

GUIDE TO INCIDENT NOTIFICATION

3RD EDITION

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A guide to Part 5 of the Occupational Health and Safety Act 2004 and Part 9 of the Equipment (Public Safety) Regulations 2007

*** NEW Dangerous Goods (Storage and Handling) Regulations 2012**

On 1 December 2012, the Dangerous Goods (Storage and Handling) Regulations 2012 (**DG (S&H) Regulations 2012**) replaced the Dangerous Goods (Storage and Handling) Interim Regulations 2011 (**Interim Regulations**) which expired on this date. The DG (S&H) Regulations 2012 have retained most of the legal requirements contained in the Interim Regulations. There are only a small number of changes. This document has not yet been updated to reflect the changes introduced by the DG (S&H) Regulations 2012. More information on the key changes introduced by these new regulations can be found in the guidance titled *Information about: Key changes to dangerous goods storage and handling requirements* available at worksafe.vic.gov.au/dgkeychanges and *More information about: Incident reporting* available at worksafe.vic.gov.au/incidentreporting

On 18 June 2017, the Occupational Health and Safety Regulations 2017 (OHS Regulations 2017) replaced the Occupational Health and Safety Regulations 2007 (OHS Regulations 2007), which expired on this date. **This publication has not yet been updated to reflect the changes introduced by the OHS Regulations 2017 and should not be relied upon as a substitute for legal advice.**

Information on the key changes introduced by the OHS 2017 Regulations can be found in the guidance titled *Occupational Health and Safety Regulations 2017: Summary of changes* - available at https://www.worksafe.vic.gov.au/_data/assets/pdf_file/0011/207659/ISBN-OHS-regulations-summary-of-changes-2017-04.pdf. However, this guidance document contains material of a general nature only and is not to be used as a substitute for obtaining legal advice.

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WorkSafe Victoria is a trading name of the Victorian WorkCover Authority.

The information presented in this guide is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the *Occupational Health and Safety Act 2004* and the *Equipment (Public Safety) Regulations 2007*. Whilst every effort has been made to ensure the accuracy and completeness of this guide, the advice contained herein may not apply in every circumstance. Accordingly, WorkSafe cannot be held responsible, and extends no warranties as to:

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INTRODUCTION

WorkSafe Victoria 'WorkSafe' is committed to preventing work-related deaths, injuries and risks to the public arising out of work related activities.

Notifying WorkSafe of fatalities, serious injuries or incidents which expose persons to risks to their health or safety allows identification of the cause of the incident. The information can be used to help prevent similar incidents at that workplace as well as other workplaces.

Notification requirements relating to the use of specified items of equipment, plant¹ and machinery will help eliminate hazards associated with their use – in the workplace and in public places.

The requirement to notify WorkSafe of serious incidents in various circumstances is set out in:

1. Part 5 of the *Occupational Health and Safety Act 2004*; and
2. Part 9 of the *Equipment (Public Safety) Regulations 2007*.

There are additional incident notification requirements in other legislative and regulatory provisions in Victoria which apply in specific circumstances. Some of these are listed in Appendix 1.

The definition and meaning of certain terms used in this publication have been set out in Appendix 2.

From 1 January 2008, WorkSafe will resume responsibility for the administration and enforcement of health and safety laws in the Earth Resources sector. As of this date all notifiable incidents at a mine, prescribed mine, quarry, onshore petroleum site, geothermal site or onshore exploration site must be advised to WorkSafe.

Note 1: Refer to page 10 of this publication for the specific items of plant.

1

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

Part 5 of the *Occupational Health and Safety Act 2004* ('the Act') requires notification to WorkSafe of serious workplace incidents. In respect of such incidents, the Act also requires preservation of the incident site until an inspector arrives or issues a direction, subject to some exceptions.

WorkSafe Victoria, as the regulator of Victoria's health and safety laws, is responsible for the administration of the notification requirements in the Act, and is referred to in the remainder of this publication.

In summary, Part 5 of the Act requires:

- immediate notification of a notifiable incident to WorkSafe on 132 360;
- written notification within 48 hours; and
- preservation of the incident site until an inspector arrives or directs otherwise.

Failure to comply with the incident notification and site preservation requirements in the Act can lead to fines (for each offence) of up to:

- \$6,607.20 for individuals*;
- \$33,036.00 for companies*.

