Office of Industrial Relations
Regulator Performance Framework
Self-Assessment Report 2020-21

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Glossary

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	*Best Practice Review of Workplace Health and Safety Queensland*[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
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
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

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[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 Queensland Government's Regulator Performance Framework 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 Office of Industrial Relations (OIR) is a division of the Queensland Department of Education, and comprises four regulators charged with making Queensland work and workplaces, safer, fairer and more productive through regulatory frameworks, policy advice and compliance activities:

- **Workplace Health and Safety Queensland (WHSQ)**
- **Electrical Safety Office (ESO)**
- **Workers' Compensation Regulator Services (WCRS)**
- **Industrial Relations Policy and Regulation (IRPR)**.

Workplace Health and Safety Queensland (WHSQ) is responsible for improving WHS in Queensland and 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*, investigates work-related fatalities and serious injuries and provides support to affected workers and families, takes legal action when WHS laws are broken, and educates employees and employers on their legal obligations.

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
- Deliver policy and legislative frameworks for workers' compensation
- Educate and engage scheme stakeholders
- Conduct reviews and manage appeals across OIR's regulatory schemes
- Facilitate medical assessment tribunals
- License self-insurers
- Administer grants
- Accredit rehabilitation and return to work programs and activities
- Monitor scheme performance and enforce compliance
- Prosecute offences under workers' compensation laws.

Industrial Relations Policy and Regulation (IRPR) 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.

IRPR has operational responsibility for the following Acts:
- Industrial Relations Act 2016
- Trading (Allowable Hours) Act 1990
- Holidays Act 1983
- Anzac Day Act 1995
- Child Employment Act 2006
- Private Employment Agents Act 2005
- Pastoral Workers Accommodation Act1980
- 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.

Our four regulators deliver regulatory services through policy, advisory, compliance, and specialist technical programs that are geographically dispersed across Queensland to ensure those most at risk are protected in industries, workplaces and communities across the state. Our range of advisory and compliance services and initiatives include:
- ensuring compliance with WHS, ES, industrial relations, and workers' compensation regulatory frameworks, taking necessary enforcement action and resolving disputes (including through inspector services)
- designing and implementing targeted initiatives underpinned by data, evaluation, experience, research and consultation
- managing registration, licensing, certification and accreditation regimes for workers' compensation, labour hire, work and ES
- providing grants administration, advocacy, support and advice.

About OIR's regulatory approach
As regulators, we recognise we need to adapt our regulatory systems to remain relevant and responsive to the changing nature of work and our dynamic and constantly evolving operating environment currently characterised by rapid change and growing demand for high levels of services. Our focus is on using evidence to inform our approach and 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 'do more with less' in partnership with our stakeholders to be responsive to changing expectations of regulatory effectiveness, restore community trust in government and deliver 'new public value' as we navigate regulating in a rapidly changing world.

This means we need to modernise 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, including:
- traditional (physical hazards and activities with established objectives, technical and scientific methods)
- emerged (physiological and psychological health conditions and disorders)

- emerging (institutional, social and legal changes).

We recognise that while inspectors have a key enforcement role, we need to expand our approach to include a broad range of strategies and partnerships to improve and sustain compliance in the long-term. We do this by using all available tools in our toolkit, and focusing on achieving both compliance with laws, and risk prevention outcomes (e.g. reduction in injuries, illnesses and damage to property). Our regulatory approach is grounded in:

- risk-based regulation (prioritising effort for largest risks and areas where we can make the biggest difference e.g. non-compliance with legislation, targeting activities that pose highest risk)
- responsive regulation (being responsive to the culture, conduct and context of those being regulated when deciding the intervention mix and escalating enforcement - 'carrot before stick' approach)
- strategic enforcement prioritised through stakeholder intelligence (recognising that there is a limit to what we can achieve and concentrating our limited resources on sustainable and system-wide impacts and deterrence)
- benchmarking against best performing regulators around the world and our commitment to being a leader in our area (through research, industry and community engagement, tripartite consultative arrangements and liaison with other regulators).

Our approach translates into practical, effective and measurable regulatory practices which demonstrate the Queensland Government's five model practices for regulatory performance.

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.

A proportionate approach that minimises unnecessary regulatory burden
OIR applies a risk-based regulatory approach that is grounded in legislative functions, proven regulatory theory and Queensland Government policy. Regulatory activities are delivered 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. **In 2020-21, OIR embedded the proportionate approach in the *OIR Strategy 2021-2024* 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.

OIR's regulatory approach embeds a risk-based targeting approach to identify and prioritise risks to OIR and 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 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 ES Board.

