



Australian Government

Department of Employment and Workplace Relations

Office of the Federal Safety Commissioner



WHS Accreditation Scheme Company Compliance Policy



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Definition of Terms

Term	Definition
CAR	A Corrective Action Report (CAR) is a finding made by a Federal Safety Officer (FSO) during an audit that a company's Work Health and Safety Management System (WHSMS) fail to meet the requirement of the Criteria and/or where the company has not followed its WHSMS. When a CAR is raised, the company needs to take corrective action to ensure its WHSMS fully meets the Scheme criteria and is being implemented on site.
Company	A company accredited under the Work Health and Safety Accreditation Scheme. Where the Act and the Rules refer to a 'person' or an 'accredited person', this document refers to a 'company' or 'accredited company'.
Conditional Audit	An audit conducted on a company to meet any further condition(s) of its accreditation requiring an additional audit.
Fatality	A Fatality is a work-related occurrence that results directly or indirectly in the death of a person onsite (including deaths due to natural causes which occur on the project site).
FSC	Federal Safety Commissioner
FSO	Federal Safety Officers are consultants engaged by the OFSC to conduct audits under the Work Health and Safety Accreditation Scheme.
Immediate risk to health or safety	There is an immediate risk to health or safety if plant, systems of work and/or physical conditions at a workplace constitutes an immediate threat to the health or safety of employees, contractors, visitors and/or the public.
OFSC	Office of the Federal Safety Commissioner
Serious Incident	An event that resulted in, or had a credible potential ¹ to result in, any of the following: <ul style="list-style-type: none">• Permanent impairment or disability• Multiple serious injuries
The Act	<i>Federal Safety Commissioner Act 2022</i>
The Rules	<i>Federal Safety Commissioner (Accreditation Scheme) Rules 2023</i>
The Scheme	The Work Health and Safety Accreditation Scheme

¹ A credible potential is a situation where foreseeable circumstances and available facts indicate a serious incident as the most probable outcome if the hazard was fully realised.

Background

The Work Health and Safety Accreditation Scheme (the Scheme) is established under the *Federal Safety Commissioner Act 2022* (the Act) and the Federal Safety Commissioner (Accreditation Scheme) Rules 2023 (the Rules). The Federal Safety Commissioner (FSC) is the accrediting authority for the Scheme, and the Scheme is administered by the Office of the Federal Safety Commissioner (OFSC).

The Scheme aims to improve safety standards across the building and construction industry by leveraging Commonwealth funding. Under the Scheme, and subject to certain financial thresholds, only builders accredited by the FSC can enter into head contracts for building work that is funded directly or indirectly by the Australian Government.

Purpose

The Rules impose conditions on companies who obtain accreditation under the Scheme. These conditions require accredited companies to follow specific operational and reporting practices to maintain high standards of site safety.

This document sets out the framework the OFSC applies to ensure accredited companies comply with the conditions of accreditation. It also outlines the actions the OFSC may take if an accredited company is suspected of breaching its conditions of accreditation.

Conditions of Accreditation

Section 15 of the Federal Safety Commissioner (Accreditation Scheme) Rules 2023 (the Rules) provides the conditions that apply to all accredited companies. These conditions are imposed on a company at the time of accreditation and continue to apply for the duration of accreditation.

The following conditions apply to all accreditations:

- a) the accredited person must at all times have and implement appropriate WHS policies and procedures, and safe work practices;*
- b) the accredited person must comply with the performance requirements of the National Construction Code that relate to building materials;*
- c) the accredited person must agree to post-accreditation audits being carried out;*
- d) the accredited person must take all reasonable steps to facilitate the post-accreditation audits;*
- e) the accredited person must comply with the reporting requirements notified to the person under subsection (2) from time to time.*

Section 16 enables the FSC to impose further conditions at the time of awarding accreditation or anytime during an accreditation period.

Section 18 sets out the legislative sanctions available to the FSC. If the FSC is satisfied that an accredited company has breached a condition, legislative sanctions may apply.

