Safe Work Australia

National Work Health
and Safety Prosecutions Repository

Data Dictionary – Fourth Edition

November 2023

**Disclaimer**

Safe Work Australia is an Australian Government statutory agency established in 2009. Safe Work Australia includes Members from the Commonwealth, and each state and territory, Members representing the interests of workers and Members representing the interests of employers.

Safe Work Australia works with the Commonwealth, state and territory governments to improve work health and safety and workers’ compensation arrangements. Safe Work Australia is a national policy body, not a regulator of work health and safety. The Commonwealth, states and territories have responsibility for regulating and enforcing work health and safety laws in their jurisdiction.

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Purpose

The purpose of the Prosecutions Repository is to provide a central location for selected details about **publicly-reported** successful WHS prosecution decisions to improve WHS policy and practice..

Scope and approach

Included data

The Repository records selected details of **publicly reported** criminal prosecutions for breaching a work health and safety (WHS) law or regulation in Australia, termed ‘WHS prosecutions’.

Legal cases concerning negligence, workers’ compensation or employment legislation or any other laws (including criminal manslaughter provisions in criminal law) are not included in the Repository. For example, if someone is injured at work there could be a related WHS prosecution and this prosecution will be recorded in the Repository. The same work place injury could also involve a workers’ compensation claim or a negligence claim and they will not be recorded in the Repository.

Each defendant is listed separately in the Repository. This means that a single incident may be listed more than once.

The Repository includes selected details about **publicly-reported** WHS prosecution decisions (including sentencing) in all Australian jurisdictions – the Commonwealth, states, and territories – from 1 January 2020 onwards.

*The Repository should not be relied on for research or other purposes as it is limited by the data available. For example, it should not be relied on to count the number of worker deaths or injuries prosecuted each year as it is reliant on what information is made publicly available (or provided to Safe Work Australia) by jurisdictions*.

Table 1 shows the data that is collated.

Table 1: Reporting fields for National WHS Prosecutions Repository[[1]](#footnote-1)

|  |  |
| --- | --- |
| **Data category** | **Inclusions\*** |
| Case details  | 1. Jurisdiction
2. Type of court
3. Multiple defendants convicted Y/N
4. Name of defendant
5. Date/s of incident/s
6. Date of decision/ verdict\*
7. Name of WHS Act\*
8. Relevant section\*
9. Name of WHS Regulation
10. Relevant regulation
 |
| Sentencing details | 1. Main type of offence\*
2. Plea\*
3. Outcome\*
4. Financial penalty
5. Amount of financial penalty ($)
6. Details of imprisonment and/or other penalty
 |
| Incident details | 1. Industry of defendant (ANZSIC Division)
2. Industry of defendant (ANZSIC Subdivision)
3. Type of Injury/ies
4. Nature of most serious injury/disease (TOOCS Major Group)
5. Nature of most serious injury/disease (TOOCS Code & Description)
6. Highest injury level
7. Details of Incident/Alleged Breach
8. Link to case details
 |

Collating the data

Most jurisdictions publish some information about WHS prosecutions on their websites. Safe Work Australia has used this data to compile the Repository.

The Agency will update the existing data (for example, to include decisions which may have been the subject of an appeal) and add new prosecutions (since the last collation) annually.

Safe Work Australia derives values for some data items by interpreting the jurisdiction’s website information. For example, the industry of defendant may not be explicitly stated but may be deduced from the description on the jurisdiction’s website. The Agency also uses publicly available court case reports (for example, from [Austlii](http://www.austlii.edu.au/databases.html), or from court websites) if available to fill information gaps.

Table 2 (below) lists the jurisdictions and links to their prosecution summary web pages. Since the Repository is only updated once per year, jurisdictional information may be more up to date. However, the value of the Repository is in having a national point in time snapshot of WHS prosecutions that jurisdictions have chosen to publish rather than the most contemporary information available.

Table 2: Source websites

|  |  |
| --- | --- |
| Jurisdiction | Website link |
| Australian Capital Territory  | [List of Prosecutions - WorkSafe ACT](https://www.worksafe.act.gov.au/laws-and-compliance/enforcement-and-prosecutions/prosecutions/list-of-prosecutions) |
| Northern Territory | [Prosecutions | NT WorkSafe](https://worksafe.nt.gov.au/laws-and-compliance/prosecutions) |
| New South Wales  | [Prosecutions | SafeWork NSW](https://www.safework.nsw.gov.au/compliance-and-prosecutions/prosecutions) |
| Queensland | [Court reports | owhsp](https://www.owhsp.qld.gov.au/court-reports) |
| South Australia  | [Prosecutions | SafeWork SA](https://www.safework.sa.gov.au/enforcement/prosecutions) |
| Tasmania | [Court summaries - WorkSafe Tasmania](https://worksafe.tas.gov.au/topics/laws-and-compliance/enforcement-and-prosecutions/prosecutions/court-summaries) |
| Victoria | [Prosecution Result Summaries and Enforceable Undertakings - WorkSafe Victoria](https://www.worksafe.vic.gov.au/prosecution-result-summaries-enforceable-undertakings) |
| Western Australia | [Prosecutions | Prosecutions Database | Department of Commerce](https://prosecutions.commerce.wa.gov.au/prosecutions/index/page%3A1) |

Jurisdictions (such as the Commonwealth) that do not publish their prosecutions are requested to provide the information listed in Attachment A by Safe Work Australia each year for prosecutions completed in the preceding year. Jurisdictions are also asked to notify the Agency of any prosecutions that are overturned on appeal, as these would need to be deleted from the Repository.

