

WorkSafe

TE PŪRONGO O MAHI HAUMARU AOTEAROA

1 April – 30 June 2024



Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumarū Aotearoa

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Executive Summary

1. *The information contained in this report will be covered in more detail in the Annual Report 2023/24, which is subject to external audit by Deloitte. The audited Annual Report will be presented to the House of Representatives and published on the WorkSafe website by the end of November.*
2. *The contents of the quarter four report has been rearranged to incorporate feedback provided by the monitoring department, the Ministry of Business, Innovation and Employment.*

In 2023/24, WorkSafe had a number of challenges, including an almost \$18 million deficit. After a combined effort by all staff throughout the year, WorkSafe finished 2023/24 with a surplus of \$3.2 million and met all the performance targets set in the Statement of Performance Expectations 2023/24. WorkSafe will continue to build on the progress that has been made to ensure financial sustainability and to deliver its regulatory functions.

Quarter 4 at a glance

WorkSafe people	There were 595 FTEs at the end of Q4 2023/24, a decrease of 14 compared to 609 in Q3, and a difference of 153 compared to 748 in Q4 2022/23. All staff turnover for Q4 remained static at 29.4% unchanged from Q3.
Finance	WorkSafe has a surplus of \$3.2m compared to a budgeted surplus of \$0.1m at the end of Q4. This positive variance is mainly due to lower than anticipated depreciation, ICT and communication costs, and the impact of organisational change.
Performance measures	WorkSafe performed steadily throughout 2023/24. All 13 out of 13 measures reported in Q4 and for 2023/24 were met.
Priority work programme	Work to implement the Strategic Baseline Review remains on track with 11 out of the 20 recommendations closing this quarter, adding to the 7 already closed. The remaining two are on track to close by October.

Focus for the next six months

- WorkSafe will focus on the **government priority of delivering public services** that are efficient, effective, and responsive.
- WorkSafe will **implement the remaining recommendations of the Strategic Baseline Review** and ensure the changes already made are embedded into its business-as-usual activities.
- WorkSafe will **support MBIE with the consultation on the health and safety at work system review**.
- WorkSafe will **commence the organisational design process** and share a consultation document with kaimahi in Q1, 2024/25. When the organisational design process is complete, the budget will be finalised for the remainder of the year. Note that the budget for Q1, 2024/25 will be based on current structure.
- WorkSafe will **finalise plans which give effect to the new strategy**.

Contributing to health and safety at work outcomes

WorkSafe contributes to the following health and safety at work outcomes through its influencing role in the key activities (Engage, Enforce and Permit), as described in its new strategy:

- focusing on what will make the biggest impact to reduce harm
- building everyone's capability to do this well

Engage

Education and training



Following a **hydraulic hammer incident** which resulted in extensive plant damage, WorkSafe engaged with the business and conducted an assessment. As a result, the business will develop a multi-disciplinary geothermal industry guideline that captures good industry practices aimed at mitigating risks associated with steam hammer to avoid another event. In addition, the business has made significant engineering changes at the damaged facility. As a result of the engagement with WorkSafe, the business has begun working with fellow geothermal operators and plans to initiate a sector-wide discussion at the next StayLive industry group meeting.

Publishing information and resources



WorkSafe has published **new guidance for businesses that import buildings into New Zealand that contain pre-installed electrical installations**. *Electrical safety for low voltage electrical installations in imported buildings* clarifies what must be done to ensure imported buildings are electrically safe before they are connected to an electricity supply in New Zealand.

WorkSafe has published **guidance and developed two new learning modules to help businesses that have volunteers understand what their Health and Safety at Work Act (HSWA) duties are and provide practical advice on how to keep volunteers healthy and safe**. The guidance and learning modules were developed and tested with help from Volunteering NZ and wider sector consultation.

WorkSafe **published an overview of health and safety risk and harm providing insights** about national health and safety performance across fatalities, serious and non-serious injuries, harmful exposures, and psychosocial factors.