1. WHS Policies and Procedures, and Safe Work practices

Section 15(1)(a) of the Rules requires an accredited company to have and implement appropriate WHS policies, procedures, and safe work practices at all times. This condition requires accredited companies to take all reasonable steps to identify and eliminate or

minimise safety hazards associated with building work. This must be reflected in documented WHS management systems (WHSMS) that are fully implemented by workers onsite. This condition extends to work undertaken by subcontractors.

A company meeting this condition is expected to achieve strong audit results with low levels of non-compliance with FSC Audit Criteria, have low incident frequency and severity, minimal notices issued by safety regulators.

The Federal Safety Commissioner will monitor an Accredited Companies compliance to s15(1)(a) through measures including:

- Undertaking desktop and on-site audits to check companies comply with the FSC Audit Criteria.
- Monitoring reporting of incidents to the OFSC.
- Monitoring incidents highlighted in the media.
- Reviewing State and Territory WHS Regulator notices (e.g. Improvement, Infringement and Prohibition) and prosecutions notified to the OFSC.
- Actioning referrals from, and information sharing with, other regulators.
- Actioning safety complaints received by the OFSC.

For more information on OFSC Audits refer to Appendix B below.

2. National Construction Code

Section 15(1)(b) requires an accredited company to comply with the performance requirements of the National Construction Code (NCC) that relate to building materials.

The NCC sets minimum standards related to building products for:

- Health and safety
- Amenity and accessibility
- Sustainability

These standards apply to the design, construction, performance, and liveability of new buildings and building work on existing buildings across Australia.

When applying for accreditation, a company's Chief Executive Officer (or equivalent) will be asked to sign a declaration agreeing to implement substantially the same WHSMS on all worksites going forward and declare that the company is complying and will comply with performance requirements of the National Construction Code that relate to building materials.

The Federal Safety Commissioner will monitor accredited companies compliance with s15(1)(b) through measures including:

- Undertaking on-site audits.
- Monitoring any non-compliance highlighted in the media.
- Actioning referrals from, and information sharing with, other regulators.
- Actioning complaints received by the OFSC.

In general, the OFSC will refer matters of potential non-compliance with the NCC to State and Territory building regulators for detailed investigation. This is consistent with the FSC's function of referring matters to other relevant regulators.

For more information on the NCC, visit the [OFSC website](#).

3. Post-accreditation Audits

Under Section 15(1)(c)-(d) of the Rules, accredited companies agree to post accreditation audits being carried out and take all reasonable steps to facilitate these audits.

Once accredited, companies are subject to ongoing on-site audits to verify continued suitability to hold accreditation. These post-accreditation audits provide assurance to the Government and the community that the construction work being undertaken by accredited companies is being carried out to the highest health and safety standards.

The frequency of OFSC audits depends on the company's risk rating and whether action is being taken in response to a fatality or serious incident (see sections below). An OFSC audit can be undertaken on any building site on which the accredited company is the head contractor – the site does not need to be government-funded building works. Refer below to Appendix B: OFSC Audits.

In seeking to schedule an audit, OFSC staff will engage with a company's nominated contact listed in the FSC Online Portal. Accredited companies are expected to actively maintain nominated contacts in the FSC Online Portal to ensure open communication can occur at all times.

In taking all reasonable steps to facilitate post-accreditation audits, accredited companies are expected to:

- respond promptly to OFSC requests to schedule audits (emails and phone calls).
- Engage constructively with the OFSC to identify suitable sites for audit, particularly sites where active high-risk construction work is occurring.
- Facilitate access to sites, WHS documentation, and ensure the relevant personnel attend the audit including senior management.
- not delay or cancel an audit without a valid reason.

Where an audit cannot be scheduled due to the unavailability of a suitable project (e.g. the accredited company has no active projects or is not working as a head contractor), the audit will be placed 'on hold'. The accredited company is expected to advise the OFSC as soon as a suitable project becomes available and OFSC staff will check-in with the nominated company contacts periodically to confirm site availability.

Where delay of an audit continues for an extended period, an accredited company will be expected to take all reasonable steps to facilitate an audit through a modified approach, such as submitting to a desktop review of its WHS management system rather than the usual on-site audit of safety systems and their implementation.