Further information and feedback

If you have questions or require further information please email StatsOnline@swa.gov.au.

The Data Dictionary

The Data Dictionary provides standard data items, definitions, and guidelines for Safe Work Australia for creating and maintaining the Prosecutions Repository.

Each item is mutually exclusive and clearly described.

Data definitions and guidelines

1. Jurisdiction

Description: The jurisdiction of the court – Commonwealth, state, or territory – where the prosecution was decided.

Response type: Drop down list (single selection)

Select one: *Australian Capital Territory*

*Commonwealth*

*New South Wales*

*Northern Territory*

*Queensland*

*South Australia*

*Tasmania*

*Victoria*

*Western Australia*

1. Type of court

Description: WHS prosecutions are brought in different types of courts which vary between jurisdictions.

Comment: If the conviction is the outcome of more than one hearing or appeal, the court of the final hearing is shown.

‘Unknown’ means the court type was not clear.

Response type: Drop down list (single selection)

Select one: *County Court*

*District Court*

*Local Court*

*Magistrates' Court*

*South Australian Employment Tribunal (SAET)*

*Supreme Court*

*Unknown*

1. Multiple defendants convicted (Y/N)

Description: Flag to indicate prosecutions where more than one defendant was convicted.

Comment: WHS prosecutions may be brought against more than one defendant following a WHS incident.

* ‘Yes’ indicates that more than one defendant was convicted.
* ‘No’ indicates only one defendant was convicted i.e., if charges were brought against multiple defendants, but were later dropped/dismissed against all but one defendant, ‘no’ is used.
* ‘Unknown’ means it was not clear whether multiple defendants were convicted.

Response type: Drop down list (single selection)

Select one *Yes*

*No*

1. Name of defendant

Description: Name of the defendant/s in the proceedings.

Comment: Where the WHS proceedings involved multiple defendants, the name of each defendant is recorded in a separate row.

Response type: Free text.

Instructions: Defendant’s full name as provided in the published decision, or otherwise reported.

‘Not recorded’ indicates an individual or company name is not provided (for example, due to a suppression or pseudonym order, or other reasons). If a pseudonym is used record the characters entered.

1. Date of incident

Description: The date, or last date, of the WHS incident that prompted the prosecution.

Comment: If the prosecution relates to more than one WHS breach occurring on different dates, the date of the last offence i.e., the date closest to the final prosecution decision, is recorded.

For prosecutions with multiple defendants, *put the date of the incident that links them* (i.e., the original WHS breach, not subsequent breaches which may have occurred during investigations).

‘Not specified’ indicates that details were not found for the date of the incident.

Response type: Date in DD/MM/YYYY

1. Date of decision/verdict

Description: The date of the court decision (i.e., the verdict of whether the defendant is found guilty).

Comment: Where the verdict and sentencing orders are made on separate dates, the date of the verdict is recorded.

Where there is more than one date of verdict and/or more than one defendant in the same legal proceedings, each defendant and date of verdict is recorded in a separate row.

Where a decision was appealed, if the original verdict was upheld (i.e., the appeal was dismissed) the date of the verdict is recorded.

‘Not specified’ indicates the date of the decision was not found.

Response type: Date in the format DD/MM/YYYY.

1. Name of WHS Act

Description: The Work Health and Safety (or related) Act under which the WHS prosecution was brought as described on the website.

Comment: ‘Not applicable’ is used if the prosecution was not brought under a jurisdiction’s WHS Act (i.e., if it was under a WHS Regulation).

 If the Act is not listed, or if the prosecution was brought under more than one Act, ‘Other’ is used, together with the name of the Act(s), for example: ‘Other - Electrical Safety Act 2002 and WHS Act 2011 (Qld)’. Not all jurisdictional WHS Acts are listed. If a WHS prosecution is brought under a WHS Act not currently listed, it will be added to the data dictionary when updates are made

Response type: Drop down list (single selection)

Select one: *Dangerous Goods Act 1985 (Vic)*

*Electrical Safety Act 2002 (Qld)*

*Mining and Quarrying Safety and Health Act 1999 (Qld)*

*Occupational Health and Safety Act 2004 (Vic)*

*Occupational Safety and Health Act 1984 (WA)*

*Petroleum and Gas (Production and Safety) Act 2004 (Qld)*

*Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*

*Work Health and Safety Act 2011 (ACT)*

*Work Health and Safety Act 2011 (Cth)*

*Work Health and Safety Act 2011 (NSW)*

*Work Health and Safety Act 2011 (Qld)*

*Work Health and Safety Act 2012 (SA)*

*Work Health and Safety Act 2012 (Tas)*

*Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*

*Not applicable*

*Other – specify*

1. Relevant section

Description: The section(s) from the WHS Act, as cited in the WHS prosecution.

Comment: Prosecutions may be brought under one or more section(s) of an Act. The applicable Act section(s) are listed as shown in the example below.

‘Not applicable’ is used if no action was brought under a specified section of a WHS Act (i.e., if it was under a WHS Regulation).

Response type: Free text to reference the specific sections.

