

Communication with relevant state safety regulator – incident notification

INCIDENT REPORTING AND THE MANAGEMENT OF INSPECTOR VISITS

The University has strict incident notification requirements placed upon it by the relevant regulatory bodies that govern workplace health and safety in the states and territories in which the University operates. Furthermore, as part of University's injury management processes all staff incidents must be reported to our workers compensation insurer within specified timeframes. A failure to meet either of these notification timeframes can cause the University to incur financial penalties or in worst case scenarios, prosecution.

As such, the University requires that **all** incident reports (staff, student, contractor and visitor) be completed as soon as practicable after an incident occurs and that completed incident reports are promptly forwarded to the Manager, Work Health & Safety in the Division of Human Resources. Following are the incident reporting requirements for the University.

1. Reporting an Incident

All incidents (including near misses, that is, incidents where no injury results but may have in different circumstances) must be reported to your supervisor as soon as practicable after the incident occurs, irrespective of whether you have sustained an injury or not. Your supervisor should ensure that you complete the appropriate incident report form.

The current incident report form is available on the HR website or at this link – *Accident/ Incident Report Form*. <http://www.csu.edu.au/division/hr/health-safety-wellbeing/accidents-incidents>

2. Submitting an Incident Report

Following an incident being reported to a supervisor, the supervisor must ensure that a completed CSU Incident Report Form is forwarded to the Manager, WHS in the Division of Human Resources within 24 hours of the supervisor first being notified of the incident. The completed Accident/Incident Report Form can be scanned and emailed to ohs@csu.edu.au

3. Notifiable Incidents

The only exception to the above incident reporting timeframe will be in one of the following circumstances. Should the nature of the incident to be reported be any one of the following incident types, the incident should be IMMEDIATELY reported to the Manager, WHS or (should the Manager, WHS be un-contactable) to the Director, Workplace Relations and Policy or (should the Director, WRP be un-contactable) to the HR Service Centre on 02 6338 4884.

Types of incidents that require the Division of Human Resources to notify the safety regulator include: (Modified from *Incident Notification Fact Sheet – Safe Work Australia 2013* <http://www.safeworkaustralia.gov.au>)

- the death of a person;
- a 'serious injury or illness', or
- a 'dangerous incident'

arising out of the conduct of a business or undertaking at a workplace. 'Notifiable incidents' may relate to any person—whether an employee, contractor or member of the public.

3.1 Serious injury or illness

Notification is required of a serious injury or illness of a person if they require any of the following:

- immediate treatment as an in-patient in a hospital;

- immediate treatment for the amputation of any part of the body;
- immediate treatment for a **serious** head injury;
- immediate treatment for a **serious** eye injury;
- immediate treatment for a **serious** burn;
- immediate treatment for the separation of skin from an underlying tissue (such as degloving or scalping);
- immediate treatment for a spinal injury;
- immediate treatment for the loss of a bodily function;
- immediate treatment for **serious** lacerations; and
- medical treatment within 48 hours of exposure to a substance.

Notification is also required for the following prescribed serious illness:

- any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work:
 - (i) with micro-organisms;
 - (ii) that involves providing treatment or care to a person;
 - (iii) that involves contact with human blood or body substances;
 - (iv) that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.
- the following occupational zoonoses contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:
 - (i) Q fever;
 - (ii) Anthrax;
 - (iii) Leptospirosis;
 - (iv) Brucellosis;
 - (iv) Hendra Virus;
 - (v) Avian Influenza;
 - (vi) Psittacosis.

3.2 Treatment

'Treatment' means the kind of treatment that would be required for a serious injury or illness and includes 'medical treatment' (i.e. by a registered medical practitioner), treatment by a paramedic or treatment by a registered nurse practitioner.

Even if immediate treatment is not readily available, for example because the incident site is rural or remote or because the relevant specialist treatment is not available, the notification must still be made.

3.3 Dangerous Incidents (commonly referred to as 'near misses')

Notification is also required of any incident in relation to a workplace that exposes a worker or any other person to a serious risk resulting from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam;
- an uncontrolled escape of a pressurised substance;
- electric shock;
- the fall or release from a height of any plant, substance or thing;
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be design or item registered under the Work Health and Safety Regulations;

- the collapse or partial collapse of a structure;
- the collapse or failure of an excavation or of any shoring supporting an excavation;
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel, or
- the interruption of the main system of ventilation in an underground excavation or tunnel.