The OFSC acknowledges that there can be a change in circumstances that prevents an accredited company from being able to facilitate an audit in a suitable timeframe. The OFSC will consider each request for audit postponement on a case-by-case basis. Valid reasons for the cancellation or delay of an audit include:

- Inclement weather prevents site access or performance of the high-risk construction work planned to be observed.

- Project delays prevent performance of the high-risk construction work planned to be observed and there are no suitable alternative works.

In general, the unavailability of a corporate WHS staff member to attend an already confirmed audit is not an acceptable reason for the delay or cancellation of an audit (particularly larger companies). Audits can be successfully undertaken with site-based teams.

For more information refer to:

- [Fact Sheet - Corrective Actions and the Audit Process](#)
- [FSC Audit Criteria Guidelines](#)

4. WHS Performance Reporting

Section 15(1)(e) of the Rules requires accredited companies to comply with WHS performance reporting requirements as a condition of accreditation. The FSC notifies a company's CEO (or equivalent) of these requirements in writing when a company becomes accredited. Any changes to the requirements are also communicated via correspondence from the FSC to company CEOs. Current reporting requirements are available at any time on the OFSC website: [Accredited Company Reporting](#).

Reporting on WHS performance enables the OFSC to:

- Assess the ongoing suitability of companies to remain accredited under the Scheme.
- Determine WHS trends and benchmarks.
- Provide best practice advice to improve WHS awareness and culture in the building and construction industry.

All reports are to be submitted via [FSC Online](#). OFSC key reporting obligations include:

- **Safety Incident Reporting:** Companies must report four types of incidents occurring on their sites where they are the head contractor:
 - Fatality
 - Lost Time Injury (LTI)
 - Medically Treated Injury (MTI)
 - Dangerous Occurrence
- **Biannual Reporting:** Accredited companies must submit a Scheme Biannual Report every six months covering project data and WHS performance indicators (e.g. workers compensation premium rates and claims incident rates).
- **Contract Declaration Reporting:** Companies must submit a Contract Declaration when a contract is signed for building work directly or indirectly funded by the Australian Government. Refer to www.fsc.gov.au for financial thresholds.

Compliance with incident reporting timeliness is checked via each reported incident and when reviewing biannual report data. Compliance with Scheme Biannual Report timeframes is monitored for each company individually and follow-up action is taken to ensure the submission of any outstanding reports.

Where reporting is not possible in the required timeframes, companies are expected to provide the OFSC with a reasonable explanation for why the deadline was not met. This should be done as close to the passed date as possible.

Repeated late or non-reporting of Incident or Scheme Biannual Reports without a reasonable explanation is considered a serious breach of this condition of accreditation, and the FSC has the power to impose compliance action if this condition is breached.

5. Compliance Model

Approach to Compliance and Risk-based Model

The OFSC adopts a risk-based and proportionate approach to any concerns it has with an accredited company's compliance with its conditions of accreditation. Our preference is to intervene early to prevent small issues from becoming bigger and to work collaboratively with companies to achieve voluntary compliance.

The OFSC uses a graduated compliance model aligned with the Regulatory Pyramid (refer to Appendix A below), aiming to use the lowest level possible to achieve compliance. Actions are selected proportionally based on:

- The severity of the non-compliance
- The risk posed to health and safety of workers or others
- The company's willingness and capacity to address issues in a timely manner
- The company's compliance history

The range of responses the OFSC may take in response to concerns about a company's compliance with conditions of accreditation are outlined in Section 6 below. In taking any compliance action, the OFSC will be:

- Transparent: We will be clear about what our concerns are, what we expect and the consequences of not addressing those concerns.
- Risk-based and proportionate: We will assess the risks of concerns we hold and take action in line with that risk. Companies that pose higher levels of risk, repeatedly raise non-compliance concerns or have multiple non-compliance issues can expect more rigorous compliance action.
- Fair: We will afford you the opportunity to put your side of the story and consider it objectively.
- Timely: We will act in a timely manner.