Example: *19(1);31(1);32(2)*

1. Name of WHS regulation

Description: The jurisdictional WHS Regulation under which the WHS prosecution was brought, as described on the website.

Comment: ‘Not applicable’ is used if the prosecution was not brought under a WHS Regulation (i.e., if it was under a WHS Act).

 ‘Other’ is used if the Regulation is not listed, or if the prosecution was brought under more than one Regulation. Not all jurisdictional WHS Regulations are listed. If a WHS prosecution is brought under a WHS Regulation not currently listed it will be added to the data dictionary when updates are made.

Response type: Drop down list (single selection)

Select one: *Electrical Safety Regulation 2013 (Qld)*

*Equipment (Public Safety) Regulations 2007 (Vic)*

*Occupational Health and Safety Regulations 2017 (Vic)*

*Occupational Safety and Health Regulations 1996 (WA)*

*Work Health and Safety (National Uniform Legislation) Regulations 2011 (NT)*

*Work Health and Safety Regulation 2011 (ACT)*

*Work Health and Safety Regulation 2011 (Qld)*

*Work Health and Safety Regulation 2017 (NSW)*

*Work Health and Safety Regulations 2011 (Cth)*

*Work Health and Safety Regulations 2012 (SA)*

*Not applicable*

*Other – specify*

1. Relevant regulation

Description: The specific regulation as cited in the WHS prosecution.

Comment: Prosecutions may be brought under one or more regulation(s) of a jurisdiction’s WHS Regulations.

‘Not applicable’ is used if no action was brought under a WHS Regulation.

Response type: Free text to reference the specific regulations.

Example: *123(1)(ii);123(1)(iii);345(i)*

1. Main type of offence

Description: Main type of offence for which the defendant was prosecuted under the Act or Regulation, as cited in the WHS prosecution. Where the defendant was prosecuted for more than one offence, the main offence is the most serious offence they were charged with.

Comment: For model law jurisdictions, the category of breach[[2]](#footnote-2) that best fits the main offence (i.e., the most serious offence) for which the defendant was prosecuted is selected from the following categories:

* Category 1 offence (Section 31): A duty holder, without reasonable excuse, engages in conduct that recklessly or with gross negligence exposes a person to a risk of death or serious injury or illness.
* Category 2 offence (Section 32): A duty holder fails to comply with a health and safety duty that exposes a person to risk of death or serious injury or illness.
* Category 3 offence (Section 33): A duty holder fails to comply with a health and safety duty.

‘Unknown’ is used if the offence could not be categorised into one of these three categories.

‘Not applicable’ is used for other jurisdictions (i.e., jurisdictions which had not implemented the model WHS laws in the year of prosecution).

Response type: Drop down list (single selection)

Select one: ***Category 1:*** *recklessly expose a person to risk of death or serious injury/illness*

***Category 2:*** *fail to comply exposes a person to risk of death or serious injury/illness*

***Category 3:*** *fail to comply*

*Not applicable*

*Unknown*

1. Plea

Description: The plea of the defendant(s) when charged with WHS breach(es).

Comment: A defendant charged for breaching one or more WHS laws may enter different pleas for different charges and/or there may be more than one defendant.

* If there is more than one charge and the pleas are different, the plea against each charge is recorded.
* If there is more than one defendant, each name is recorded separately, on a separate row, with the corresponding plea(s).

‘Unknown’ means the plea is not stated on the website, or a plea was not made (for example, ‘ex parte’/defendant absent from hearing).

Response type: Drop down list (single selection)

Select one: *Guilty*

*Not guilty*

*Unknown*

1. Outcome

Description: The outcome of the prosecution, including whether a conviction was recorded, and whether an appeal was made.

Comment: Because the Repository only records criminal prosecutions *resulting in a conviction* all the included prosecutions should have a guilty verdict.

* If a defendant is charged for breaching one or more WHS laws, with different outcomes for different charges, the outcome against each charge is recorded.
* If there are multiple defendants, the outcome(s) for each defendant is recorded in a separate row per defendant, and per outcome (if the outcomes are different).

‘Guilty (pending appeal)’ is used if an appeal has been lodged and not yet decided.

‘Guilty (details unknown)’ is used when the website records a guilty verdict, but other details (i.e., whether a conviction was recorded, or an appeal lodged) are unknown.

‘Unknown’ means the website had no information on the outcome.

Response type: Drop down list (single selection)

Select one: *Guilty (conviction recorded)*

*Guilty (conviction not recorded)*

*Guilty (details unknown)*

*Guilty (pending appeal)*

*Guilty (appeal dismissed)*

*Unknown*

1. Financial penalty

Description: Whether a fine or other financial penalty was imposed by the court.

Comment: ‘Yes’ means the penalty included a fine or other payment (see below), and ‘No’ means there was no financial penalty imposed *excluding court costs*.

Response type: Drop down list (single selection)

Select one: *Yes*

*No*

1. Amount/details of financial penalty

Description: Amount of the fine and/or other financial penalty (for example, contribution to court fund, contribution to regulator and/or levy for affected individuals[[3]](#footnote-3)) ***per offence***. *Excludes court costs, as these are not always specified.*

Comment: This is the final penalty per offence, per defendant, after discounts and/or appeals (where applicable), *excluding court costs*. Left blank if there was no financial penalty.

One row per defendant (consistent with the approach for recording the plea, outcome, and type of penalty).