In 2020-21:
- **WHSQ and ESO finalised 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 finalised a draft WHS Priority Planning Framework to drive the identification of WHS priorities for Queensland and provide practical steps to design and deliver proactive interventions to address those priorities.**

In addition, each of OIR's regulators apply a risk-based compliance and enforcement approach which demonstrate the principles of Model Practice 1. The WHSQ and ESO Compliance Monitoring and Enforcement Policy 2018[2] (CMEP) was developed in response to the *2017 Best Practice Review of*

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

Workplace Health and Safety Queensland[3] (Best Practice Review) and is consistent with the National Compliance and Enforcement Policy[4] 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*[5]. 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
- 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 1 (below), which is part of the CMEP.
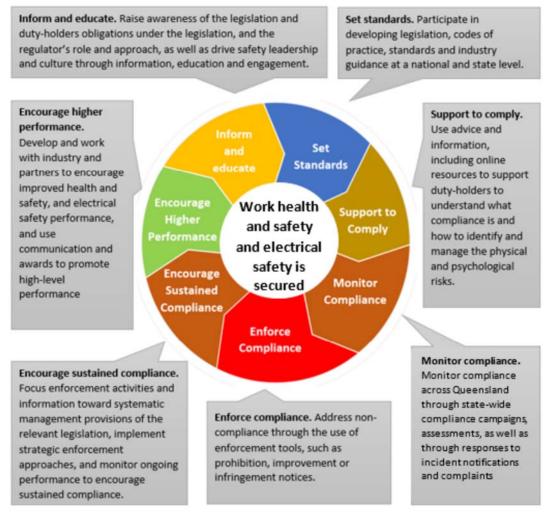

Figure 1. Work health and electrical safety regulatory approach

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[3] https://www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland/best-practice-review-of-workplace-health-and-safety-queensland

[4] https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws#national-compliance-and-enforcement

[5] https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0016/21508/whs-five-year-strategic-plan-booklet.pdf

In 2020-21, despite disruption caused by the COVID-19 pandemic, WHSQ and ESO effectively delivered regulatory services, responding to over 11 000 incident notifications and complaints and engaged in over 17 000 compliance assessments and over 180 comprehensive investigations. Enforcement measures included:

- **purchasing and check testing over 91 models of different household electrical equipment to remove unsafe equipment for retail sales before incidents occurred.**
- **over 13 900 improvement notices**
- **over 2300 prohibition notices**
- **over 1100 infringement notices totalling fines of over $2.9million**
- **over 2600 immediate compliance actions**
- **1 accepted enforceable undertaking**
- **coordinating over 251 assessor evaluations and advisories and commencing 37 investigations involving high risk work licence holders and accredited assessors**

Note: Prosecutions (including decision to prosecute) are managed by the independent statutory office for WHS prosecutions, the Office of the Work Health and Safety Prosecutor (OWHSP).

WCRS administers the workers' compensation scheme in Queensland under the *Workers' Compensation and Rehabilitation Act 2003*. Key documents outlining our regulatory approach include the Workers' Compensation and Rehabilitation Act Compliance and Enforcement Policy and Self-Insurer Performance and Compliance Framework. They explain 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 explains that OIR determines 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, publicisation 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 is supported by the establishment and publication of the monitoring element standards, and workers' compensation enforcement policy. **In 2020-21, WCRS have undertaken, facilitated or assessed the following self-insurer performance monitoring activities:**

- **3 licence renewal audits**
- **14 mid-licence audits**
- **4 special licence condition audits**
- **19 improvement action plans issued**
- **7 licence renewals.**

WCRS 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.

In 2020-21, WCRS prosecution activity included:

- **69 referrals received (46 referrals from WorkCover, 12 from self-insurers, 3 referrals directly from employers, 5 referrals directly from workers and 3 internal referrals)**
- **Of the 69 referrals received, 62 related to alleged offending by a worker and 7 related to alleged offending by an employer**
- **In 39 matters, a decision was made not to prosecute or to withdraw, either due to a lack of evidence or on public interest grounds**
- **16 prosecutions successfully finalised.**

As a result of the 16 successful prosecutions:
- **the Workers' Compensation Regulator recovered $546,774 in restitution on behalf of insurers**
- **the Workers' Compensation Regulator was awarded $154,792 in legal costs**
- **defendants were ordered to pay fines totalling $4,600 to the Workers' Compensation Regulator.**

IRPR 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. **In 2020-21 key activity included:**
- **441 wage case resolutions where parties were afforded the opportunity to resolve matters without formal conferences, investigations or litigation**
- **11 wage recovery conference hearings involving referral of cases to the Queensland Industrial Relations Commission**
- **7 legal proceedings (commenced and continued in the financial year)**
- **Approximately 2.5% of licensed labour hire providers having their licences cancelled and a further 7.4% subject to suspensions**
- **Five successful labour hire prosecutions totalling fines of $370 000.**

OIR's management of public safety risks is also part of its adaptable and agile regulatory approach. OIR has examined WHSQ and ESO's public safety remit and in **2021-22 will liaise with other regulatory agencies to clarify jurisdictional responsibilities and collaboration opportunities to strengthen compliance and enforcement in this area**.