Accredited companies are assigned a **risk rating** (low, medium, or high) based on our ongoing monitoring of compliance with conditions of accreditation. This rating determines:

- Frequency of audits
- Reaccreditation process complexity
- Ability to be considered for joint accreditation

Risk ratings are visible to companies via FSC Online. **The OFSC does not publicly discuss or externally publish an accredited company's risk rating.** A decision to change an accredited company's risk rating is not a reviewable decision under the Rules.

Further information regarding the Scheme's risk framework is available on the [OFSC website](#).

6. Compliance Measures

Where the OFSC detects non-compliance and risk we may take action to encourage or secure compliance with an accredited company's conditions of accreditation. We may use more than one form of action at a time to secure compliance with the conditions of accreditation.

There are four types of compliance measures:

- 1. Support and education**
Used for minor non-compliance and general awareness raising about how compliance can be achieved by accredited companies. This generally involves referring companies to available educational resources which explain how to achieve compliance with OFSC requirements or provide examples of the good practice in achieving compliance.
- 2. Administrative Compliance Measures**
Used for minor non-compliance. These include reminders, requests for information or documentation (including action plans to address non-compliance), follow-up audits, and requests for incident and notices details. They allow companies to address issues collaboratively without more severe compliance measures.
- 3. Legislative Compliance Measures**
Imposed under section 16 of the Rules for mid-range non-compliance concerns. Conditions are tailored to the nature of the suspected non-compliance and are aimed at directing an accredited company's actions to achieve compliance or provide additional assurance that compliance has been achieved. These include conditional audits, improvement plans, and requirements for documentation or training. Companies are given procedural fairness and an opportunity to respond.
- 4. Legislative Sanctions**
Imposed under Section 18 of the Rules for breaches of accreditation conditions. Sanctions include further conditions, suspension, or revocation of accreditation. These are used for serious non-compliance with conditions of accreditation, when there is a need to denounce or deter particular action (or inaction), or to protect the health and safety of workers or others.

Where appropriate, and permitted by legislation, the FSC may share information about compliance actions (including suspensions) with other Commonwealth, State, or Territory WHS regulators and relevant funding agencies.

7. Administrative Compliance Measures

Administrative compliance measures are used where a minor non-compliance with Scheme requirements is identified.

Administrative compliance measures allow the accredited company an opportunity to address issues in consultation with the OFSC without the imposition of legislative compliance measures.

Administrative Compliance Triggers

Without limiting the factors that can be taken into account, the OFSC may use an administrative compliance action when:

- a. the company's audit results raise concerns, for example where the CAR numbers are higher than is expected for an accredited company;
- b. the company is late in meeting reporting requirements;
- c. the company has not made reasonable efforts to facilitate an audit; and/or
- d. the company experiences a WHS incident that is deemed to be of concern but is less serious than an incident that resulted in, or would likely result in, a personal injury or dangerous occurrence.

Administrative Compliance Actions

Administrative actions may take the form of, but are not limited to:

- a. a reminder to submit a late report;
- b. a request for an action plan outlining how non-conformances will be addressed (currently requested where there are any open CARs following an audit);
- c. a requirement to provide evidence that non-conformances have been addressed, for review by a Federal Safety Officer (FSO);
- d. a follow-up audit to confirm that non-conformances have been addressed or to examine particular FSC Audit Criteria; and/or
- e. a request for information from the company on how it has responded to a particular WHS incident or unsafe practice.

8. Legislative Compliance Measures

Legislative compliance measures may be imposed by the FSC in relation to more serious non-conformance with Scheme requirements.

If the FSC commences a legislative compliance measure, the reasons for the action will be given in writing and the accredited company will be provided an opportunity to rectify non-compliances. Companies can expect the FSC to provide procedural fairness, that is:

- a. the FSC will allow a company an adequate opportunity to present their case and respond to the FSC's concerns; and
- b. the FSC will make decisions regarding compliance action in a way that is objective and free from any bias.

Show Cause

The FSC provides companies with opportunities to address non-conformance with Scheme requirements before taking legislative compliance action or imposing a sanction (except with work-related fatalities in which case the FSC undertakes immediate legislative compliance action).

