

Department of Labour Health and Safety Prosecutions

Charge Summary Statistics – to 30 June 2007 (by date of decision)

Legislation	Accident	Complaint	Incident	Inspection	Total
Asbestos Regulations 1998	5	5	5		15
Building Act 2004	1				1
Has Subst (Fireworks) Regs 2001	2	1			3
Health and Safety in Employment Act 1992	2603	121	179	370	3273
Health and Safety in Employment Regs 1995	54	9	12	22	97
Mining Underground Regulations 1999	1				1
Press Equip, Cranes & Pas. RpwY Regulations 1999	5		7		12
Summary Offences Act 1981				1	1
Total	2671	136	203	393	3403

Legislation	Convicted	Discharged	Dismissed	Withdrawn	Total
Asbestos Regulations 1998	10			5	15
Building Act 2004	1				1
Has Subst (Fireworks) Regs 2001	3				3
Health and Safety in Employment Act 1992	2248	12	181	832	3273
Health and Safety in Employment Regs 1995	66		1	30	97
Mining Underground Regulations 1999				1	1
Press Equip, Cranes & Pas. RpwY Regulations 1999	9	1	1	1	12
Summary Offences Act 1981			1		1
Total	2337	13	184	869	3403

Department of Labour Health and Safety Prosecutions

Statistics on Section Breaches - Number of prosecutions and fine levels - to 30 June 2007 (by Legislation)

Asbestos Regulations 1998

For Breach of Section	Prosecutions	Number of Convicted and Fined	Highest Fine	Lowest Fines	Total Fines (\$)	Average Fine	Average Reparation	Average Penalty
5	5	4	\$4,000	\$1,000	\$10,000	\$2,500	-	\$2,500
6	1	-	-	-	-	-	-	-
7	1	-	-	-	-	-	-	-
9	2	1	\$750	\$750	\$750	\$750	-	\$750
13	2	1	\$4,000	\$4,000	\$4,000	\$4,000	-	\$4,000
18	4	2	\$750	\$500	\$1,250	\$625	-	\$625
Total	15	8	\$4,000	\$500	\$16,000	\$2,000	-	\$2,000

Building Act 2004

For Breach of Section	Prosecutions	Number of Convicted and Fined	Highest Fine	Lowest Fines	Total Fines (\$)	Average Fine	Average Reparation	Average Penalty
80	1	1	\$40,000	\$40,000	\$40,000	\$40,000	\$16,692	\$56,692
Total	1	1	\$40,000	\$40,000	\$40,000	\$40,000	\$16,692	\$56,692

Has Subst (Fireworks) Regs 2001

For Breach of Section	Prosecutions	Number of Convicted and Fined	Highest Fine	Lowest Fines	Total Fines (\$)	Average Fine	Average Reparation	Average Penalty
6	3	1	\$5,000	\$5,000	\$5,000	\$5,000	\$10,000	\$15,000
Total	3	1	\$5,000	\$5,000	\$5,000	\$5,000	\$10,000	\$15,000

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Statistics on Section Breaches - Number of prosecutions and fine levels - to 30 June 2007 (by Legislation)

Health and Safety in Employment Act 1992

For Breach of Section	Prosecutions	Number of Convicted and Fined	Highest Fine	Lowest Fines	Total Fines (\$)	Average Fine	Average Reparation	Average Penalty
6	1,398	1,093	\$225,000	\$200	\$7,285,825	\$6,809	\$11,474	\$8,734
7	204	89	\$20,000	\$100	\$312,400	\$3,550	\$3,000	\$3,578
8	4	1	\$6,500	\$6,500	\$6,500	\$6,500	-	\$6,500
9	2	-	-	-	-	-	-	-
10	42	17	\$5,000	\$250	\$44,250	\$2,603	-	\$2,603
12	58	24	\$12,500	\$500	\$54,850	\$2,385	\$5,000	\$2,494
13	296	140	\$20,000	\$130	\$572,630	\$4,120	\$6,063	\$4,437
15	143	88	\$50,000	\$500	\$530,800	\$6,172	\$17,135	\$9,147
16	272	169	\$40,000	\$200	\$920,350	\$5,646	\$11,928	\$7,140
17	50	34	\$15,000	\$100	\$80,300	\$2,433	\$3,798	\$2,585
18	270	153	\$25,000	\$300	\$818,350	\$5,384	\$12,222	\$8,145
18A	5	4	\$35,000	\$5,000	\$60,500	\$15,125	\$19,772	\$25,011
19	183	105	\$9,000	\$150	\$122,750	\$1,180	\$2,852	\$1,359
25	175	86	\$5,000	\$100	\$107,500	\$1,280	\$1,150	\$1,277
26	95	39	\$6,500	\$200	\$55,200	\$1,453	\$1,500	\$1,454
39	34	25	\$3,000	\$150	\$28,850	\$1,154	-	\$1,154
42	2	-	-	-	-	-	-	-
43	21	11	\$10,000	\$250	\$40,000	\$3,636	-	\$3,636
48	17	7	\$5,000	\$500	\$8,350	\$1,193	-	\$1,193
56	2	-	-	-	-	-	-	-
Total	3,273	2,085	\$225,000	\$100	\$11,049,405	\$5,403	\$11,377	\$6,920