Workplace assessments



WorkSafe inspectors continued to **conduct engineered stone assessments**, identifying varying levels of compliance, and culminating in enforcement measures. The ongoing assessments of engineered stonework practices have drawn considerable media attention due to their implications for workplace health and safety. Ongoing media interest highlights the importance of these inspections in maintaining transparency and accountability within the industry. WorkSafe inspectors are meeting with SafeWork New South Wales to draw lessons from their recent successful engineered stone prosecution.

WorkSafe inspectors completed a **forestry circuit (Tūrangi – Rangipo)**. It raised the profile of working at heights and provided educational content for contractors. Following Cyclone Gabrielle there was an increase in harvesting activity in the area with an increase in commercial vehicle movements and harvesting crews. Due to the increased activity, forest companies saw it as advantageous to have WorkSafe conduct assessment activities.

Advisory services



WorkSafe meets monthly with the Ministry of Health and the two main building contractors for updates on the progress and implementation of the Health and Safety strategic plan for the **new Dunedin Hospital build**. Two lead inspectors visit both sites monthly. Inspectors also attended on-site health and safety meetings to discuss their role, focusing on worker engagement conversations, promoting safer work, and developing relationships with workers and contractors at this complex site.

WorkSafe **engaged with a large business with multiple sites**, including major hazard facilities across New Zealand and Australia. The business had experienced considerable expansion resulting in health and safety standards declining. WorkSafe has engaged with the business to highlight areas where improvements were needed and issued enforcement notices. The business was slow to remedy, leading WorkSafe to highlight these concerns to the Board Chair. The business has now embarked on a restructuring of its Health, Safety, Environment and Quality (HSEQ) division, including the recruitment of a New Zealand based HSEQ manager and safety expert. The business provides regular updates as the new structure is embedded and safety improvements are made.

WorkSafe **worked with Maritime NZ to transfer responsibility for regulating most work on major ports effective from 1 July**. An overarching memorandum of understanding and detailed operational agreements were signed in Q4, providing port businesses with clarity about WorkSafe and Maritime NZ's respective roles and responsibilities.

WorkSafe provided **technical advice to support several MBIE-led policy initiatives**, including the first-principles review of health and safety legislation, regulator efficiency and effectiveness measures, refrigeration licensing, respirable crystalline silica and the Energy Safety Standards update.

Enforce

In 2023/24, WorkSafe issued 5,043 improvement notices, 2,267 directive letters, 1,314 sustained compliance letters, 1,017 verbal directions, 894 prohibition notices, and accepted 8 enforceable undertakings.

Some of the latest enforcement activities were:

Prohibition notice: Energy safety audit program

A proactive energy safety audit program to audit samples of different makes and models of bathroom heaters was undertaken with three model families reviewed to date. Compliance with their pre-market certification documentation and test reports was found to be inconsistent or have test reports from testing labs that WorkSafe believes do not have the appropriate accreditation to issue those reports. The appliance manufacturers and suppliers were informed to immediately stop selling the products until they were tested and complied. The appliances will be subject to a fresh certification assessment rather than a modification to the current documents.

Prosecution: Logging accident in 2022

In May, a logging business was sentenced, fined and ordered to pay reparations, after the death of an apprentice who was killed when the vehicle's boom fell and crushed them in 2022. A WorkSafe investigation found the business did not have an effective procedure for the repairs and hadn't provided adequate instruction and supervision.

Enforceable undertaking:

Mesh welding machine accident in 2022

An enforceable undertaking was agreed, following an incident in 2022 where a worker was seriously injured when a mesh welding machine restarted, and he was trapped between the conveyor bars. The enforceable undertaking requires the business to commit to several key initiatives, including:

- Trialling AI technology alongside CCTV cameras to identify risks to workers' health and safety.
- Delivering targeted workshops to enhance safety for labour hire workers in the manufacturing sector.
- Undertaking an innovation project to improve understanding of health and safety culture requirements for vulnerable workers.
- Creating a training programme for operational managers to enhance their understanding of health and safety risks related to nightshift operations.