Response type: Number, using the following format: *$250,000*

1. Details of imprisonment or other penalty

Description: Details of imprisonment and/or any other penalty imposed by the court ***per offence*** (excluding court costs).

A recognisance is a promise entered into and recorded before a court as a form of penalty, similar to a good behaviour bond.

A WHS undertaking is a legally binding written commitment given by a person conducting a business or undertaking (PCBU) to implement effective health and safety initiatives that are designed to deliver tangible benefits for workers, industry and the community.

Comment: Brief description of the type and amount of any other penalty(ies).

One row per defendant (consistent with the approach for recording the plea, outcome, and type of penalty) showing the final penalty after discounts and/or appeals (where applicable), *excluding court costs*.

Left blank if there were no other penalties.

Response type: Number and/or free text, which uses the following formats for numbers:

* *Imprisonment: 12 months, wholly suspended for good behaviour*
* *court ordered WHS undertaking (12 months) and recognisance ($5,000)*
* *court ordered WHS project.*
1. Industry of defendant (ANZSIC Division)

Description: Industry Division that characterises the main activity of the defendant. This may differ from the activity of the injured worker.

Comment: ANZSIC Division for the main activity of the defendant entity, using the [*Australian and New Zealand Standard Industrial Classification*](https://www.abs.gov.au/AUSSTATS/abs%40.nsf/mf/1292.0)*, 2006*.

If the defendant ─ i.e., the PCBU being prosecuted, not the affected worker (if different) ─ is a *labour hire company*, ‘N - Administrative and support services’ is used.

 ‘Unknown’ is used if there is insufficient information for ANZSIC coding.

Response type: Drop down list (single selection)

Select one: *A - Agriculture, forestry & fishing*

*B - Mining*

*C - Manufacturing*

*D - Electricity, gas, water & waste services*

*E - Construction*

*F - Wholesale trade*

*G - Retail trade*

*H - Accommodation & food services*

*I - Transport, postal & warehousing*

*J - Information media & telecommunications*

*K - Financial & insurance services*

*L - Rental, hiring & real estate services*

*M - Professional, scientific & technical services*

*N - Administrative & support services*

*O - Public administration & safety*

*P - Education & training*

*Q - Health care & social assistance*

*R - Arts & recreation services*

*S - Other services*

*Unknown*

1. Industry of defendant (ANZSIC subdivision)

Description: Industry Subdivision that characterises the main activity of the defendant. This may differ from the activity of the injured worker.

Comment: ANZSIC Subdivision matching the main activity of the defendant entity, using the [*Australian and New Zealand Standard Industrial Classification*](https://www.abs.gov.au/AUSSTATS/abs%40.nsf/mf/1292.0)*, 2006.*

If the defendant ─ i.e., the PCBU being prosecuted, not the affected worker (if different) ─ is a *labour hire company*, ’72 - Administrative services’ is used.

‘Unknown’ is used if there is insufficient information for ANZSIC coding.

Response type: Drop down list (single selection)

Select one: Refer **Attachment B list of ANZSIC Subdivisions.**

1. Type of injury/ies or disease

Description: The major harm(s) experienced by the worker (or other party), if applicable.

Fatality is an incident that resulted in death.

Injury is the harm or hurt experienced by the worker (or other party) – for example, a cut resulting from an incident with a knife or burns resulting from an acid splash.

Disease usually results from repeated or long-term exposure to an agent or event – for example, loss of hearing because of long-term exposure to noise; a single exposure to an infectious agent; or multiple or uncertain causes.

Comment: This information records whether an incident resulted in fatality, injury, or disease. It may provide information about how the injuries affected the worker (eg, surgery, hospital stay, impairment/work capacity). The information is sourced from the jurisdiction’s website (if available), or from case details (if available).

‘Not applicable’ means there was no injury or other direct impact on a worker (for example, inspection identified a failure, but no injury caused).

‘Unknown’ means the information was not publicly available.

Response type: Free text (see examples).

Examples: *Fatal percussive pressure injuries following tyre zipper failure*

*Fractured foot, two fractured wrists*

*Burns to face, neck, hands, and ears (hospitalised)*

1. Nature of most serious injury or disease (TOOCS Major Group)

Description: The broad category of most serious injury or disease that harmed the worker (or other party) in the incident which led to the prosecution. Fatalities are not classified in the TOOCS but are included in the Type of injury (T) and ‘Highest injury level’ (W) fields.

Comment: The Major Group which matches the *most serious injury* (excluding fatalities) to the worker (or other party), using the [*Type of occurrence classification system (TOOCS)* *3rd Edition May 2008*](https://www.safeworkaustralia.gov.au/doc/type-occurrence-classification-system-toocs-3rd-edition-may-2008)*.*

‘Unknown’ means there was insufficient information to code.

‘Not applicable’ means there was no injury or disease.

Box 1 (below) explains how the most serious injury or disease is selected.

Response type: Drop down list (single selection)

Select one: Refer Attachment C list of Nature of Injury (Major Group)

Box 1: Ranking of Injuries\*

If more than one injury or disease is reported, the most serious is *the injury or disease likely to have the most serious effect on the worker’s life* in terms of: reducing life expectancy; then in terms of the degree and length of interference with normal activities and lifestyle.

