

# Do you need to Notify your Workplace Health and Safety Regulator about Every Injury / Incident?

Workplace injuries occur across Australia everyday, from the pesky papercut to a more serious laceration or chemical exposure. So, **how do you know which of these need to be reported and to whom?**

If the injury occurs either at a workplace or while performing work duties and results in death, **serious injury/illness** or involves a **dangerous incident**, report it.

## A serious injury/illness:

- Requires immediate treatment as a hospital in-patient, treatment for an amputation, serious head injury, eye injury or burn, separation of skin from underlying tissue (i.e. degloving, scalping), spinal injury, loss of bodily function, lacerations, or medical treatment (by a doctor) within 48 hours of exposure to a substance. For the precise amounts refer to [www.flspineandinjury.com](http://www.flspineandinjury.com)
- Includes any infection in which the carrying out of work is a significant contributing factor, including infection due to work with micro-organisms, involving provision of care/treatment, contact with human blood/body substances, handling/contact with animals or animal products (hides, skins, wool, hair, carcasses or waste products).
- Includes the below occupational zoonoses contracted through work involving contact/handling with animals/animal products (hides, skins, wool, hair, carcasses or waste products).

*Q fever*  
*Anthrax*  
*Leptospirosis*  
*Brucellosis*  
*Hendra virus*  
*Avian influenza*  
*Psittacosis*

## A dangerous incident:

Poses serious risk to a worker's (or any other person's) health/safety due to immediate exposure to: escape, spillage or leakage of a substance, implosion, explosion or fire, escape of gas, steam, or

a pressurised substance, electric shock, fall/release from a height of any plant, substance or thing, collapse, overturning, failure or malfunction of, or damage to, any plant required to be authorised for use in accordance with regulations, collapse/partial structural collapse, collapse/failure of excavation or any shoring supporting an excavation, inrush of water/mud/gas or interruption of the main ventilation system in underground excavation or tunnel.

## So, what's a 'notifiable' incident?

An incident that includes death, serious injury/illness, or a dangerous incident due to conduct of a business or undertaking. These can relate to anyone, whether an employee, contractor or member of the public.

### **Only *work-related* incidents are notifiable.**

To be notifiable, an incident must arise out of the conduct of a business or undertaking. However, it's not necessarily notifiable just because it happens at or near a workplace. Incidents might happen for reasons other than work/business (ex. a person with epilepsy has a seizure at work or a person driving to work is injured in a car accident (where driving is not part of their work)). These incidents are not notifiable.

### **But, work-related incidents outside the workplace may be notifiable.**

These are notifiable if they involve death, serious illness/injury or a dangerous incident (ex. an object falls off a multi-storey building under construction hitting a person below).

## Who does the notifying?

Management is required to notify the relevant state Work Health & Safety Regulator immediately after becoming aware of the incident.

## Who is a Work Health and Safety Regulator?

Each state in Australia has an individual responsible for preventing work-related deaths and injury. Keeping them in the loop on what's happening at your workplace (or incidents as a result of work) can help them identify the causes and work to prevent similar incidents from happening again.

## Contact details for regulators

To notify a 'notifiable incident' contact your local regulator:

Jurisdiction	Regulator	Telephone	Website
<b>New South Wales</b>	SafeWork NSW	13 10 50	<a href="https://safework.nsw.gov.au">safework.nsw.gov.au</a>
<b>Victoria</b>	WorkSafe Victoria	1800 136 089	<a href="https://worksafe.vic.gov.au">worksafe.vic.gov.au</a>
<b>Queensland</b>	WorkSafe Queensland	1300 369 915	<a href="https://worksafe.qld.gov.au">worksafe.qld.gov.au</a>
<b>South Australia</b>	SafeWork SA	1800 777 209	<a href="https://safework.sa.gov.au">safework.sa.gov.au</a>
<b>Western Australia</b>	WorkSafe WA	1300 307 877	<a href="https://commerce.wa.gov.au/worksafe">commerce.wa.gov.au/worksafe</a>
<b>Australian Capital Territory</b>	WorkSafe ACT	02 6207 3000	<a href="https://worksafe.act.gov.au/healthsafety">worksafe.act.gov.au/healthsafety</a>
<b>Tasmania</b>	WorkSafe Tasmania	1300 366 322 (Tas) 03 6233 7657 (External)	<a href="https://worksafe.tas.gov.au">worksafe.tas.gov.au</a>
<b>Northern Territory</b>	NT WorkSafe	1800 019 115	<a href="https://worksafe.nt.gov.au">worksafe.nt.gov.au</a>
<b>Commonwealth</b>	Comcare	1300 366 979	<a href="https://comcare.gov.au">comcare.gov.au</a>

### *Did you know?*

Failing to report a 'notifiable' incident is an offence and penalties do apply.

## What information will be requested?

<b>WHAT</b> (the basics)	Give the basics of what happened.  Identify the type of incident (death, serious injury/illness, dangerous incident)
<b>WHEN</b> (incident)	Date/time
<b>WHERE</b> (incident)	Incident address (include location specifics)
<b>WHAT</b> (the details)	Detailed description of incident
<b>WHO</b> (incident)	Injured person's name, DOB, address, contact number, occupation, relationship of the injured to the notifier

HOW/WHERE (of treatment)	Description of serious injury/illness, initial treatment, location of patient (if relocated for treatment, if applicable)
WHO (is conducting business)	Legal/trading name  Business address, ABN/ACN, contact details
WHAT (has/is being done)	Action taken/intended to prevent recurrence (if any)
WHO (is notifying)	Notifier's name, position, contact details  Name, position and contact details of appropriate contact person (if different from above)

## What if I've already notified my workers' compensation insurer? Do I still need to notify my state regulator?

**Yes.** An injury claim to your workers' compensation insurer is not the same as notifying your state's regulator.

Each of these play a different role:

- The regulator investigates the *cause* of the incident and how similar incidents can be prevented in the future.
- Workers' compensation insurers provide *financial compensation* to those employees injured.

Basically, notification to WHSQ is *in addition to* any workers' compensation claim made to WorkCover or self-insured businesses.

## But wait, can work continue where the incident occurred?

Management must first make sure the incident site\* is untouched\*\* until an inspector arrives, unless:

- *To provide medical/urgent assistance to an injured person*
- *To remove a deceased person, if necessary*
- *To make the site safe or reduce risk of further injuries/incidents*
- *As directed by emergency services*
- *As requested by inspector or WHSQ*



\*The site includes any plant, substance, structure or thing associated with the notifiable incident (ex. ladders, chemicals, work areas).

\*\*Penalties apply if an individual or body corporate fails to preserve a site (note: the incident site- not the whole workplace).

## **Do I need to keep a record of the incident?**

**Yes.** Management must keep record of each notifiable incident for *at least five (5) years from the date notified* to WHSQ. This is best kept electronically for easy access in the future.

## **What if the incident involves more than one business?**

Although each business must ensure that the incident is notified to the regulator, there is no need for all duty holders to notify (only needs one). In some cases, this may take some cooperation and coordination to put appropriate reporting and notification arrangements in place.

## **What if the incident involves a State-based contractor working for a Commonwealth entity?**

Workplaces shared by a Commonwealth entity and one or more state-based contractors may be covered by both Commonwealth and state or territory work health and safety (WHS) laws. In this case, the company must ensure both entities are notified of the incident.

## **What if I need to change or update my notification(s)?**

If you receive information that changes the incident type, you must notify the regulator of the change(s) (ex. a serious injury/illness later results in death, regulator must be notified immediately).

## **Have a Plan**

Each workplace should have a plan to make sure all employees know how to handle health and safety incidents, including which manager to notify and prompt notification of the regulator.

## **Still Unsure?**

Give your regulator a call on one of the numbers above.