Who is required to notify WorkSafe?

The duty to notify WorkSafe of serious workplace incidents applies if you are:

- an employer who has the management and control of a workplace; or
- a self-employed person who has the management and control of a workplace.

An 'employer' is defined in the Act as a person who employs one or more other persons under contracts of employment or contracts of training. This definition covers an individual, a company, body corporate, partnership, unincorporated association, franchising operation or not-for-profit organisation, in the private or public sector who has one or more employees.

A 'self-employed' person is defined in the Act as a person, other than an employer, who works for gain or reward otherwise than under a contract of employment or training.

The employer or self-employed person who has the management and control of a workplace where a notifiable incident has occurred is under a legal duty to notify WorkSafe of that incident. This legal duty to notify does not apply to a Manager or Supervisor or any other staff member of the employer. Whilst a Manager, Supervisor or other staff member may be delegated the task of reporting an incident, the ultimate legal responsibility rests with the employer.

**Subject to variation depending on the value of one penalty unit.*

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

When does the legislation apply?

The incident notification requirements in the Act apply to incidents that occur at a “workplace”.

“Workplace” is defined as any place, whether or not in a building or structure, where employees or self-employed persons work. It therefore includes the following:

- buildings
- structures
- factories
- vehicles
- offices
- construction sites
- excavations
- mines
- quarries
- demolition sites
- farms
- domestic premises

In service industries, the workplace is generally the location where the service is provided. Locations where emergency services operate such as for fire-fighting and police action are also workplaces.

WHAT IS A NOTIFIABLE INCIDENT?

Incidents at a workplace which result in the consequences described below (notifiable incidents) must be reported to WorkSafe.

If you are uncertain about whether an incident is notifiable under any of the legislative provisions referred to below, contact WorkSafe on 132 360 to seek advice.

Incidents that result in death or serious injury

Notification is required where an incident at a workplace results in:

- death; or
- serious injury.

Serious injury is used in this context to describe those incidents that result in the consequences described in section 37(1) of the Act. They include, but are not limited to, incidents that result in a person requiring:

- medical treatment within 48 hours of exposure to a substance
- immediate treatment as an in-patient in a hospital
- immediate medical treatment for:
 - amputation
 - serious head injury
 - serious eye injury
 - separation of skin from underlying tissue (for example de-gloving or scalping)
 - electric shock
 - spinal injury
 - loss of bodily function
 - serious lacerations

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

What is immediate medical treatment?

Treatment required without delay after an incident is termed 'immediate medical treatment'.

The Medical Treatment Act 1988 defines medical treatment as the carrying out of:

- (a) an operation;
- (b) the administration of a drug or other like substance; or
- (c) any other medical procedure –
but does not include palliative care².

Medical treatment does not include procedures carried out for diagnostic purposes only.

What is a serious head injury?

A serious head injury includes, but is not limited to, scalping, a penetrating injury to the skull, a fractured skull, loss of consciousness caused by a severe blow to the head or a chemical or hot metal burn to the skull.

What is a serious eye injury?

A serious eye injury includes, but is not limited to, the loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to the eye.

What is a spinal injury?

A serious spinal injury includes, but is not limited to, a fracture of the spine with or without any limb weakness or paralysis. Muscular injuries are not considered spinal injuries.

What is a loss of bodily function?

This includes, but is not limited to, such things as a loss of consciousness, loss of movement of a limb or a loss of the sense of smell, taste, sight or hearing or loss of function of an internal organ.

What are serious lacerations?

This includes, but is not limited to, one or more deep and/or extensive cuts, tears or wounds to the flesh or tissue. The immediate medical treatment required may include stitching to prevent loss of blood and/or other treatment to prevent loss of bodily function and/or infection*.