Permit

In 2023/24, WorkSafe processed 1,719 authorisations across asbestos, adventure activities, occupational diving, amusement devices and high hazards, energy and public safety. The quarterly breakdown is available on page 6.

Detailed technical requirements



Safe work instrument Consolidation

The Legislation Act 2019 and the Regulations Review Committee require that safe work instruments (SWIs) be easily accessible, understood and used. As a result, WorkSafe is combining SWIs with any later amendments into consolidated instruments. The last remaining consolidation was completed in Q4 fulfilling WorkSafe's responsibility to make secondary legislation clearer and more accessible.

Seamless Steel LPG Cylinders and Burners SWIs

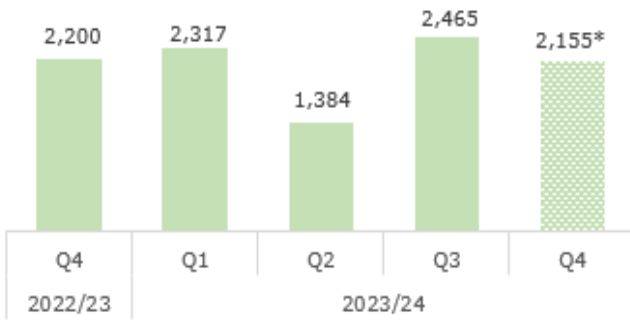
Four SWIs are underway with the Seamless Steel LPG Cylinders SWI and Burners SWI being prepared for public consultation in Q1 2024/25.

Regulatory activities

WorkSafe undertakes frontline delivery, including inspecting workplaces, specialist interventions, energy safety initiatives and managing hazards. Regulatory activity remained steady over Q4. WorkSafe continues to prioritise, and deliver on, its core regulatory functions.

Notifications received

Notifications are received from businesses and the public. Once received, they are triaged to assess an appropriate course of action.



Assessments

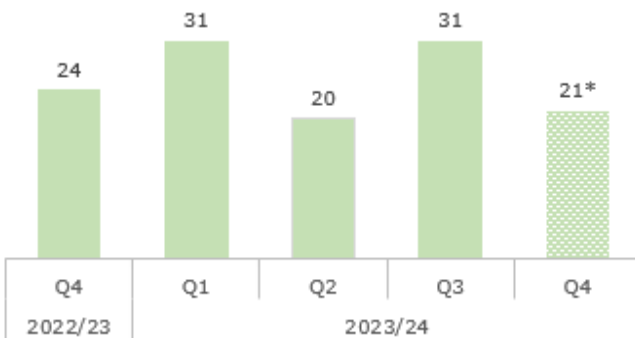
Assessment activity is either part of a planned programme or carried out as a response to a notification.



* Indicative only and subject to revision

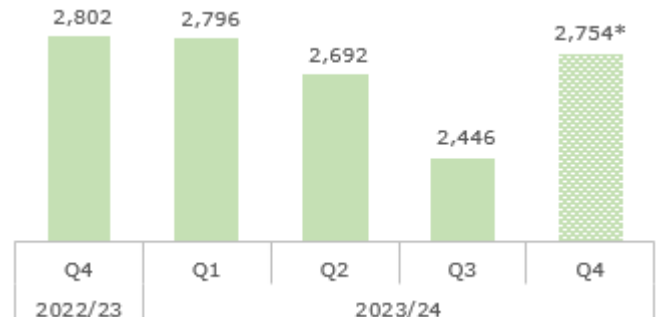
HSWA investigations initiated

An investigation is a process of inquiry which helps establish facts, discover information, and decide what action to take, if any.



Enforcements

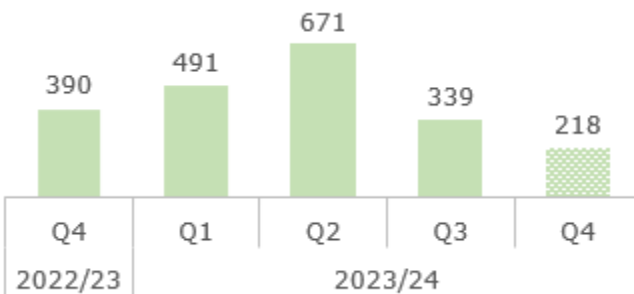
Enforcements include improvement notices, verbal directions, directive letters, prohibitions, infringement notices and enforceable undertakings.



