

**PROTOCOL FOR THE RECOVERY OF FINES**  
**FOLLOWING A COURT ORDER**  
**IN THE INDUSTRIAL RELATIONS COMMISSION OF NSW**  
**OR THE LOCAL COURT**

**WORKCOVER AUTHORITY OF NSW**  
**ATTORNEY GENERAL'S DEPARTMENT**  
**STATE DEBT RECOVERY OFFICE**

**AGREEMENT**

1. Following discussions between representatives of the WorkCover Authority of NSW (WorkCover), the Industrial Relations Commission of NSW (the IRC), the Attorney General's Department (AG's) and the State Debt Recovery Office ( the SDRO), agreement has been reached as to the manner in which the IRC, Local Courts and the SDRO will liaise with WorkCover with respect to the recovery of a fine or penalty imposed by either the IRC or a Local Court pursuant to the operation of *Fines Act 1996*. WorkCover is dependent upon the Courts and the SDRO for the recovery of Court awarded fines and penalties imposed for offences under the *Occupational Health, and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001* (the OHS legislation)
2. WorkCover has no statutory role under the *Fines Act 1996* in relation to the recovery of fines or penalties. The *Fines Act 1996* provides for the IRC, Local Courts and the SDRO to undertake recovery action.
3. Pursuant to section 122 of the *Fines Act 1996* WorkCover may recover up to one half of any fine or penalty imposed following conviction for an offence under the OHS legislation.
4. Each of the parties to this Protocol acknowledge and agree for the need to have in place processes and procedures that ensure the prompt recovery of fines and penalties imposed under the OHS legislation particularly in circumstances where the offence involves a

workplace fatality or incident of serious injury. Each party agrees to work co operatively to put in place within four weeks from the date of this document processes that achieve:

- Immediate notification to WorkCover by the IRC and Local Courts of all orders made by the respective Court for the payment of fines arising out of the conviction for an offence under the OHS legislation.
  - The provision of monthly status reports to WorkCover by the IRC and Local Courts of all OHS matters the subject of time to pay arrangements.
  - Agreement with WorkCover as to the terms and conditions on which time to pay arrangements may be accepted for a fine imposed for an offence under the OHS legislation.
  - The provision of monthly status reports to WorkCover by the SDRO of all OHS matters which have been referred to the SDRO for recovery and enforcement action.
  - An evaluation of the effectiveness of current Court and SDRO practices for the recovery of fines imposed under the OHS legislation.
5. The parties to this Protocol agree that in the event of a failure to meet the goals set out at para. 4, the issue is to referred to each responsible agency head for discussion and resolution.

Dated this                      day of                      2004.

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**Jon Blackwell**  
**Chief Executive Officer**  
**WorkCover Authority of NSW**

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**Laurie Glanfield**  
**Director General**  
**Attorney General's**  
**Department**

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**Brian Robertson**  
**Director,**  
**State Debt Recovery Office**