Before taking legislative compliance action or imposing a sanction, the FSC will send the accredited company a request to Show Cause letter. The Show Cause letter will disclose the matters that will be taken into account before the FSC makes a decision as to whether legislative compliance action or a sanction is appropriate.

The company will be given the opportunity to formally respond in writing to the concerns outlined in the Show Cause letter. The company may wish to provide evidence of actions undertaken to remedy identified issues and/or clarify any aspect of the issues raised.

The FSC will consider the accredited company's response when considering what action will be taken.

Legislative Compliance Triggers

Without limiting the factors that can be taken into account, the FSC may take legislative compliance action when:

- a. the company's audit results raise significant concerns, for example where an unacceptably high number of CARs are raised at audit (particularly major CARs or CARs raised against hazard criteria) or the number of CARs that remain open after two or more audits is high;
- b. significant issues are found during an audit, for example where an immediate risk to health or safety is identified;
- c. the company experiences a significant WHS incident; and/or
- d. the company is repeatedly late in meeting its reporting requirements of the Scheme.

The FSC automatically takes legislative compliance action when an accredited company reports an on-site fatality. Refer to 'Fatalities' below for more information.

Legislative Compliance Actions

Legislative compliance actions are further conditions that the FSC may impose on an accredited company's accreditation under section 16 of the Rules.

Compliance conditions imposed under section 16 are designed to encourage cooperation and improvement. The conditions will be tailored to ensure the specific area of non-conformance is being addressed effectively and that the company can return to full compliance with accreditation requirements.

Legislative compliance actions may include, but are not limited to:

- a. conditional audits;
- b. an improvement plan;
- c. a requirement to provide specific documentation (e.g. reports or WHS policies/procedures);
- d. a requirement to undertake or provide particular WHS training;
- e. self-audits;
- f. a statement of lessons learnt;
- g. detailed information regarding a company's response to a WHS incident; and/or
- h. increased reporting requirements.

All companies that have been issued with further conditions of accreditation can expect to have their risk rating reviewed.

If an accredited company fails to comply with a legislative compliance action, they are in breach of their conditions of accreditation and may have further section 16 conditions of accreditation or legislative sanctions imposed.

9. Legislative Sanctions

Legislative sanctions can be imposed by the FSC in response to a breach of a condition of accreditation. Legislative sanctions will only be imposed after a company has been provided with an opportunity to show cause why the action is not appropriate. The show cause process is outlined at section 8 above.

Legislative Sanctions Triggers

Without limiting the factors that the FSC can take into account, the FSC may consider a sanction appropriate when:

- a. A company has repeated poor audit outcomes, and previous administrative or legislative compliance actions have failed to address the issues;
- b. the company's actions pose, or have posed, represents an immediate threat to health or safety
- c. the company has failed to comply with a legislative compliance action;
- d. the company repeatedly fails to take reasonable steps to facilitate audits;
- e. the company fails to comply with the reporting requirements of the Scheme; and/or
- f. a company's response to a fatality is considered by the FSC to be inadequate to ensure compliance with the conditions of accreditation (see Fatality below).

The FSC will determine the degree to which these and other factors are in evidence in deciding on the appropriate sanction and time period that sanction will apply.

Legislative Sanctions

Sanctions are provided for under Section 18 of the Rules and take the form of:

- a. further conditions of accreditation under paragraph 18(1)(a);
- b. suspension of accreditation under paragraph 18(1)(b); and
- c. revocation of accreditation under paragraph 18(1)(c) and subsection 18(2).

All accredited companies that have had legislative sanctions imposed in the form of Section 18 further conditions are rated 'High' risk.

10. Substantially the same WHSMS on all projects

While not a condition of accreditation under the Rules, it is expected that accredited companies use substantially the same WHSMS across all building and construction projects, regardless of how the projects are funded. This ensures accredited companies have the same health and safety standards on all projects – those funded by the Government and those funded privately.