Any of these occurrences are reportable as a 'dangerous incident' (or 'near miss') if a person is exposed to a serious risk from immediate or imminent exposure to a hazard.

For most hazards such as plant or a structure collapsing a person will need to be in the immediate vicinity to be exposed to a serious risk to their health or safety.

However some hazards such as an uncontrolled leak of a hazardous gas or a fire can travel towards a person and expose them to a serious risk to health and safety away from the original source.

A dangerous incident includes both immediate serious risks to health or safety, and also a risk from an immediate exposure to a substance which is likely to create a serious risk to health or safety in the future, for example asbestos or chemicals.

Only occurrences involving a 'serious risk' are notifiable taking into account the likelihood of a serious illness or injury occurring from the incident. This would include any situation which seriously endangers or threatens the health or safety of a person.

3.4 Work-related incidents that occur outside a workplace may be notifiable

Work-related incidents may occur outside the workplace and these may still be notifiable if they involve a death, serious illness or injury or a dangerous incident. For example:

- an object like a hand tool falls off a multi-storey building under construction hitting a person below
- scaffold collapse that causes a risk of serious injury to persons adjacent to the construction site
- an awning over a shop-front collapses, hitting a person passing by underneath.

3.5 Incidents involving multiple businesses or undertakings

If the 'notifiable incident' arises out of more than one business or undertaking then each must ensure that the incident has been notified to the regulator.

3.6 Can work continue where the incident occurred?

The person with management or control of a workplace at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or directs otherwise (whichever is earlier).

Requirements to preserve the incident site apply to any plant, substance, structure or thing associated with the notifiable incident. This means that any evidence that may assist an inspector to determine the cause of the incident is preserved.

An incident site may be disturbed:

- to assist an injured person;
- to remove a deceased person;
- to make the site safe or to minimise the risk of a further notifiable incident;
- to facilitate a police investigation, or
- after an inspector has given a direction to

- do so either in person or by telephone.

The sooner the regulator is notified, the sooner the site can be released.

If however after arriving at the incident site an inspector considers that it should remain undisturbed in order to facilitate investigation of the incident they may issue a non-disturbance notice. This notice must specify the period for which the notice is to apply—no more than seven days.

Penalties apply if an individual or body corporate fails to preserve a site.

3.7 Site Preservation requirements only apply to the incident site

Requirements to preserve a site only apply in relation to the immediate area where the incident occurred—not the whole workplace.

If you are unsure about what you need to do to preserve a site, ask the regulator when you notify them of the incident.

You can also ask the regulator to be relieved of your legal obligations to preserve the incident site at this point—even if you don't meet the strict criteria above.

3.8 Upgrading Notifications

If a notifiable incident escalates from a serious illness or injury to a death the regulator must be separately notified of the death immediately after becoming aware that the person has died.

3.9 Record keeping requirements

The notifier must keep a record of the notifiable incident for at least five years from the date of notification. Penalties apply for failing to do so.

As a practical matter these records should include any directions or authorisations given by an inspector at the time of notification (including authorisations to disturb incident sites) and any confirmation you received from the regulator that you notified them about the incident.

3.10 Contact details for regulators

To notify a 'notifiable incident' contact the regulator in the relevant jurisdiction (see table below).

3.11 Further information

For further information on notifiable incidents including the relevant laws please contact your work health and safety regulator.

Jurisdiction	Regulator	Telephone	Website
New South Wales	WorkCover NSW	13 10 50	Not applicable for notifications
Victoria	WorkSafe Victoria	1800 136 089	www.worksafe.vic.gov.au
Queensland	Workplace Health and Safety Qld	1300 369 915	www.worksafe.qld.gov.au
South Australia	SafeWork SA	1300 365 255	www.safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	02 6207 3000	www.worksafety.act.gov.au
Tasmania	Workplace Standards TAS	1300 366 322 (Tas) 03 6233 7657	www.wst.tas.gov.au

Jurisdiction	Regulator	Telephone	Website
		(External)	
Northern Territory	NT WorkSafe	1800 019 115	www.worksafe.nt.gov.au
Commonwealth	Comcare	1300 366 979	www.comcare.gov.au

4. Communication with the regulatory body

The University's Manager, WHS on notification of one of the above listed incidents, will notify the relevant regulatory body and/or our insurer via established processes.