The ‘multiple injuries’ code is only used where it is impossible to determine the most serious injury, such as where a person has suffered several different, serious injuries (such as serious motor vehicle incidents and severe crushing). The multiple injuries code is not used for several minor injuries.

The Ranking of Injuries list (below) is used only to resolve *uncertainty* about the most serious injury. For example, burns that result in permanent disfigurement is generally considered more serious than a minor limb fracture.

**Ranking of injuries list:**

1. Brain injury

Fracture of skull

Broken neck

Spinal cord injury or lesion

1. Internal injury of abdomen, chest, or pelvis
2. Other head injury

Open wound of neck or chest

Traumatic amputation of limbs

1. Fracture of limb
2. Burn
3. Other injuries

\*https://www.safeworkaustralia.gov.au/system/files/documents/1702/typeofoccurrenceclassificationsystemtoocs3rdeditionrevision1.pdf (page 5)

1. Nature of most serious injury or disease (TOOCS code and description)

Description: Where applicable, the code for the most serious injury or disease (excluding fatalities) that harmed the worker (or other party) in the incident which led to the prosecution.

Comment: The TOOCS code and description which characterises the most serious injury to the worker (or other party), using the [*Type of occurrence classification system (TOOCS) 3rd Edition May 2008*](https://www.safeworkaustralia.gov.au/doc/type-occurrence-classification-system-toocs-3rd-edition-may-2008).

‘999 Not Known’ indicates there was insufficient information to code.

‘Not applicable’ indicates there was no injury or disease.

Response type: Drop down list (single selection)

Select one: Refer Attachment C (TOOCS Nature of Injury Code and Description).

1. Highest injury level[[4]](#footnote-4)

Description: The highest level of injury associated with the breach, as described by the jurisdiction and/or in the case details.

Comment: As a guide, 'serious' means at least one of the following: requires hospitalisation for more than a day; results in a fracture of a major bone (except simple fractures of fingers, toes or nose); lacerations which cause severe haemorrhage, nerve, muscle or tendon damage, or amputation of any limb (including fingers or toes); injury to any internal organ; second or third degree burns, or any burns affecting more than 5 per cent of the body surface; exposure to infectious substances or injurious radiation.

‘Minor’ is used for any other injury, for example an injury that does not require hospitalisation.

Use ‘none’ if type of injury (T) and nature of most serious injury (U) is ‘not applicable’.

Response type: Drop-down (single selection).

Select one: *Fatal*

*Minor*

*None*

*Serious*

*Unknown*

1. Details of the incident/alleged breach (website)

Description: Link to jurisdictions’ website information about the work health and safety breach, which describes what happened and what the outcomes were for the worker and the defendant.

Comment: For some jurisdictions it is only possible to link to lists of prosecutions per year (e.g., NT and Tas), per month, or as otherwise provided by the jurisdiction.

 ‘Not found’ is used if the prosecution was not found when checking supplied information with jurisdictions’ website information.

Response type: Web address with hyperlink.

1. Link to case details (if available)

Description: Link to case details if publicly available on jurisdiction’s website, or if published elsewhere on the web.

Comment: Many courts publish their decisions online and many cases are also published by The Australasian Legal Information Institute ([AustLII](http://www.austlii.edu.au/databases.html)).

‘Not found’ is used if case details were not found on the web. This is common with WHS prosecutions which are often brought in courts that do not publish their decisions.

Response type: Web address with hyperlink.

Attachment A: Data fields for National WHS Prosecutions Repository

|  |  |  |
| --- | --- | --- |
| **Column** | **Field name**  | **Example of content** |
|  | Jurisdiction  | New South Wales |
|  | Type of Court  | Magistrates’ Court  |
|  | Multiple defendants | N |
|  | Name of defendant  | Joe Bloggs Construction Pty Ltd |
|  | Date/s of Incident/s | 20/02/2020 |
|  | Date of Decision/Verdict  | 19/01/2021 |
|  | Name of WHS Act  | Work Health and Safety Act 2011 (Cth) |
|  | Relevant section  | 26(1) |
|  | Name of WHS Regulation  | Work Health and Safety Regulation 2017 (NSW) |
|  | Relevant Regulation | 79(2); 165(1) |
|  | Main type of offence | Category 3: fail to comply |
|  | Plea  | Guilty  |
|  | Outcome | Guilty (conviction recorded) |
|  | Financial penalty | Yes |
|  | Amount/details of penalty | $50,000 |
|  | Details of imprisonment and/or other penalty | Imprisonment: 12 months, wholly suspended for good behaviour |
|  | Industry of defendant (ANZSIC Division) | C - Manufacturing  |
|  | Industry of defendant (ANZSIC Subdivision) | 14 - Wood Product Manufacturing |
|  | Type of Injury/ies or disease | Leg fractures, and injuries to soft tissue and ligaments of right hand |
|  | Nature of most serious injury/disease (TOOCS Major Group) | C - Wounds, lacerations, amputations, and internal organ damage |
|  | Nature of most serious injury/disease (TOOCS Code & Description) | 139 Traumatic amputation |
|  | Highest injury level | Serious |
|  | Details of Incident/Alleged Breach [web address with hyperlink to website] | <https://www.comcare.gov.au/about/news-events/news/whs-act-penalty-after-army-cadet-injured> |
|  | Link to case details (if available) | <https://www.caselaw.nsw.gov.au/decision/17ad09d654c6b3d3be26a1fa>  |