Authorisations processed

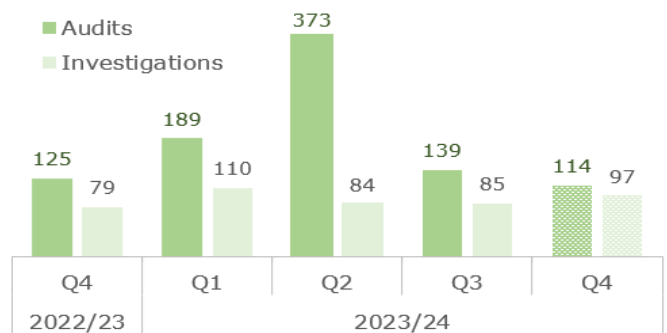
Includes adventure activity operators, occupational diving, asbestos, and hazardous substance-related authorisations.

Increased numbers in Q2 reflect 91 re-registrations for adventure activities operators which are on a 3-year cycle with many due for renewal in Q2.



Energy safety

Applies to the design, supply and fitting of electrical or gas appliances and related installations and networks.



Priorities, updates and risks

Priorities and updates

Strategic baseline review

Work to implement the 20 recommendations from the Strategic baseline review continues to progress with a further 11 recommendations closed in Q4, taking the total of closed recommendations to 18. The two open recommendations are on track to close by October 2024. These recommendations are contingent on the organisation design process work commencing in quarter one.

Digital transformation programme

The programme to replace the end-of-life MBIE system with a new digital platform (Atlas) closed on 30 June 2024. The programme delivered benefits across three key areas, effectiveness (of WorkSafe being a regulator); efficiency (for staff to make it easier to do their work); and experience (for both WorkSafe and the Public) including:

- centralised data resulting in quicker look-up of case and PCBU records
- self-service portal providing an online service offering to align with other public sector services; including the ability to create an account and save drafts when making submissions for permits.
- time savings for WorkSafe staff due to faster data entry, reduced loading times and automation of business processes within Atlas.

ACC funding

WorkSafe has planned for a reduction in funding when ACC injury prevention funding ceases on 31 March 2025. A transition plan has been developed and work is underway to exit work that will not continue. This includes working closely with ACC to minimise the impact on third parties that have previously received funding from WorkSafe.

WorkSafe is committed to maximising the benefits of ACC investment, where it is aligned to the new strategy. A review of the ACC funded portfolio in 2023, highlighted opportunities to increase the rate

and scale of delivery in a number of programmes to reach a greater number of businesses.

ACC funding has been used to resource capability to deliver on ACC funded projects. Some of this capability will still be required to give effect to the new strategy and will be consulted on as part of WorkSafe's proposed organisational design in quarter one.

Other projects *(previously known as Hoe Nuku)*

Closure reports for the Promote Good Work Design programme and Reduce harmful exposures - Carcinogens and Airborne Risks programmes will be finalised in Q1 2024/25. Some activities from Reduce harmful exposures, Promote good work design, and Support the worker voice programmes will be included in the sector priority plans which are being progressed.

The Plant and Structures regulations programme has been suspended while the Minister undertakes the work health and safety system review.

Launch of new strategy

In Q4, WorkSafe launched the new strategy and published it to the WorkSafe website. Following the finalising of the strategy, WorkSafe's Statement of Intent 2024/25-2027/28 and Statement of Performance Expectations 2024/25 were prepared for publication. These documents reflect WorkSafe's new strategy and its statutory functions.

Appointment of new Chief Executive

A new Chief Executive has been appointed. The Deputy Chief Executive, Operations will be acting Chief Executive until the new Chief Executive starts.