Department of Labour Health and Safety Prosecutions

Statistics on Section Breaches - Number of prosecutions and fine levels - to 30 June 2007 (by Legislation)

Health and Safety in Employment Regs 1995

For Breach of Section	Prosecutions	Number of Convicted and Fined	Highest Fine	Lowest Fines	Total Fines (\$)	Average Fine	Average Reparation	Average Penalty
4	2	1	\$2,500	\$2,500	\$2,500	\$2,500	-	\$2,500
14	1	-	-	-	-	-	-	-
16	1	-	-	-	-	-	-	-
17	4	1	\$8,000	\$8,000	\$8,000	\$8,000	-	\$8,000
18	2	1	\$3,000	\$3,000	\$3,000	\$3,000	-	\$3,000
20	3	3	\$25,000	\$3,000	\$40,000	\$13,333	\$8,000	\$16,000
21	24	21	\$22,000	\$150	\$84,700	\$4,033	\$8,000	\$4,414
22	2	2	\$4,500	\$750	\$5,250	\$2,625	-	\$2,625
24	1	-	-	-	-	-	-	-
26	37	18	\$2,500	\$250	\$18,900	\$1,050	-	\$1,050
48	2	1	\$500	\$500	\$500	\$500	-	\$500
49	2	2	\$1,000	\$500	\$1,500	\$750	-	\$750
52	1	1	\$2,000	\$2,000	\$2,000	\$2,000	-	\$2,000
53	5	3	\$4,000	\$2,500	\$9,000	\$3,000	-	\$3,000
55	1	1	\$3,000	\$3,000	\$3,000	\$3,000	\$7,500	\$10,500
56	2	2	\$4,500	\$4,500	\$4,500	\$4,500	\$1,919	\$4,169
67	7	3	\$7,500	\$400	\$8,300	\$2,767	-	\$2,767
Total	97	60	\$25,000	\$150	\$191,150	\$3,240	\$5,468	\$3,641

Department of Labour Health and Safety Prosecutions

Summary of Decisions - 1993 to 30 June 2007

Legislation	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Asbestos Regulations 1998	15	10	0	0	5	\$16,000	\$2,000	\$0	\$0
Building Act 2004	1	1	0	0		\$40,000	\$40,000	\$16,692	\$16,692
Has Subst (Fireworks) Regs 2001	3	3	0	0		\$5,000	\$5,000	\$10,000	\$10,000
Health and Safety in Employment Act 1992	3,273	2,248	12	181	832	\$11,049,405	\$5,403	\$3,378,948	\$11,377
Health and Safety in Employment Regs 1995	97	66	0	1	30	\$191,150	\$3,240	\$27,338	\$5,468
Mining Underground Regulations 1999	1	0	0	0	1	\$0	\$0	\$0	\$0
Press Equip, Cranes & Pas. RpwY Regulations 1999	12	9	1	1	1	\$15,500	\$3,875	\$0	\$0
Summary Offences Act 1981	1	0	0	1	0	\$0	\$0	\$0	\$0
Total	3,403	2,337	13	184	869	\$11,317,055	\$5,343	\$3,432,978	\$11,293

Department of Labour Health and Safety Prosecutions

Summary of Decisions by Financial Year

Financial Year 1993-1994	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	172	108	0	19	45	\$276,800	\$2,824	\$11,000	\$5,500
Total	172	108	0	19	45	\$276,800	\$2,824	\$11,000	\$5,500

Financial Year 1994-1995	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	418	256	0	21	141	\$787,100	\$3,393	\$0	\$0
Total	418	256	0	21	141	\$787,100	\$3,393	\$0	\$0

Financial Year 1995-1996	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	449	280	0	45	124	\$1,097,950	\$4,256	\$0	\$0
Total	449	280	0	45	124	\$1,097,950	\$4,256	\$0	\$0

Financial Year 1996-1997	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	270	173	0	16	81	\$878,000	\$5289	\$0	\$0
Health and Safety in Employment Regs 1995	15	11	0		4	\$20,750	\$1,886	\$0	\$0
Total	285	184	0	16	85	\$898,750	\$5,078	\$0	\$0

Summary of Decisions by Financial Year (continued)

Financial Year 1997-1998	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	182	147		7	28	\$650,230	\$4,712	\$0	\$0
Health and Safety in Employment Regs 1995	14	11			3	\$63,000	\$5,727	\$0	\$0
Total	196	158		7	31	\$713,230	\$4,787	\$0	\$0

Financial Year 1998-1999	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	268	196	0	10	62	\$915,425	\$5,058	\$0	\$0
Health and Safety in Employment Regs 1995	9	5	0	0	4	\$12,500	\$3,125	\$0	\$0
Total	277	201	0	10	66	\$927,925	\$5,016	\$0	\$0