Attachment B: List of industry divisions and subdivisions (ANZSIC, 2006)[[5]](#footnote-5)

|  |  |
| --- | --- |
| Division | Subdivision |
| **A - Agriculture, forestry & fishing** | 01 - Agriculture |
| 02 - Aquaculture |
| 03 - Forestry & Logging |
| 04 - Fishing, Hunting & Trapping |
| 05 - Agriculture, Forestry & Fishing Support Services |
| **B - Mining** | 06 - Coal Mining |
| 07 - Oil & Gas Extraction |
| 08 - Metal Ore Mining |
| 09 - Non-Metallic Mineral Mining & Quarrying |
| 10 - Exploration & Other Mining Support Services |
| **C - Manufacturing** | 11 - Food Product Manufacturing |
| **C - Manufacturing** | 12 - Beverage & Tobacco Product Manufacturing |
| 13 - Textile, Leather, Clothing & Footwear Manufacturing |
| 14 - Wood Product Manufacturing |
| 15 - Pulp, Paper & Converted Paper Product Manufacturing |
| 16 - Printing (including the Reproduction of Recorded Media) |
| 17 - Petroleum & Coal Product Manufacturing |
| 18 - Basic Chemical & Chemical Product Manufacturing |
| 19 - Polymer Product & Rubber Product Manufacturing |
| 20 - Non-Metallic Mineral Product Manufacturing |
| 21 - Primary Metal & Metal Product Manufacturing |
| 22 - Fabricated Metal Product Manufacturing |
| 23 - Transport Equipment Manufacturing |
| 24 - Machinery & Equipment Manufacturing |
| 25 - Furniture & Other Manufacturing |
| **D - Electricity, gas, water & waste services** | 26 - Electricity Supply |
| 27 - Gas Supply |
| 28 - Water Supply, Sewerage & Drainage Services |
| 29 - Waste Collection, Treatment & Disposal Services |
| **E - Construction** | 30 - Building Construction |
| 31 - Heavy & Civil Engineering Construction |
| 32 - Construction Services |
| **F - Wholesale trade** | 33 - Basic Material Wholesaling |
| 34 - Machinery & Equipment Wholesaling |
| 35 - Motor Vehicle & Motor Vehicle Parts Wholesaling |
| 36 - Grocery, Liquor & Tobacco Product Wholesaling |
| 37 - Other Goods Wholesaling |
| 38 - Commission-Based Wholesaling |
| **G - Retail trade** | 39 - Motor Vehicle & Motor Vehicle Parts Retailing |
| 40 - Fuel Retailing |
| 41 - Food Retailing |
| 42 - Other Store-Based Retailing |
| 43 - Non-Store Retailing & Retail Commission-Based Buying and/or Selling |
| **H - Accommodation & food services** | 44 - Accommodation |
| 45 - Food & Beverage Services |
| **I - Transport, postal & warehousing** | 46 - Road Transport |
| 47 - Rail Transport |
| 48 - Water Transport |
| 49 - Air & Space Transport |
| 50 - Other Transport |
| 51 - Postal & Courier Pick-up & Delivery Services |
| 52 - Transport Support Services |
| 53 - Warehousing & Storage Services |
| **J - Information media & telecommunications** | 54 - Publishing (except Internet & Music Publishing) |
| 55 - Motion Picture & Sound Recording Activities |
| 56 - Broadcasting (except Internet) |
| 57 - Internet Publishing & Broadcasting |
| 58 - Telecommunications Services |
| 59 - Internet Service Providers, Web Search Portals & Data Processing Services |
| 60 - Library & Other Information Services |
| **K - Financial & insurance services** | 62 - Finance |
| 63 - Insurance & Superannuation Funds |
| 64 - Auxiliary Finance & Insurance Services |
| **L - Rental, hiring & real estate services** | 66 - Rental & Hiring Services (except Real Estate) |
| 67 - Property Operators & Real Estate Services |
| **M - Professional, scientific & technical services** | 69 - Professional, Scientific & Technical Services (Except Computer System Design & Related |
| 70 - Computer System Design & Related Services |
| **N - Administrative & support services** | 72 - Administrative Services |
| 73 - Building Cleaning, Pest Control & Other Support Services |
| **O - Public administration & safety** | 75 - Public Administration |
| 76 - Defence |
| 77 - Public Order, Safety & Regulatory Services |
| **P - Education & training** | 80 - Preschool & School Education |
| 81 - Tertiary Education |
| 82 - Adult, Community & Other Education |
| **Q - Health care & social assistance** | 84 - Hospitals |
| 85 - Medical & Other Health Care Services |
| 86 - Residential Care Services |
| 87 - Social Assistance Services |
| **R - Arts & recreation services** | 89 - Heritage Activities |
| 90 - Creative & Performing Arts Activities |
| 91 - Sports & Recreation Activities |
| 92 - Gambling Activities |
| **S - Other services** | 94 - Repair & Maintenance |
| 95 - Personal & Other Services |
| 96 - Private Households Employing Staff & Undifferentiated Goods- & Service-Producing Activities |
| **Unknown** | Unknown |