Governance

Three new directors have been appointed to the WorkSafe Board and joined the current five directors from 1 July.

Risks

WorkSafe's internal environment continues to be subject to changes which are expected to positively influence some of the strategic risks over the next quarter. These include the delivery of the strategy, functional model and priority plans. Group, team and individual plans are being refined to ensure capacity is available to implement plans. The design of controls will be refined over time to embed and achieve the desired impacts.

The People, Health and Safety risk remains critical due to the uncertainty for kaimahi regarding the organisation's structure. This has created higher turnover and purposefully unfilled vacancies to reduce kaimahi impact as much as possible. The consequential issues are being managed. Additional training is underway, and more is planned to improve people leaders' capability after the change proposal. Other planned improvements include changes to the performance management framework and processes.

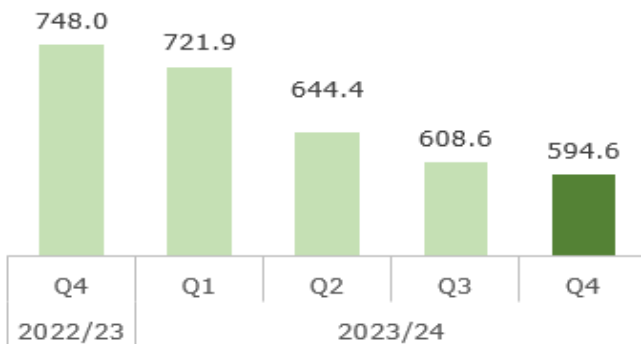
Organisational health

WorkSafe people

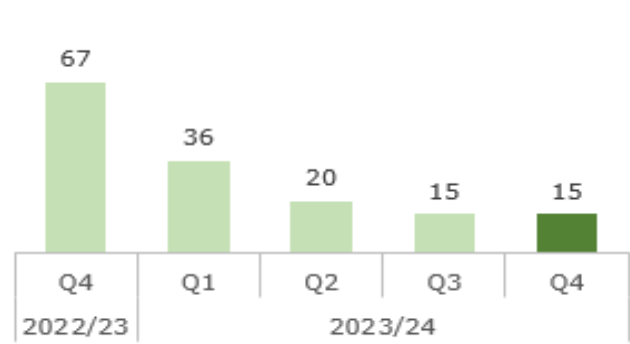
In Q4, change to WorkSafe’s staff numbers and turnover have stabilised with numbers remaining steady.

- There were 595 FTEs at the end of Q4 2023/24, a decrease of 14 from 609 in Q3. FTEs have been steadily decreasing over the year with a decrease of 153 (21%) from 748 in Q4 2022/23.
- The number of contractors in Q4 remained unchanged with 15 contractors, the same number as in Q3.
- All staff turnover of 29.4% in Q4 remained unchanged from Q3.

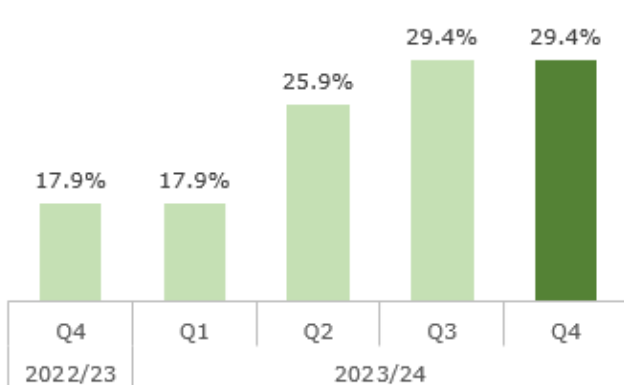
Staff numbers (FTEs)