- Company CEOs must declare this commitment when applying for accreditation and reaffirm the declaration during reaccreditation.
- The OFSC will consider granting a transitional period for newly accredited companies to apply substantially the same WHSMS on all projects on a case-by-case basis. This must be agreed as part of the accreditation process and reflected in the accreditation approval letter issued to the company.
- Where a joint venture or alliance is taking place, the OFSC's expectation is that an accredited company's WHSMS will be nominated and actively implemented on the project. More information about joint ventures is available on the [OFSC website](#).

Failure to meet this expectation without reasonable excuse will result in the expectation being imposed as a condition of accreditation under section 16 of the Rules.

11. Fatalities

Where a fatality occurs on any project where an accredited company is the head contractor, the accredited company must report that incident to the OFSC within 48 hours of it occurring.

A work-related fatality at an accredited company may indicate the company has not met its condition of accreditation to have and implement appropriate WHS policies, practices and safe work practices. The FSC investigates all work-related fatalities to ensure the incidents have been thoroughly investigated by the accredited company and where system failures are identified, changes to work processes and procedures have occurred to eliminate/minimise the likelihood of similar incidents in future.

Once a fatality is reported, the FSC will initially make an assessment to determine if the fatality was work-related. Accredited companies may be asked for additional information about the fatal incident to assist in this assessment. If it is assessed to not be work-related (e.g. circumstances reasonably indicate the deceased died of natural causes or in a manner unrelated to work), the FSC will not take any further steps and provisionally close the matter pending official confirmation of the cause of death from the Coroner. The FSC reserves the right to reopen any provisionally closed incident based on the Coroner's findings.

If the fatality is assessed to be work-related, the OFSC's post-fatality process is applied. The process consists of three stages:

- **Stage 1, Facts:** Understand as best as possible the circumstances of the fatality and the work processes intended to be (and actually) used in relation to that work.
- **Stage 2, Response:** the accredited company must satisfy the FSC the actions taken in response to the fatality are appropriate and eliminate or minimise the likelihood of a similar event occurring again in future. The response actions must be systemic, company-wide actions which have clearly considered the hierarchy of controls.
- **Stage 3, Verification:** the FSC will undertake an onsite audit to verify the response actions identified from stage 2 have been fully implemented onsite. The audit will also review FSC Audit Criteria related to the fatality (these will be selected on a case-by-case basis). The audit outcome is expected to show all response actions have been fully implemented and strong compliance with the selected audit criteria.

To support the post-fatality process, the FSC will impose legislative compliance measures on the company's accreditation. These include the application of further conditions of accreditation under section 16 of the Rules and increasing the company's risk level to 'High' risk. As a minimum, the further conditions on accreditation will require:

- a. The accredited company to provide the FSC with information the FSC considers relevant to a fatality and steps the accredited company has and will take to prevent similar and further near miss incidents, injuries or fatalities. This may include but is not limited to documentation and information relating to the deceased person's work duties, timeline of relevant events, site records, safety policies and procedures, investigation findings, and any resulting changes to safety systems.
- b. A meeting between the accredited company's CEO/Managing Director (or equivalent senior manager) and the FSC.
- c. One or more conditional audits.

Where a fatality has occurred there will be no Show Cause process prior to the legislative compliance measures being imposed.

The FSC and OFSC representatives will engage regularly with accredited companies after a fatality is notified. Accredited companies should be responsive and reply promptly throughout the post-fatality process.

If the post fatality process demonstrates to the FSC that appropriate actions have been taken to eliminate/minimise the likelihood of similar incidents at a company-wide level, the process will be closed, the section 16 conditions lifted, and the company's risk level reduced to 'Medium' risk.

If the company fails to meet the section 16 post-fatality conditions of accreditation, appropriate response actions to the fatality cannot be agreed, or if the results of the post-fatality audit show incomplete implementation of response actions, inappropriate response actions in a live working environment, or poor general compliance with FSC Audit Criteria, the FSC may consider the imposition of legislative sanctions. Such sanctions would be in response to a breach of either the post-fatality section 16 further conditions or the general section 15 condition to have appropriate WHS policies, procedures and safe work practices. Companies must be afforded an opportunity to show cause why a legislative sanction should not be applied in these circumstances, and any response must be considered by the FSC in making a final decision.