Attachment C: List of nature of injury/disease major group and sub-divisions (TOOCS, 2008)[[6]](#footnote-6)

| **TOOCS3.1 - Nature of Injury/Disease\*** |
| --- |
| **Major Group** | **Code and Description** |
| **A - Intracranial injuries** | 101 Brain injury |
| 108 Other intracranial injury, not elsewhere classified |
| 109 Intracranial injury, unspecified |
| **B - Fractures** | 111 Fractured skull and facial bones |
| 112 Fracture of vertebral column without mention of spinal cord lesion |
| 118 Other fractures, not elsewhere classified |
| 119 Fractures, unspecified |
| **C - Wounds, lacerations, amputations, and internal organ damage** | 129 Internal injury of chest, abdomen, and pelvis |
| 139 Traumatic amputation |
| 145 Injury to major blood vessel |
| 149 Laceration or open wound not involving traumatic amputation |
| 154 Medical sharp/needle-stick puncture |
| 159 Superficial injury |
| 169 Contusion, bruising and superficial crushing |
| **D - Burn** | 171 Electrical burn |
| 172 Chemical burn |
| 173 Cold Burn |
| 174 Hot burn |
| 175 Friction burn |
| 178 Combination burn or burn not elsewhere classified |
| 179 Burns, unspecified |
| **E - Injury to nerves and spinal cord** | 181 Quadriplegia involving spinal cord injury |
| 182 Paraplegia involving spinal cord injury |
| 188 Injuries to nerves and spinal cord, not elsewhere classified |
| 189 Injuries to nerves and spinal cord, unspecified |
| **F - Traumatic joint/ligament and muscle/tendon injury** | 201 Dislocation |
| 218 Trauma to joints and ligaments, not elsewhere classified |
| 219 Trauma to joints and ligaments, unspecified |
| 222 Traumatic tearing away part of the muscle/tendon structure, avulsion |
| 223 Trauma to muscles |
| 224 Trauma to tendon |
| 228 Trauma to muscles and tendons, not elsewhere classified |
| 229 Trauma to muscles and tendons, unspecified |
| 239 Soft tissue injuries due to trauma or unknown mechanisms with insufficient information to code elsewhere |
| **G - Other injuries** | 301 Foreign body on external eye, in ear or nose or in respiratory, digestive, or reproductive tract |
| 302 Poisoning and toxic effects of substances |
| 309 Audio shock, audio shriek |
| 311 Electrocution, shock from electric current |
| 312 Traumatic deafness from air pressure or explosion |
| 313 Heat stress/heat stroke |
| 314 Hypothermia and effects of reduced temperature |
| 319 Effects of weather, exposure, air pressure and other external causes, not elsewhere classified |
| 329 Multiple injuries |
| 349 Other specified injuries, not elsewhere classified |
| 399 Unspecified injuries |
| **H - Musculoskeletal and connective tissue diseases** | 401 Osteoarthritis/osteoarthrosis |
| 402 Inflammatory arthritis/arthropathies |
| 403 Infectious arthritis/arthropathies |
| 404 Arthropathies, not elsewhere classified |
| 405 Arthropathies, unspecified |
| 406 Meniscus degenerate/detached/retained/chronic tear |
| 407 Acquired musculoskeletal deformities |
| 409 Other chronic joint and ligament diseases |
| 418 Joint and other articular cartilage diseases, not elsewhere classified |
| 419 Joint and other articular cartilage diseases, unspecified |
| 422 Disc displacement, prolapse, degeneration or hernia |
| 423 Infectious diseases involving the spine |
| 459 Back pain, lumbago, and sciatica |
| 479 Neck pain, cervicalgia |
| 488 Spinal vertebrae and intervertebral discs diseases, not elsewhere classified |
| 489 Spinal vertebrae and intervertebral discs diseases, unspecified |
| 501 Synovitis and tenosynovitis |
| 503 Ganglion, trigger finger, Dupuytren’s contracture |
| 518 Diseases of synovium and related tissue, not elsewhere classified |
| 519 Diseases of synovium and related tissue, unspecified |
| 526 Tendinitis |
| 527 Epicondylitis |
| 531 Frozen shoulder (adhesive capsulitis) |
| 532 Fasciitis |
| 533 Muscle/tendon strain (non traumatic) |
| 538 Diseases of muscle, tendon, and related tissue, not elsewhere classified |
| 539 Diseases of muscle, tendon, and related tissue, unspecified |
| 541 Bursitis |
| 542 Occupational overuse syndrome |
| 548 Fibromyalgia, fibrositis and myalgia |
| 557 Complex regional pain syndrome |
| 568 Other specified soft tissue diseases, not elsewhere classified |
| 571 Osteopathies and chondropathies |
| 579 Soft tissue diseases due to non-traumatic causes with insufficient information to code elsewhere |
| 599 Musculoskeletal and connective tissue diseases, unspecified |
| **I - Mental diseases** | 702 Post-traumatic stress disorder |
| 703 Anxiety/stress disorder |
| 704 Depression |
| 705 Anxiety/depression combined |
| 706 Short term shock from exposure to disturbing circumstances |
| 707 Reaction to stressors – other, multiple, or not specified |
| 718 Other mental diseases, not elsewhere classified |
| 719 Mental diseases unspecified |
| **J - Digestive system diseases** | 721 Hernias |
| 722 Ulcers and gastritis |
| 738 Diseases of the digestive system, not elsewhere classified |
| 739 Diseases of the digestive system, unspecified |
| **K - Skin and subcutaneous tissue diseases** | 741 Contact dermatitis |
| 742 Other and unspecified dermatitis or eczema |
| 758 Other diseases of skin and subcutaneous tissue, not elsewhere classified |
| 759 Diseases of skin and subcutaneous tissue, unspecified |
| **L - Nervous system and sense organ diseases** | 761 Diseases of the brain, spinal cord, and peripheral nervous system |
| 762 Diseases of nerve roots, plexuses, and single nerves |
| 763 Carpal tunnel syndrome |
| 764 Diseases of the conjunctiva and cornea |
| 769 Other diseases of the eye |
| 771 Deafness |
| 777 Other diseases of the ear and mastoid process |
| 778 Diseases of the nervous system and sense organs, not elsewhere classified |
| 779 Diseases of the nervous system and sense organs, unspecified |
| **M - Respiratory system diseases** | 781 Asthma |
| 782 Legionnaires' disease |
| 783 Asbestosis |
| 784 Silicosis |
| 785 Pneumoconiosis due to coal dust |
| 786 Pneumoconiosis excluding asbestosis, silicosis, and coal workers’ pneumoconiosis |
| 787 Other respiratory conditions due to substances |
| 788 Chronic bronchitis, emphysema, and allied conditions |
| 798 Other diseases of the respiratory system, not elsewhere classified |
| 799 Other diseases of the respiratory system, unspecified |
| **N - Circulatory system diseases** | 801 Ischaemic heart disease |
| 802 Other heart disease excluding ischaemic heart disease |
| 803 Cerebrovascular disease |
| 804 Arterial disease |
| 805 Vibration white finger - secondary Raynaud's Disease |
| 806 Hypertension |
| 807 Venous thromboembolism |
| 808 Venous disease, not elsewhere classified |
| 818 Other diseases of the circulatory system, not elsewhere classified |
| 819 Other diseases of the circulatory system, unspecified |
| **O - Infectious and parasitic diseases** | 821 Intestinal infectious diseases |
| 822 Anthrax |
| 823 Brucellosis |
| 824 Q-fever |
| 825 Leptospirosis |
| 826 Other zoonoses, not elsewhere classified |
| 827 Protozoal diseases |
| 828 Specified sexually transmitted diseases excluding HIV/AIDS |
| 831 Hepatitis A |
| 832 Hepatitis B |
| 833 Hepatitis C |
| 834 Viral hepatitis, not elsewhere classified or unspecified |
| 835 Human immunodeficiency virus (HIV)/AIDS |
| 836 Viral diseases, not classified elsewhere |
| 837 Fungal conditions (mycoses) |
| 838 Meningococcal disease |
| 847 Bird flu/Avian flu/Avian influenza |
| 848 Infectious and parasitic diseases, not elsewhere classified |
| 849 Infectious and parasitic diseases, unspecified |
| 855 Novel Coronavirus (COVID-19) |
| **P - Neoplasms (cancer)** | 861 Malignant neoplasm of mesothelium (mesothelioma) |
| 862 Malignant melanoma of skin |
| 863 Other malignant neoplasm of skin |
| 864 Malignant neoplasm of lymphatic and haematopoietic tissue |
| 865 Carcinoma in situ of skin |
| 866 Other malignant neoplasms and carcinomas |
| 867 Benign neoplasm of skin |
| 868 Other benign neoplasms |
| 879 Neoplasm, not specified as benign or malignant |
| **Q - Other diseases** | 941 Other diseases, not elsewhere classified |
| 945 Adverse reaction to receiving vaccination |
| 949 Unspecified diseases |
| **R - Other claims** | 951 Exposure to substances without current injury or disease apparent |
| 952 Exposure to substances and tested for Novel Coronavirus (COVID-19)without disease apparent |
| 961 Damage to artificial aid(s) |
| 999 Not Known |