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 practice which helps to monitor and reduce the incidence 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 Board and Committee processes.

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.

OIR's regulatory approach is grounded in stakeholder engagement and collaboration. It involves consulting with workers, businesses 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 1 in model practice 1). 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 policy-making provides for a continual assessment of the purpose and necessity of any new regulation being drafted**. In 2020-21 some of the notable policy collaborations included:**

- **commencement of the review of the Rural Plant Code of Practice 2004 which will include a public consultation process in 2021-22conducting a review of the Electrical Safety Act 2002 in consultation with key community representatives noting the review report is now with the Minister.**
- **ongoing consultation with industry, union and professional groups in the design of the code of practice for Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements and the code of practice for Managing the risk of work-related psychosocial hazards**
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- **consultation and development of the Action Plan 2020-21 for improving the workers' compensation experience and mental health outcomes for first responders with trauma-related psychological injuries**
- **commencement of the Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2020 that provides a streamlined workers' compensation claims pathway for first responders and eligible employees diagnosed with Post Traumatic Stress Disorder (PTSD)**
- **introduction of the Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020 to criminalise wage theft in Queensland**
- **commencement of the review of the Industrial Relations Act 2016 which includes targeted consultation with stakeholders and will continue into 2021-22.**

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. OIR's ongoing formal consultative committees include:
- the Work Health and Safety Board and Industry Sector Standing Committees (for WHS)
- 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 2020-21, this initiated activity to:**

- **maintain a watching brief on emerging issues and implications for WHS and ES such as occupational violence and aggression, hydrogen, COVID-19 response and industrial magnets**
- **consider practical application of HSR legislative provisions and input into OIR's program of work to support HSRs.**

In the 2020-21 financial year, WHSQ engaged with the WHS Board and the Industry Sector Standing Committees through:
- **Five general WHS Board meetings**
- **1 strategic planning meeting**
- **12 meetings across the four subcommittees (which focus on the four Strategic Levers: 1. Embracing innovation and technology, 2. Designing healthy and safety work, 3. Fostering a culture of health and safety, and 4. Regulating effectively), and**
- **20 meetings across six Industry Sector Standing Committees (ISSCs): Construction; Health and Community services; Manufacturing; Retail and Wholesale; Rural; Transport and Storage).**

In the 2020-21 financial year, 4 meetings of the Affected Persons Committee were held, resulting in the following outcomes:
- **reviewing and providing feedback on the Safe Work Australia (SWA)** *National Principles to support families following an industrial death*
- **making a submission to the independent review of the** *Electrical Safety Act* **and with APC members also participating in working groups as part of the review**
- **consulting with the Coroners Court of Queensland and the Department of Justice and Attorney-General on the coronial services 5 year framework**
- **hosting, with OIR, the first Workers' Memorial Breakfast on 28 April 2021 to honour those who lost their lives in a work-related fatality.**

ESO informs and seeks advice from the Electrical Safety Board, the Commissioner for Electrical Safety, Electrical Safety Education Committee, Electrical Licensing Committee and Electrical Equipment Committee. 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 entity governance documents. **In 2020-21, key ESO stakeholder consultation and engagement included:**

- **4 ES Board meetings**
- **4 ES Education Committee meetings**
- **10 Electrical Licensing Committee meetings**
- **4 Electrical Equipment Committee meetings**
- **4 annual safety forum attended by 56 stakeholders across areas of high voltage, hazardous areas and safety management system accredited auditors**
- **2 annual safety forums attended by 34 representatives from prescribed electricity entities**
- **2 meetings of the Electrical Regulatory Authorities Council comprised of state and territory ES regulators**
- **5 Standing Committee of Officials meetings to coordinate a nationally consistent approach to household electrical equipment safety through the EESS**
- **3 presentations at various industry association meetings to explain electrical equipment and EESS safety requirements and obtain feedback on ways to refine requirements and information to assist industry in complying with legislative requirements**
- **Regional and remote engagement projects in Gladstone and Isaac regions**
- **Home care, independent living, and residential care ES roundtable.**

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 Solar photovoltaic (PV) installations and equipment, household type equipment, electrical accessories equipment, and lighting equipment.

WCRS routinely engages with all key scheme stakeholders including insurers (including WCQ and the 29 self-insurers), employers, unions, medical, allied health and legal associations. The high level of engagement is demonstrated **in 2020-21 by:**
- **30 strategic insurer meetings**
- **4 quarterly Association of Self-Insured Employers Queensland and WCQ meetings**
- **116 self-insurer relationship meetings**
- **4 Insurer forums**
- **4 Medical Assessment Tribunal Chairs meetings**
- **4 WCRS/WCQ Rehabilitation and Return to Work Strategy meetings**
- **8 meetings (4 with each group) with workers' compensation grant holders**
- **regular meetings with key legal, allied health, medical, union and employer representatives on scheme matters.**