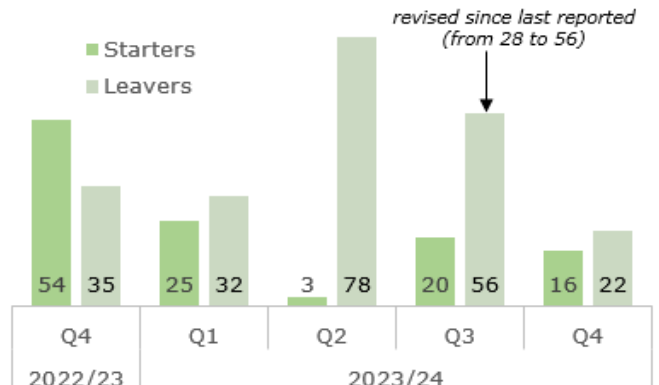
Contractors



Staff turnover for all leavers



Starters and leavers



Inspectorate capacity

Two trainee inspectors, through the Inspector Pathway programme, have become certified inspectors during Q4. The total inspector numbers in Q4 remained unchanged from 201 in Q3.

	Ratio of inspectors per 100,000 workers		Total number of WorkSafe inspectors		
	Trainees included	Trainees excluded	Trainees	Inspectors	Total
Q3	6.8	6.1	21	180	201
Q4	6.8	6.2	19	182	201

Statement of performance

Please note that performance results are not audited and are subject to year-end audit.

WorkSafe has 13 performance measures which are detailed in the Statement of Performance Expectations 2023/24. These reflect the quality, timeliness and quantity of activities undertaken across WorkSafe over the financial year.

In 2023/24, all 13 measures have met their year-end targets.

Activity area	Non-financial targets (#)		Financials (\$m)		
	Met	Not met	Annual budget	Year-end actual	% spent
Lead, Engage and Influence	1	-	15.7	13.2	84%
Educate, Inform, Guide and Learn	1	-	37.6	35.5	94%
Build Capability and Worker Participation	1	-	6.7	5.3	79%
Innovate, Design, Implement and Evaluate	1	-	11.0	9.5	86%
Authorise, Oversee, Assess and Audit	4	-	21.8	20.9	96%
Investigate, Enforce and Hold to Account	5	-	59.5	57.6	97%
Total	13	-	152.3	142.0	93%

Performance measure	Annual target	Year-end result	Variance
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Activity area 1: Lead, Engage and Influence

1.1	The percentage of WorkSafe General Inspectorate assessments that include a focus on work-related health risks	>75%	81%	6%
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Activity area 2: Educate, Inform, Guide and Learn

2.1	The percentage of people who say our guidance is very useful or extremely useful	>65%	66%	1%
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Activity area 3: Build Capability and Worker Participation

3.1	The percentage of inspections where the General Inspectorate engage with worker(s) and or health and safety representative(s) where available to improve worker participation in keeping workplaces healthy and safe	>85%	92%	7%
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Activity area 4: Innovate, Design, Implement and Evaluate

4.1	The number of workers receiving culturally relevant health and safety training by attending workshops facilitated by the Puataunofu Come Home Safely education programme	1,000	1,331	33%
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In Q4, there was an increase in the number of workers who received culturally relevant health and safety training due to delivery into three large business with large number of workers.

	Performance measure	Annual target	Year-end result	Variance
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Activity area 5: Authorise, Oversee, Assess and Audit

5.1	The number of energy safety audits (of products, suppliers, networks, distribution systems, installations) completed	>600	814	36%
<i>There was an increase in audits completed in Q2 due to a programme to identify electrical and gas practitioners not recording work in the Electricity and Gas High Risk Database as required.</i>				
5.2	The number of high hazard sites (including major hazard facilities, petroleum and geothermal, and mining, tunnelling, and quarry sites) inspected annually	>440	459	4%
5.3	The percentage of completed Controlled Substances Licenses and Hazardous Substances Controls applications received which are processed within 60 working days	>90%	93%	3%
5.4	The percentage of completed Occupational Diving Certificate of Competence applications received which are processed within 20 working days	>80%	99%	19%

Activity area 6: Investigate, Enforce and Hold to Account

6.1	The percentage of energy safety investigations (notifiable or non-notifiable incidents and unsafe situations) involving gas and electricity that are completed within 60 working days	>90%	93%	3%
6.2	The percentage of investigation files to be referred for prosecution which in the first instance, meet the WorkSafe internal standard outlined in the Investigation File Review	>80%	100%	20%
6.3	The percentage of our prosecutions that result in a conviction or an enforceable undertaking	>80%	87%	7%
6.4	The percentage of Mentally Healthy Work notifiers contacted by WorkSafe within 20 days of receipt of notification	>80%	97%	17%
6.5	The percentage of investigations where a final decision is made and communicated to victims within 12 months of the investigation commencing	100%	100%	-

Financial performance

Please note financial results are unaudited and could be subject to change.