Furthermore, and depending on the nature of an incident, a local Health and Safety Inspector may also attend a CSU workplace after an incident has occurred or as part of other roles that inspectors fulfil. It is vital that the Manager, WHS be contacted to deal with this or any ongoing contact with the Health and Safety Inspector. This approach is to ensure that appropriate and efficient communications are dealt with and recorded within the University pending any further recourse that may occur in the future.

In the interim to an inspector visiting a CSU workplace and the Manager, WHS being contacted, the inspector may request to commence their inspection of a work premise. In these situations, it is important for CSU to have a contact to which an inspector can be referred on arrival. As such, the following information is provided to assist the CIRG's to manage the arrival of an inspector at a CSU workplace.

4.1 Arrival of an Inspector (in relation to critical incidents only)

Inspectors appointed under the relevant legislation are permitted to enter any premises believed to be a workplace (other than parts of the premises being used only as residential premises, unless otherwise authorised by a warrant).

An inspector may enter premises (that is, the University) without notice, however the inspector must notify the occupier of the premises of their presence as soon as reasonably practicable after entering the premises. An inspector must show an occupier of premises their identity card when asked, while at premises they have entered. If they do not, they must leave. It should be noted that in the vast majority of cases a workplace visit by an inspector should not be feared as the role of the inspector will be to only provide advice and assistance.

On a CSU staff member becoming aware of the arrival of an inspector in relation to a critical incident, the inspector should be referred to the Chief Warden. After confirming the inspectors approved photo identification, the Chief Warden should assist the inspector with their visit and subsequent requests in the interim to the Manager, WHS* being contacted (who will then take responsibility for further management of the inspector's visit).

***Should the Manager, WHS be un-contactable, please contact the Director, Workplace Relations and Policy or (should the Director, WRP be un-contactable) the HR Service Centre on 02 6338 4884.**

NB – should the inspector's visit be unrelated to a critical incident, the inspector should not be referred to the Chief Warden, but instead to the Manager, WHS or (should the Manager, WHS be un-contactable) to the Director, Workplace Relations and Policy or (should the Director, WRP be un-contactable) to the HR Service Centre on 02 6338 4884.

4.2 The role of the Chief Warden during an Inspector visit

In the first instance, the role of the Chief Warden (in relation to a critical incident and a subsequent inspector visit) is to meet the inspector and confirm their status as an

authorised inspector. This is to be done via confirmation of the appropriate photo identification. On confirming their status as an inspector, the Chief Warden in conjunction with the inspector, should establish the purpose of their visit and intended course(s) of action.

During the inspector's visit, they may request assistance from any person whom they believe to be capable of providing them the assistance necessary for them to satisfactorily complete their visit and its purpose.

In some instances, the Chief Warden might not have the responsibility, accountability and/or knowledge required to satisfactorily assist an inspector's requests. In these circumstances the Chief Warden's role is only to facilitate a process of contacting a more appropriate person who can then assist the inspector.

A person requested by an inspector to assist during a workplace visit is required to accompany the inspector and take all reasonable steps to assist the inspector in the exercise of the inspector's functions.

4.3 The role of an Inspector

An inspector's primary role is to provide advice and assistance. At the same time, inspectors are responsible for ensuring that all persons in organisations meet their WHS and workers compensation obligations.

Visits by inspectors to workplaces or work sites can be random or part of a specific targeted program. They may be to investigate complaints or to investigate incidents that have resulted in injuries or death.

4.4 The powers of an Inspector

Under the law, inspectors have a range of powers including the power to:

- Enter and investigate any premises they have reason to believe is a place of work
- Conduct interviews and make inquiries
- Take photographs, recordings and measurements, or samples
- Gather information, examine or copy documents
- Issue directions
- Issue notices

If you have any questions or would like any of the above clarified, please don't hesitate to contact the Manager, Work Health and Safety. Email ohs@csu.edu.au or phone 02 6338 4029.