Over 2020-21 this included active engagement on regulatory issues including:
- **Working with workers' compensation scheme stakeholders on the potential and actual impacts of COVID-19 to allow for business continuity.**
- **providing formal advice to all insurers in relation to expectations on the COVID-19 response in relation to claims management.**
- **formally advising all key workers' compensation scheme stakeholders on organisational responses and impact on critical services as a result of COVID-19 including virtual Medical Assessment Tribunals hearings**
- **stakeholder Reference Groups canvassing scheme-wide and legislative issues across a range of areas including:**
  - **legislative proposals following the five-year operational review of the scheme**
  - **dust diseases in the engineered stone bench top industry as well as mine dust lung disease**
  - **post-traumatic stress disorders in first responders.**

- **forums and consultation:**
  - o **for guidance and supporting materials to support 2019 legislative changes.**
  - o **to develop the Self-insurance audit framework development.**

IRPR engages with stakeholders including the major employer associations, the Fair Work Ombudsman, unions, other IR regulators in Australia, and industrial tribunals including the Queensland Industrial Relations Commission and the Industrial Magistrates Court. Within IRPR, 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
- QLD Revenue Office
- Office of Liquor and Gaming
- Australian Building and Construction Commission
- Local Councils.

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

OIR establishes formal steering groups to advise on the development and review of all Queensland retained industry codes of practice, 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 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 2020-21, key activity included**:

- **combining three regional WHS networks in response to COVID-19 implications and continuing to promote this network through the Australian Institute of Health and Safety to reach up to 3476 members**
- **continuing two state-wide networks (manufacturing and transport networks comprised of 400 members each)**
- **extending the reach of industry networks by shifting to online delivery (107 transport industry representatives in attendance at last meeting)**
- **continuing the Public Service WHN (Queensland Government Agencies) network reaching 160 members**
- **continuing formal stakeholder-based steering groups to develop a code of practice for work-related psychosocial hazards, and silica in construction, and review the Sugar Mill Safety Code of Practice.**

These consultative arrangements will continue into the 2021-22 financial year. The stakeholder reference group to develop a new amusement device code of practice which has been on hold due to the impact of COVID-19 in this industry, will also resume in 2021-22.

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.

These bodies undertake research and develop guidance for national application with OIR support. **In 2020-21, key matters progressed through these collaborations included guidance on cross border workers' state of connection, facilitating relevant recommendations of the Respect@Work report, discussion of key issues such as 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.**

In demonstration of our cooperation with other regulators, in 2020-21 WHSQ actively collaborated on the HWSA working group for *Decreasing the rate of road fatalities Community of Practice*, which involved:

- **Working alongside working group members representing SafeWork NSW, Comcare, SafeWork South Australia, and WorkSafe Tasmania**
- **Co-designing, under the leadership of Comcare, a national industry awareness and enforcement campaign (the Safely Immobilising Vehicles as a Workplace campaign) scheduled to commence in mid-2022**
- **Openly sharing intellectual capital to inform campaign design (resources and lessons learned from the 2018-19 WHSQ safe immobilising heavy vehicles and trailers campaign).**

WHSQ has also successfully lead an initiative to deliver People at Work (PAW), Australia's only validated psychosocial risk assessment tool which was developed in collaboration with Australian work health and safety regulators and leading researchers through the HWSA network. The digital platform for PAW was officially launched on 26 February 2021 with ongoing engagement activity updates being provided by the funding partners. The PAW website allows for HWSA Member to export data from the PAW website for monitoring of psychosocial risks and hazards across all jurisdictions, as well as being able to download a detailed national trend report on demand. As of 2 July 2021, and approximately four months after the official launch:

- **1,105 organisations have registered an account with PAW of which 114 have started a survey (114% of first year target with 8 months remaining). There are a total of 4,275 respondents across the different jurisdictions (85.5% of first year target with 8 months remaining).**
- **27,785 have visited the PAW website in 41,825 sessions.**
- **Predominantly, the interest in PAW is from Australia (89% of users); however, there has been global interest in the tool across all populated continents.**

WHSQ and ESO worked with other government agencies to review industry COVIDSAFE plans for the easing of restrictions and regularly collaborate with the Queensland Building and Construction

Commission and the Resources, Safety and Health Regulator on matters of joint interest. WHSQ's collaboration with the Department of Agriculture and Fisheries (DAF) outlined in Model Practice 1 is an example of a cooperative and collaborative relationship established with another regulator. In 2020, following the Chief Health Officer mandating Workplace Health Management Plans for agribusinesses, commercial fishing business and agriculture labour hire providers that employ or provide seasonal workers, WHSQ supported DAF to design and deliver a compliance campaign targeting agribusiness who employ seasonal workers, including nine WHSQ Inspectors becoming Emergency Officers (General) under the Public Health Act. **In 2020-21, WHSQ inspectors continued to support the administration of this Pacific Australia Labour Mobility (PALM) scheme by working with agencies such as Queensland Police, Queensland Health, WorkCover Queensland (WCQ) and Australia Border Force and undertaking WHS-focussed audits at workplaces and accommodation sites provided by employers under the scheme.**

The ESO also meets regularly with Queensland Office of Fair Trading, and the 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 worked 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.