WorkSafe's year-end result is a surplus of \$3.2m compared to a budget surplus of \$0.1m. The positive variance is mainly due to the impact of the organisational change with higher vacancies and attrition than anticipated, as well as less depreciation and ICT and communication costs.

Statement of comprehensive revenue and expenditure

\$000	Actual	Budget	Variance	Full Year Budget
Revenue				
Revenue Crown	132,470	136,710	(4,240)	136,710
Interest Revenue	1,813	1,000	813	1,000
Other Revenue	10,975	14,708	(3,733)	14,708
Total Revenue	145,258	152,418	(7,160)	152,418
Expenditure				
Personnel	95,343	101,372	6,029	101,372
Contractors	4,065	4,514	449	4,514
Depreciation	6,499	8,241	1,742	8,241
Other expenditure	36,105	38,192	2,087	38,192
Total Expenditure	142,012	152,319	10,307	152,319
Surplus/(deficit)	3,246	99	3,147	99

Revenue by area

Crown revenue is lower than budget mainly due to the Public Service Pay Adjustment contingency funding not being recognised until it is approved by Joint Ministers, which now won't occur until late July/early August, and the return of the Plant and Structures funding received in 2023/24. This was partially offset with additional crown revenue for Whakaari and Victim and Coronial Services. Other revenue is above budget due to higher interest revenue and additional third-party revenue. ACC revenue is lower than budget, mainly due to revisions to the ACC programme activity during the year, which aligns to ACC programme expenditure.

\$000	Actual	Budget	Variance
Working safer levy	125,366	129,606	(4,240)
Major hazard facilities levy	2,690	2,690	-
Energy safety levies	4,414	4,414	-
ACC	9,462	13,805	(4,343)
Fees and Other Revenue	3,326	1,903	1,423
Total revenue	145,258	152,418	(7,160)

Expenditure by area

\$000	Actual	Budget	Variance	Full Year Budget
Core Delivery <i>(excl. Depreciation)</i>	111,071	112,876	1,805	112,876
Depreciation	6,499	8,241	1,742	8,241
Specific Delivery <i>(tagged funds)</i>				
Whakaari	3,087	3,320	233	3,320
Energy Safety/ MHF/P&G	7,334	7,565	231	7,565
Digital Transformation	2,874	4,000	1,126	4,000
ACC Programme	9,919	13,805	3,886	13,805
COVID-19 Enforcement	1,043	2,145	1,102	2,145
Thriving Infrastructure	102	160	58	160
Refrigeration	-	207	207	207
Plant & Structures	83	-	(83)	-
Total Specific Delivery	24,442	31,202	6,760	31,202
Total Expenditure	142,012	152,319	10,307	152,319

- Core Delivery (excluding depreciation) is \$1.8m below budget due to more vacancies and greater attrition during the organisational change, and strong cost controls that have been in place throughout the year.
- Core Delivery Depreciation is \$1.7m below budget, due to lower capital spend.
- Whakaari is \$0.2m below budget due to lower than anticipated costs for the trial and sentencing.
- Digital Transformation was underspent by \$1.1m due to the rephased roll out of Atlas and subsequent reduction in staffing required.
- ACC Programme is \$3.9m below budget due to some planned activities/work programmes being reviewed and reduced in 2023/24.