Attachment D - Definitions[[7]](#footnote-7)

More information and definitions on terms used in this Data Dictionary may be found on the Safe Work Australia [website](https://www.safeworkaustralia.gov.au), including in the [Glossary](https://www.safeworkaustralia.gov.au/glossary).

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1. Fields with an Asterix\* align with Recommendation 3 of the Senate inquiry report (Senate Education and Employment References Committee, 2018, p. vii). [↑](#footnote-ref-1)
2. https://www.safeworkaustralia.gov.au/law-and-regulation/whs-regulators-and-workers-compensation-authorities-contact-information/how-do-regulators-enforce-whs-laws [↑](#footnote-ref-2)
3. In the Northern Territory, a person convicted of an offence may be required to pay a financial assistance levy for victim(s) of the breach (i.e., the injured worker, or family of a worker who was killed). [↑](#footnote-ref-3)
4. Adapted from Australian Transport Safety Bureau injury categories in [ATSB Investigations](https://www.atsb.gov.au/investigation-reports) [↑](#footnote-ref-4)
5. *Australia and New Zealand Standard Industrial Classification (ANZSIC)*, 2006: [https://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/1292.0](https://www.abs.gov.au/AUSSTATS/abs%40.nsf/mf/1292.0) [↑](#footnote-ref-5)
6. Source: https://www.safeworkaustralia.gov.au/doc/type-occurrence-classification-system-toocs-3rd-edition-may-2008 [↑](#footnote-ref-6)
7. https://www.safeworkaustralia.gov.au/glossary [↑](#footnote-ref-7)