WCRS regularly engages with the National Injury Insurance Scheme (Queensland) and Queensland Treasury around the implementation and operations of the National Injury Insurance Scheme within Queensland. **In 2020-21, WCRS led a Consultation Regulatory Impact Statement (RIS) with affected stakeholders and members of the public to consider avenues for a seriously injured person to re-enter the National Injury Insurance Scheme in Queensland, after opting out to take a lump sum damages payment for their lifetime treatment, care and support needs. WCRS and Queensland Treasury considered stakeholder submissions and in response developed an alternative option which combined and simplified core elements of the options proposed in the Consultation RIS. Further targeted consultation on this alternative option is necessary before finalisation of the Decision RIS in 2021-22.**

In 2021-22, OIR will:
- **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).**
- **undertake further consultation with key stakeholders to 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.**
- **incorporate consultation outcomes to implement the WHS Priority Planning Framework and design and develop plans that identify 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.**

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.

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 under Model Practice 2
- newsletters and information alerts (which provide comprehensive information on how to prevent similar incidents reoccurring using the hierarchy of controls)
- awareness events, conferences and information sessions, and
- responding directly when advice or information is sought, including through its information hotlines.

In 2020-21, WHSQ and ESO processed 150 528 calls, 5804 email enquiries and 80 702 licence applications as part of compliance information and support functions.

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 2020–2021 this website generated:**
- **7,694,769 unique visitors and 9,738,413 page views**
- **478,270 downloads of PDF resources**
- **16 films published, with 17,191 views between them**
- **1 audit campaign report published (Preventing eye and hand injuries) which was downloaded 49 times.**

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 2020-21, key electronic communications included:**

- **6 editions of eSafe to an average 25,464 subscribers, with an average open rate of 31.4%**
- **3 editions of eSafe Construction to an average of 18,311 subscribers, with an average open rate of 29.7%**
- **3 editions of eSafe Rural to an average of 14,696 subscribers, with an average open rate of 29.2%**
- **14 editions of eSafe Electrical to an average of 78,030 subscribers, with an average open rate of 34.2%.**
- **6 safety alerts to an average of 19,646 subscribers, with an average open rate of 31.3%**
- **32 incident alerts to an average of 28,588 subscribers, with an average open rate of 32.3%.**

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 ES. **In 2020-21, these included:**
- **3 ES webinars resulting in a total of 744 registrations and 1856 views of webinar recordings**
- **16 events during Safe Work Month totalling 29 328 registrations and 1781 views of recordings**
- **6 events during Mental Health Week resulting in 12 970 registrations and 445 views of recordings**
- **a North Queensland Injury Prevention and Return to Work Conference generating 294 registrations (160 in-person and 134 online attendance)**
- **an online Musculoskeletal Disorders Symposium generating 540 registrations from Australia, New Zealand, UK, US and India.**

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 2020-21, the safety advocates undertook 40 workplace visits, speaking to 2107 people (COVID-affected as the program was closed during periods of 2020 and 2021 to minimise risk).**

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. **In 2020-21, the WHSQ, ESO and Rehabilitation and Return to Work Facebook accounts had a total of 42 727 followers, with an average post reach of 461 647 users per month and post engagement of 97 407 users per month, and 42 prosecutions media releases were issued.**

For Labour Hire Licensing there is 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 2020-21, OIR provided over 4 800 updates reaching licensees/clients regarding legislative requirements and over 14 400 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.**

WCRS actively works with stakeholders to understand information and guidance needs and has developed a range of information and guidance products on specific issues raised by stakeholders. **In 2020-21, the published range of guidance included terminal condition lump sum compensation eligibility, unpaid interns and workers' compensation, injury reporting to insurers, payment of lump sum compensation to a solicitor's trust account, and early intervention and employee assistance programs. Further guidance is being developed regarding employer attendance at workers' medical appointments, rehabilitation and return to work plans and the use of workers' compensation documents for employment purposes.**

In order not to disproportionately burden stakeholders, from 2 March 2020, WCRS in conjunction with the Department of Natural Resources Mines and Energy and WCQ, provided 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 has been commissioned to ensure it is continuing to meet its objectives and will continue into 2021-22.

Due to COVID-19 impacts on supply chain and testing facility availability for electrical equipment, the ESO provided a nationally applied mechanism to allow importers and manufacturers of household electrical equipment to delay, for up to 6 months, the need to apply upcoming changes to relevant standards where those changes were not impacting on safety of the equipment.