Financial Year 1999-2000	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	1	1	0	0	0	\$3,000	\$3,000	\$0	\$0
Health and Safety in Employment Act 1992	250	171	0	15	64	\$794,450	\$4,844	\$0	\$0
Health and Safety in Employment Regs 1995	6	4	0	0	2	\$2,750	\$917	\$0	\$0
Total	257	176	0	15	66	\$800,200	\$4,763	\$0	\$0

Summary of Decisions by Financial Year (continued)

Financial Year 2000-2001	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	1	1	0	0	0	\$1,000	\$1,000	\$0	\$0
Health and Safety in Employment Act 1992	168	133	0	6	29	\$676,300	\$5,367	\$0	\$0
Health and Safety in Employment Regs 1995	9	6	0	0	3	\$9,250	\$2,313	\$0	\$0
Press Equip, Cranes & Pas. Rpwv Regulations 1999	1	1	0	0	0	\$0	\$0	\$0	\$0
Total	179	141	0	6	32	\$686,550	\$5,241	\$0	\$0

Financial Year 2001-2002	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	5	3	0	0	2	\$8,500	\$2,833	\$0	\$0
Health and Safety in Employment Act 1992	260	180	5	5	70	\$101,7700	\$6,058	\$2,800	\$1,400
Health and Safety in Employment Regs 1995	8	6	0	0	2	\$5,250	\$875	\$0	\$0
Press Equip, Cranes & Pas. Rpwv Regulations 1999	2	1	0	0	1	\$2,500	\$2,500	\$0	\$0
Total	275	190	5	5	75	\$103,3950	\$5,809	\$2,800	\$1,400

Financial Year 2002-2003	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	200	147	6	11	36	\$808,000	\$6,168	\$82,070	\$3,568
Health and Safety in Employment Regs 1995	6	3	0	0	3	\$28,350	\$9,450	\$0	\$0
Total	206	150	6	11	39	\$836,350	\$6241	\$82,070	\$3,568

Summary of Decisions by Financial Year (continued)

Financial Year 2003-2004	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	4	4	0	0	0	\$1,500	\$750	\$0	\$0
Has Subst (Fireworks) Regs 2001	1	1	0	0	0	\$0	\$0	\$0	\$0
Health and Safety in Employment Act 1992	172	125	0	3	44	\$561,750	\$5,852	\$389,747	\$7,795
Health and Safety in Employment Regs 1995	8	5	0	0	3	\$2,050	\$683	\$0	\$0
Press Equip, Cranes & Pas. Rpwly Regulations 1999	1	1	0	0	0	\$2,000	\$2,000	\$0	\$0
Total	186	136	0	3	47	\$567,300	\$5,562	\$389,747	\$7,795

Financial Year 2004-2005	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	3	1	0	0	2	\$2,000	\$2,000	\$0	\$0
Has Subst (Fireworks) Regs 2001	2	2	0	0	0	\$5,000	\$5,000	\$10,000	\$10,000
Health and Safety in Employment Act 1992	204	135	0	12	56	\$917,150	\$7,839	\$967,353	\$10,630
Health and Safety in Employment Regs 1995	8	6	0	1	1	\$18,000	\$3,600	\$18,838	\$6,279
Press Equip, Cranes & Pas. Rpwly Regulations 1999	5	4	0	1	0	\$0	\$0	\$0	\$0
Total	222	148	0	14	60	\$942,150	\$7,598	\$996,191	\$10,486

Summary of Decisions by Financial Year (continued)

Financial Year 2005-2006	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Asbestos Regulations 1998	1	0	0	0	1	\$0	\$0	\$0	\$0
Building Act 2004	1	1	0	0		\$40,000	\$40,000	\$16,692	\$16,692
Health and Safety in Employment Act 1992	114	88	1	6	19	\$732,800	\$9,160	\$1,127,660	\$17,349
Health and Safety in Employment Regs 1995	8	5	0	0	3	\$8,750	\$1,750	\$0	\$0
Mining Underground Regulations 1999	1		0	0	1	\$0	\$0	\$0	\$0
Press Equip, Cranes & Pas. RpwY Regulations 1999	2	1	1	0	0	\$1,000	\$1,000	\$0	\$0
Summary Offences Act 1981	1			1	0	\$0	\$0	\$0	\$0
Total	128	95	2	7	24	\$782,550	\$8,995	\$1,144,352	\$17,339

Financial Year 2006-2007	Total Charges Decided	Convicted	Discharged	Dismissed	Withdrawn	Total Fines	Average Fine	Total Reparation	Average Reparation
Legislation									
Health and Safety in Employment Act 1992	146	109	0	5	32	\$935,750	\$10,397	\$798,318	\$12,474
Health and Safety in Employment Regs 1995	6	4	0	0	2	\$20,500	\$5,125	\$8,500	\$4,250
Press Equip, Cranes & Pas. RpwY Regulations 1999	1	1	0	0	0	\$10,000	\$10,000	\$0	\$0
Total	153	114	0	5	34	\$966,250	\$10,171	\$806,818	\$12,225