Capital spend

\$000	Actual	Budget	Variance	Full Year Budget
ICT software	3,879	5,502	1,623	5,502
ICT hardware	-	400	400	400
Motor vehicles	196	2,010	1,814	2,010
Leasehold improvements	(49)	1,650	1,699	1,650
Total capital spend	4,026	9,562	5,536	9,562

- ICT software spend is lower mainly due to the rephasing of spend for the Digital Transformation programme.
- The purchase of motor vehicles has been delayed due to vehicle availability and rationalisation of organisational fleet requirements.
- Leasehold improvements underspend is due to the focus on the Wellington office move as the priority ahead of other projects. The overall negative spend for Leasehold reflects the net movement of spend after the write off of the Manukau office assets.

Memorandum accounts

\$000	Total Balance	YTD Actual
Major Hazard Facilities Levies		
Revenue	20,343	2,690
Expenditure	(18,626)	(2,957)
Total surplus/(deficit)	1,717	(267)
Add Crown Account Deficit	1,901	1,175
Total surplus/(deficit) - WorkSafe held levies	3,618	908

Current financial position: Statement of financial position

\$000	Actual	Budget	Variance	Full Year Budget
Cash and bank	28,283	12,183	16,100	12,183
Investments	10,008	22,800	(12,792)	22,800
Debtors	8,086	2,250	5,836	2,250
Fixed assets	38,488	41,367	(2,879)	41,367
Total assets	84,865	78,600	6,265	78,600
Creditors and payables	10,091	10,049	42	10,049
Employment liabilities	9,011	7,314	1,697	7,314
Crown loan	19,528	19,873	(345)	19,873
Total liabilities	38,630	37,236	1,394	37,236
Net assets	46,235	41,364	4,871	41,364
Equity				
Capital reserves	35,778	33,410	2,368	33,410
Memorandum accounts	3,618	1,108	2,510	1,108
Accumulated surplus/(deficit)	6,839	6,846	(7)	6,846
Total Equity	46,235	41,364	4,871	41,364

- **Cash and bank:** higher than budget mainly due to the timing of placing funds on term deposit (i.e., Investments), overall lower spending and higher debtors.
- **Investments:** lower than budget due to the timing of investing cash for short term deposits.
- **Debtors:** higher than budget mainly due to ACC funding not yet received, and the funding provided in advance to the payroll supplier (\$4.8m).
- **Fixed assets:** lower than budget mainly due to lower capital spend, less depreciation and the write-off of the SafePlus Micro-credentials capitalised training costs, Statistical Analysis Software Migration costs, Manukau office leasehold assets and the sale of Wellington office assets.
- **Employment liabilities:** higher than budget due to higher annual leave and accrued salaries.
- **Crown Loan:** lower than budget due to net repayment of loan during the year.
- **Equity:** higher than budget due to actual surplus of \$3.2m compared to budgeted surplus of \$0.10m, and higher surplus of \$2.5m from the memorandum account compared to budget.

Statement of cash flows

The overall cash position is higher than budget, mainly due to lower expenditure. The individual differences reflect the variances discussed above in the Revenue and expenditure by area (pages 11-12) and the Statement of financial position (page 13).

\$000	Actual	Budget	Variance	Full Year Budget
Operating cash flows				
Receipts from Crown	135,100	136,710	(1,610)	136,710
Receipts from other revenue or interest	16,129	16,946	(817)	16,946
Payments to suppliers/employees	(132,616)	(147,106)	14,490	(147,106)
Net operating cash flows	18,613	6,550	12,063	6,550
Investing cash flows				
Net investments	10,163	9,000	1,163	9,000
Net asset purchase	(6,063)	(9,653)	3,500	(9,563)
Net investing cash flows	4,100	(563)	4,663	(563)
Financing cash flows				
Capital contribution	-	-	-	-
Crown loan paid, net	(350)	(350)	-	(350)
Net financing cash flows	(350)	(350)	-	(350)
Cash movement				
Net (decrease)/increase in cash	22,363	5,637	16,726	5,637
Opening cash	5,920	6,546	(626)	6,546
Closing cash	28,283	12,183	16,100	12,183