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 (under Model Practice 1) support given to amusement park operators including interim guidance, developing guidance about preparing safety cases. **Through the timely provision of support and guidance from WHSQ, all the Major Amusement Parks (MAPs) have been able to deliver their Safety Cases by the 1 May 2021 deadline. The new safety case regime, implemented in response to coronial recommendations released in 2020 from the inquiry into the 2016 Dreamworld amusement park fatalities, will see 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 Australia's first Code of Practice for the stone benchtop industry – the *Managing respirable crystalline silica dust exposure in the stone benchtop industry Code of Practice 2019* – which commenced in October 2019, and in 2020-21 was followed by a state-wide audit where inspectors assessed industry compliance with the Code. Feedback from the audits indicates that in most case industry has been proactively responding to the Code and advice from OIR by implementing recommended controls.**

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 2020-21, OIR's 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.**
- **a self-assessment guide was developed for businesses to manage risks associated with electricity in potentially hazardous areas and 'expectation' documents provided to electricity entities outlining high level guidance to ensure adequate management of electrical risks.**
- **resources provided as part of a targeted campaign for ES in rental properties (e.g. a guidance document to assist landlords and property managers develop a maintenance plan to ensure the ES of rental properties, ES in Rental Properties guides (Property owners and tenants), ES**

in Rental Properties webinar and correspondence to over 37 000 landlords and property managers outlining their electrical safety obligations and the importance of having an effective maintenance plan to ensure the ES of rental properties).
- **expectations guide on electricity-initiated bushfires to provide assistance to electricity entities to mitigate the risks of bushfires caused by electricity.**
- **in consultation with other ES regulators nationally in the EESS and with industry, drafting of 'Information Bulletins' and 'General Guidance' aimed at assisting the supply chain of in-scope electrical equipment in the EESS to achieve safe outcomes for household appliances and electrical equipment.**

Compliance is also assisted by dedicated microsites for each industry type on the WHSQ 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. **For example, in 2020-21:**
- **Electricity Safety Week (September 2020) – three events total 744 registrations**
- **Safe Work Month (October 2020) – 16 events total 29,328 registrations**
- **Mental Health Week (October 2020) – six events total 12,970 registrations.**

The IPaM program works 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 2020-21, IPaM engaged with 555 employers, conducting more than 2500 individual advisory visits, of which 73% were in priority industry sectors (agriculture; manufacturing; construction; transport and storage; and healthcare and social assistance), 89% in small- to medium-sized businesses, and 60% in regional geographical locations. Key IPaM achievements are published as case studies** (see IPaM achievements) **and in 2020-21 IPaM outcomes included:**
- **98% of employers self-reported that IPaM was useful in assist to improve safety and injury management systems**
- **56% of employers self-reported a reduction of injuries and near misses**
- **50% of employers self-reported productivity increases.**

In 2021-22, OIR plans on extending is information and support services by delivering virtual Basic Safety Management Systems workshops for small business.

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.

OIR is committed to the continuous improvement of its staff, systems and processes. Two recent 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*[6] and the the 2018 *Five-Year Review of Queensland's Workers' Compensation Scheme*[7]. OIR's extensive stakeholder and regulator consultation measures outlined under Model Practice 2 contribute to the continual examination of the regulatory approach. For example, both WHSQ and IRRC 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. 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.

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, 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.**

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 2020-21 this translated to a total of 5,200 six-**

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[6] https://www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland/best-practice-review-of-workplace-health-and-safety-queensland
[7] https://www.worksafe.qld.gov.au/laws-and-compliance/workers-compensation-laws/five-year-review-of-queenslands-workers-compensation-scheme-2018

monthly reports being received on time without the need to issue any manual reminders (such as calls and emails), representing 84.5% of the total reports due, an increase from 72% in the second year. The significant 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 a significant improvement in voluntary compliance reporting by labour hire licensees, and significant reduction in the need for compliance action (down 75% from year two).

OIR adapts its regulatory approach to situational factors. For example, in dealing with the unique challenges and changed workplace conditions resulting from the COVID-19 pandemic, OIR updated its regulatory approach to maintain focus on continuing risk whilst also managing emerging risk. OIR's key regulatory decision makers have been monitoring COVID-19 developments and meeting regularly to temporarily adapt OIR's enforcement practices as needed, utilising intelligence drawn from whole of government pandemic response discussions and the views of worker, business and WHS/ES professionals. This has ensured high ongoing levels of compliance and performance, for not only the emerging priority of COVID-19 related 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. **Various changes to regulatory services enacted in 2020 during the peak of the COVID-19 pandemic have been improved in 2020-21, for example, virtual external stakeholder meetings (e.g. WHS Board and ISSCs) have transitioned to a hybrid meeting attendance model where members self-select their preferred attendance mode, , and videoconferencing software is being used to engage IPaM employers remotely, allowing OIR to continue to monitor progress whilst reducing travel time, improving service efficiency, and increasing collaboration with dispersed regional stakeholders.**

To protect our own workers, WHSQ and ESO developed and applied a 'Risk Matrix for Frontline Inspector Work' to assess which regulatory activities could continue to be provided in the pandemic environment. Additional communications and guidance for inspectors provided clarity where there was a higher risk of exposure to COVID-19, and on revised OIR enforcement expectations (whilst supporting the requirements of other government agencies by redirecting to other messaging from Queensland Health and other relevant agencies).