The OFSC reviews the outcome of other post-fatality inquiries (e.g. Coronial findings or State and Territory WHS prosecutions) related to a fatality. If subsequent inquiries identify new contributing factors not considered in the OFSC's post-fatality process, the FSC may reopen a closed process to ensure any new factors are addressed. The FSC may exercise any or all of their compliance powers as relevant when a post-fatality process is reopened.

12. Serious Injuries, Diseases or Incidents

The OFSC will take action in relation to companies that have serious health and safety incidents at their projects.

The OFSC identifies serious incidents via required incident reporting from companies, monitoring of media reporting and sharing of information with other safety regulators.

Where a serious incident occurs, the OFSC will consider the need to bring forward the date of a company's next audit and to focus that audit on matters related to the serious incident. To inform this decision, the OFSC will write to the company seeking additional information about the incident and the actions which have been taken in response.

13. Review of decisions

As set out in the Rules, the FSC's decision to impose a legislative compliance measure or sanction under sections 16 or 18 of the Rules is reviewable.

Reviewable decisions include, but are not limited to, decisions of the FSC to:

- a. impose a condition on an accreditation;
- b. suspend an accreditation; and
- c. revoke an accreditation.

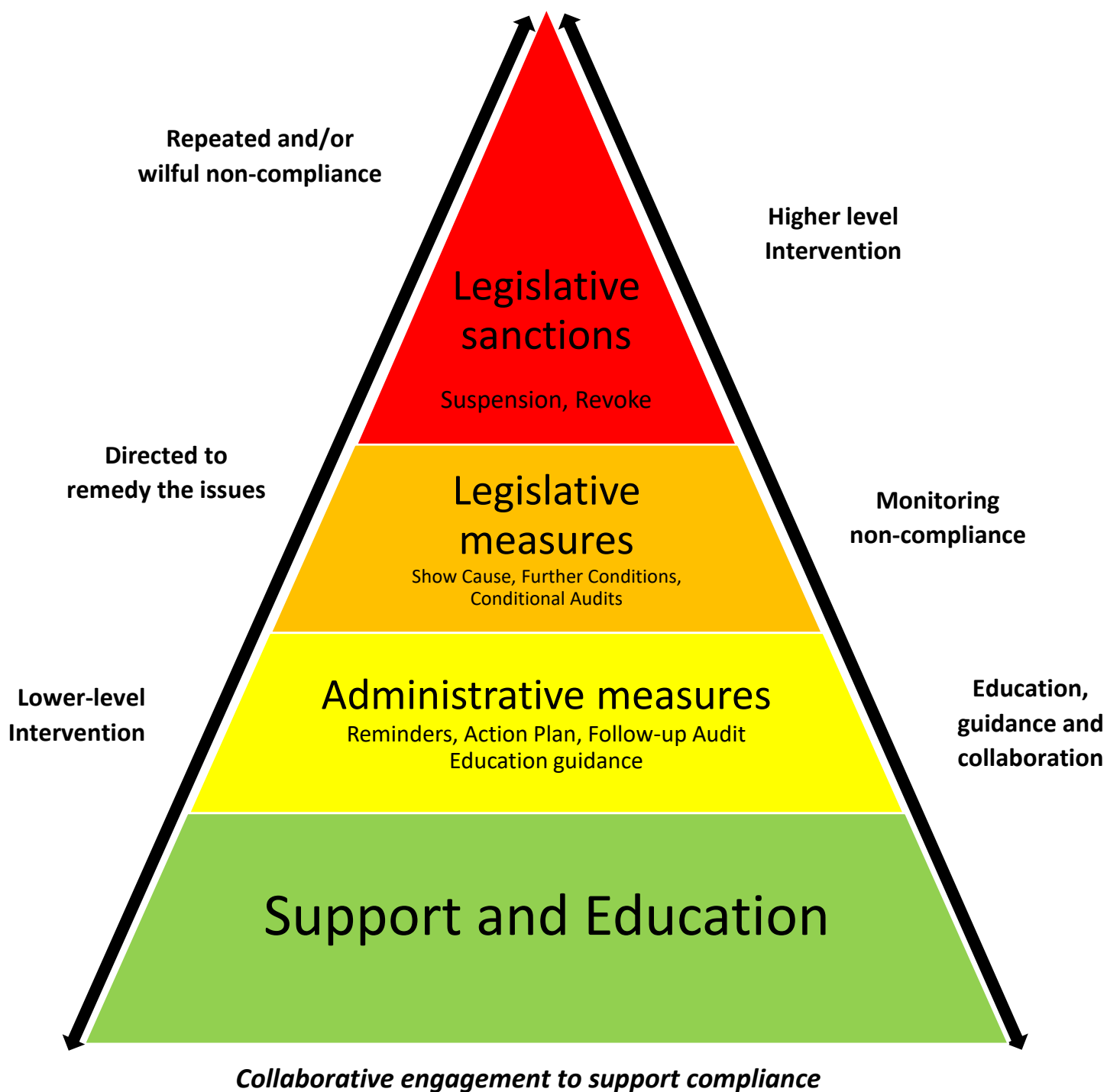
Where the FSC makes a decision that is reviewable under the Rules an affected person may seek a review of that decision. Affected persons are not limited to applicants for accreditation or accredited contractors.

