in reporting by labour hire licensees has increased by more than 10%, resulting in a significant reduction in the need for compliance action (when compared to the year 2 voluntary compliance of 72.1% of the licensee base).**

Our people

OIR recognises that to achieve our goals, we need to ensure our people have the capability required to perform effectively, and are inspired, empowered and valued. OIR's *People Strategy 2019-2023* sets out our people priorities and key goals, creating a foundation for the development of our workforce, including 'supporting personal and professional growth' and 'developing and managing technical skills and capability' to ensure a contemporary and skilled workforce and consistent approach to capability development. OIR also supports continuous improvement of regulatory processes and inspector capabilities through providing information and feedback to the inspectorate on internal and external review outcomes from the issuing of enforcement notices and engaging with the inspectorate to provide education on dispute resolution processes and principles.

In 2021-22, OIR:

- **continued to support implementation of our new positive performance management framework to promote regular and meaningful capability conversations between employees and supervisors that aligns to OIR's annual business planning and budget cycle for resourcing support**
- **continued to financially support staff across all regulators to pursue further education**
- **supported inspectors to complete the Diploma of Government (Workplace Inspection) amongst other capability development initiatives**
- **engaged the Queensland Centre for Mental Health Research to create a training package to assist staff across all regulatory functions to understand and manage unreasonable complainant conduct in relation to service delivery.**

Workplace Health and Safety Queensland

OIR is continuing its skills development program, consistent with recommendations of the 2017 Best Practice Review, to ensure inspector qualifications and competencies are those of a leading regulator. For example, the Legislative Inspector Foundational Training 'LIFT' has been developed to address the Best Practice Review recommendations that highlighted, for WHS inspectors to carry out a broad range of regulatory activities, they require high level understanding of the legislative requirements and high-level understanding of systematic WHS management. This contemporary prototype training course was trialed in 2020-21 in a five-month period with a small group of inspectors. The prototype has been formally evaluated, and the **focus across 2021-22 and 2022-23 will be to further improve on the learnings from this program to inform OIR's long-term inspector capability roadmap. This supports the aim to align OIR with international best practice in inspector competencies and training, increasing inspector skill levels to enable understanding of the growing**

complexity of work and the hazards and risks workers face, and position OIR strategically for the longer term.