Similarly, WCRS worked with workers' compensation scheme stakeholders on the potential and actual impacts of COVID-19 to allow for business continuity, providing formal advice to all insurers in relation to expectations on the COVID-19 response in relation to claims management and advising all key workers' compensation scheme stakeholders on organisational responses and impact on critical services as a result of COVID-19 including virtual Medical Assessment Tribunals hearings.

Other key changes in 2020-21 highlighting OIR's adaptability and agility during the COVID-19 pandemic include:
- **amended plant registration fees for amusement device owners experiencing financial hardship during COVID-19 restrictions**
- **hosting of 514 virtual medical assessment tribunals to enable continuity of services for the benefit of the Queensland workers' compensation scheme and to meet the needs of injured workers**
- **pandemic response support provided to Queensland Health by assessing COVID safe industry plans, event plans and site-specific plans**
- **continued support provided to Injury Prevention and Management registered employers during mandated lockdowns and ongoing restrictions for on-site visits**

- **working with the Department of Agriculture and Fisheries interagency group to undertake WHS audits before fruit pickers arrived under the Seasonal Worker Programme and Pacific Labour Scheme.**

WHSQ and ESO have continual improvement processes in place to ensure the organisational approach to compliance, monitoring and enforcement is evidence-based, informed by data and proportionate to the evaluated risk. For example, notice and administrative response audits to ensure validity and appropriate response was undertaken, and regular reviews of inspectorate activity and enforcement outcome patterns by the WHS and ES Boards with advice to OIR and the Minister. **In 2020-21, ESO also improved governance and oversight of safety management systems for electricity entities, and WHSQ amended its legislation to include penalties for abusive and threatening behaviours towards WHS inspectors as a further measure to ensure the safety of our workers and strengthen our enforcement framework.**

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.

A 10-year review of the IPaM proram has been rescheduled from 2020-21 to 2021-22 in response to Queensland Government Savings and Debt Plan restrictions. The review will assess the overall effectiveness of the IPaM program in achieving its objective to deliver state-wide advisory services that support Queensland employers to improve their safety and return-to-work outcomes. It is proposed the review will consider program effectiveness in achieving stated objectives such as:
- **scope of services to meet the needs of employers of all sizes and systems maturity and effectiveness in influencing system improvements**
- **value in terms of costs of program delivery and outcomes such as business benefits, improved WHS capability and safety and workers' compensation performance**
- **effectiveness of the collaboration between OIR and WCQ in providing strategic direction to support program delivery**
- **understanding current stakeholder perceptions regarding the role of IPaM and determine if this aligns with IPaM' s current objectives.**

Business improvement in WCRS in 2020-21 included:
- **Commissioning of 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 (expected to be completed in early 2022) to assist in section 327 of the *Workers' Compensation and Rehabilitation Act 2003* requirements for the Regulator to maintain a database of claims information collected from insurers.**
- **Evaluation of the Workers' Psychological Support Service (WPSS) to ensure it remains appropriate, effective, efficient and is delivering the anticipated benefits to psychologically injured workers and the Queensland workers' compensation scheme.   Overall, the evaluation found the pilot of the WPSS was successful in meeting its purpose and service deliverables, provided useful and timely support to workers throughout the workers' compensation process, and remains in demand. The next round of grant funding is being considered.**
- **Commissioning of a 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.**
- **Audit of 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.**

- **Engaging 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.**
- **Independent audit of external legal service delivery to the Review Unit early in the 2021-22 financial year. This will address recommendations to mitigate business risk around the engagement of external services to support the unit's workload.**
- **Commissioning of a comprehensive business review of the Review Unit to implement a change management process to deliver a more efficient and sustainable operating model.**
- **Establishing a 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 in undertaken in a strategic and structured way towards continuous improvement.**

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 2020-21, OIR:
- **introduced a 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**
- **financially supported staff across all regulators to pursue further education by providing an average of $96K in SARAS funding**
- **supported inspectors to complete the Diploma of Government (Workplace Inspection) which resulted in a 12% increase in the number of inspectors across OIR who retain this qualification.**

OIR is continuing its skills development program, consistent with recommendations of the 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 and ES 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 trialled in 2020-21 in a five-month period with a small group of inspectors, using a participative approach to capture inspector expertise in its practical application - 'by inspectors for inspectors' – and in a COVID-safe training environment. The prototype has also been formally evaluated, and the focus on 2021-22 being on embedding the lessons learned into a 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 will enable an understanding of the growing complexity of work and the hazards and risks workers face, and position OIR strategically for the longer term. Training evaluation will determine the suitability of course content for induction training and professional development, the changes achieved for the learners and the organisation.