All reviewable decisions made by the FSC will be outlined in writing to the relevant applicant or accredited company and include information on how a review may be sought.

Further details on how to make a complaint or apply for an internal review or review by the Administrative Review Tribunal are available on the [OFSC website](#).

Appendix A: OFSC Regulatory Model – Collaboration and Compliance

Enforcement action in response to serious or repeated breaches



Appendix B: OFSC Audits

Audits are conducted by an FSO against the FSC Audit Criteria and assess both system documentation and onsite implementation across three key areas:

1. WHS management systems criteria
2. Focus point criteria
3. Hazard criteria

If systems or onsite practices do not comply, a Corrective Action Report (CAR) will be issued:

A **Major CAR** is raised where:

- a company's WHSMS contains no documented process or system which meets the Criteria, or
- the company's WHSMS fails to meet the Criteria in a substantial way, or
- there is no evidence that a company's WHSMS is being implemented onsite, or
- a company has failed to implement its WHSMS onsite in a substantial way.

A **Minor CAR** is raised where:

- a company's WHSMS fails to meet the Criteria in a minor way, or
- a company has failed to implement its WHSMS onsite in a minor way.

The OFSC considers a range of factors when assessing audit outcomes, including:

- The company's risk rating
- The number of CARs issued for non-conformances with FSC Audit Criteria
- The severity of CARs (minor or major)
- The nature of CARs, taking into account the company's previous compliance and WHS performance history
- The closure rate of CARs raised at previous audits
- The number of CARs that remain open after a second review
- The level of senior management involvement and commitment during the audit process
- Any immediate onsite risks, trends in reported incidents, or significant incidents identified during the audit
- FSO comments and observations
- Action plan responses

Companies with one or more non-conformances raised at an audit may require follow up audits to verify that any corrective actions made to their system to address the non-conformance(s) have been implemented on site.

Based on the company's demonstrated willingness to facilitate and undertake audits, and the results of post accreditation audits, the frequency of auditing for a company may be adjusted. The Office of the Federal Safety Commissioner sets the frequency of post accreditation audits based on individual risk of meeting the Scheme requirements.

Companies demonstrating a high level of compliance over time will receive a 'Low' risk rating which provides benefits such as fewer safety audits, reduced post-audit actions, and a streamlined reaccreditation process.

Companies with inconsistent or history of non-compliance receive higher risk ratings, leading to more frequent audits, and may have more intensive post audit or ongoing actions to complete. As well as a more extensive reaccreditation process, including a reaccreditation audit.

The OFSC works closely with higher rated companies to improve their level of compliance, and in 'high risk' cases the formal compliance process will be enacted.

While the OFSC will continue to work with committed companies to improve the level of WHS within their organisations and the industry generally, the FSC has the power to suspend or revoke a company's accreditation should they not be maintaining the required safety standards.