As outlined under Model Practice 1, 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). 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. **For example, in 2020-21, OIR commissioned an internal review into the implementation of recommendations from the *2017 Best Practice Review of WHSQ* to finalise delivery and ensure sustainability of responses for ongoing regulatory effectiveness, and has committed to a designated program of work for operational improvements that continue into 2021-22. In** response to coronial recommendations released in 2020 from the inquiry into the 2016 Dreamworld amusement park fatalities, OIR has finalised arrangements for the drafting of a new amusement device code of practice, and in 2021-22 will progress the stakeholder consultation for this code, which has previously been affected by the COVID-19 pandemic environment. Concurrent to the stakeholder consultation process, OIR has also prioritised further training for WHS inspectors in 2021-22 to enhance capability in assessing machinery and functional safety.

OIR's commitment to continuous improvement is also embedded 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.

OIR undertakes research to inform our regulatory approach and support to achieve compliance. **In 2020-21 OIR finalised its *Research Strategy 2021-2023* to communicate a clear research vision, mission and objectives, and establish research prioritisation criteria, mechanisms and success measures.** Examples of OIR's continuous improvement focus through research include:
- OIR engaged the Centre for Accident Research and Road Safety - Queensland, Queensland University of Technology, to undertake research into the patterns and circumstances of electrical injuries and deaths in Queensland. Consistent with the evidence-base, the project draws upon relevant theoretical frameworks together with the insights gained from analysis of the data linkages to inform the proactive and targeted ES interventions.
- OIR is collaborating with four leading Australian experts to develop the 'Measures of Safety Culture' (MoSC) survey and toolkit. The MoSC survey is designed to be a practical yet robust tool that organisations of all sizes (can use to measure their safety leadership and culture and inform practical steps towards improvements. The toolkit is expected to be freely available when published in early 2022.
- The 'Safety Leadership in the Electrical Services Industry Project', is a joint initiative between WHSQ and the ESO. The aim of the pilot is to develop, pilot test and evaluate a safety culture toolkit based on the LEAD model and tailored for the electrical service industry. This collaborative initiative in the electrical services industry was designed to assist Queensland electrical businesses to demonstrate their commitment to safety leadership and take actions to improve their safety culture. Overall, over 130 people attended the frontline leader workshops. Participant feedback was highly supportive of the workshop content, facilitation process and duration. Learnings from this project will help improve further efforts in this sector.
- OIR is a partner in the Australian Research Council funded, and Australian National University led, research study "Working longer, staying healthy and keeping productive" research (https://rsph.anu.edu.au/research/projects/working-wellworking-wisely). This has supported the provision of specific resources on the Worksafe website for workplaces to better support older workers.
- More broadly, OIR is 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 2021-22, OIR will continue to support these and new research projects whilst also working to establish the research strategy as a research program with supporting toolkits and governance.

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.

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 model practices (e.g. compliance and enforcement policies, reporting of enforcement activity to the WHS Board, reviewable decision outcomes and notice appeal processes). 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 2020-21, processed 456 complaint access applications under the *Right to Information Act 2009*, resulting in the release of information for over 96% of RTI applications.**

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.**
- **Where appropriate, OIR's regulators provide the outcome of policy consideration and analysis of regulatory decisions to industry stakeholders to ensure coherent regulatory approaches.**

In 2020-21, ESO created a designated compliance unit to work alongside the investigations team for increased compliance and transparency in investigative and enforcement activities, with a focus on unlicensed electrical work being advertised through online marketplace platforms.

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 late 2020-21 and continuing into 2021-22, OIR has prioritised work 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. This focus on improved data capture and reporting extends across WHSQ, ESO and WCRS regulators.**

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 2020-21, timely decision-making outputs by WCRS included:**

- **Self-insurance licences (7 licence renewals)**
- **2520 workers' compensation reviews completed (average of 20 business days after being allocated to a review officer)**
- **219 workers' compensation appeals finalised and 17% reduction in number of open appeals**
- **290 WHS and ES internal reviews completed within legislative timeframes**
- **16 WHS and ES external reviews finalised**
- **93% of medical assessment tribunal block booked hearings held within 40 days of a valid referral**
- **74% of medical assessment tribunal ad hoc hearings held within 50 days of a valid referral**
- **2037 medical assessment tribunal decisions finalised (average of 4.9 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.

OIR shows integrity in its efforts to learn and continually improve performance, such as the example set out in model practice 3 where Team Leaders perform regular structured case file reviews to ensure consistency and delivery of timely information and support to employers, and reviews of reviewable decisions including enforcement notices.

Each of OIR's regulators value 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. 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. 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. **This includes the 2020 prosecution of Ardent Leisure for the tragic deaths at Dreamworld in 2016, resulting in a fine of $3.6million with a conviction recorded.**

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.