Incidents that expose a person to immediate risk to health or safety

The notification duty also applies to incidents that expose a person in the immediate vicinity to an immediate health or safety risk through incidents including:

- the collapse, overturning, failure or malfunction of, or damage to, plant that is required to be licensed or registered;
- the collapse or failure of an excavation or of any shoring supporting an excavation;
- the collapse or partial collapse of a building or structure;
- an implosion, explosion or fire;
- the escape, spillage or leakage of any substance including dangerous goods;
- the fall or release from a height of any plant, substance or object; or

Note 2: 'Palliative care' is defined in the Medical Treatment Act 1988 as including:

- (a) the provision of reasonable medical procedures for the relief of pain, suffering and discomfort; or*
- (b) the reasonable provision of food and water.*

** See Appendix 2, for further guidance on serious lacerations.*

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

- the following events in a mine:
 - (i) the overturning or collapse of any plant; or
 - (ii) the inrush of water, mud or gas; or
 - (iii) the interruption of the main system of ventilation.

In addition, a notifiable incident at a quarry should also be notified to WorkSafe.

“Immediate vicinity of an incident”

The “immediate vicinity” of an incident includes the area in the workplace where the incident occurred. It may also extend to an area beyond that workplace if the nature and extent of the incident exposes a person in that area to a health or safety risk as soon as the incident occurs.

What is in the immediate vicinity of an incident will depend on the nature of the incident. For example, the “immediate vicinity” of a heavy object dropped from a height will be closer than the “immediate vicinity” of a quantity of boiling liquid dropped from the same height.

The “immediate vicinity” of a collapsed crane will be all areas where any part of the crane could have fallen on a person. For a large quantity of hazardous material dropped from height, the “immediate vicinity” will include any area where a person could have been struck or splashed by the material.

“Immediate health or safety risk”

Risk is the likelihood of injury or illness arising from exposure to any hazard. Immediate risk is where that likelihood is present at the time of the incident occurring. It includes any situation which seriously endangers or threatens the health or safety of a person.

Employer/self-employed person injured/exposed to risk by an incident

An employer or self-employed person is not required to notify WorkSafe if the employer or self-employed person is the only person injured or exposed to risk as a result of the incident.

WHEN TO NOTIFY

The Act requires employers and self-employed persons to notify WorkSafe immediately they become aware of a notifiable incident at their workplace. The duty to notify applies as soon as an incident at a workplace results in one of the consequences described above (under what is a notifiable incident).

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

An employer should ensure that there are procedures in place at a workplace under their management and control to provide immediate notification of a notifiable incident.

Notification of incidents must be made regardless of whether the person involved is an employee or a member of the public.

How to notify WorkSafe

All notifiable incidents are to be reported to WorkSafe as set out in the table below. The written notification should be provided in the Incident Notification Form.

STEP 1: Telephone WorkSafe on 132 360

Immediate notification means as soon as you become aware of the incident. The officer receiving your call will record details of the incident and issue you with a Reference Number. The Reference Number is your proof of immediate notification.

STEP 2: Send your written report of the incident to WorkSafe on an Approved Form. You may submit the written report:

- online via the internet using the electronic form, available at worksafe.vic.gov.au, or
- in hard copy by facsimile to (03) 9641 1091, or
- by post to WorkSafe Victoria, Incident Notification, GPO Box 4306, Melbourne 3001, or
- by post or courier to WorkSafe Victoria, 222 Exhibition Street, Melbourne 3000.

Note: hard copy forms are available at all WorkSafe offices or can be downloaded from the WorkSafe website.

What information must you provide?

When reporting a notifiable incident you will be asked for:

- the name and address or the location of the place where the incident occurred;
- the name of any injured persons, the details of the injury and a brief description of what happened;
- contact details of a person at the incident site; and
- whether the police, an ambulance or other emergency service is attending or has attended the scene.

You will be given a reference number when you report the incident to WorkSafe.

Written notification

You must give WorkSafe a written record of the incident (written notification) within 48 hours of becoming aware of the incident.

Your written notification must be given on an Incident Notification Form, which is the form approved under the Act for this purpose. Your Reference Number, which you receive when you make your immediate notification to telephone 132 360, must be included on the Form. It is your proof that WorkSafe was immediately notified.

Copies of the form can be obtained from any WorkSafe office, at worksafe.vic.gov.au, the WorkSafe Advisory Service on 1800 136 089 or the Incident Notification Unit on 132 360.

Claims for compensation

Submitting a claim to your WorkSafe insurer for compensation is NOT notification for the purposes of the *Occupational Health and Safety Act 2004*.

Duties relating to claims are covered by the *Accident Compensation Act 1985*.

For information on claims call the WorkSafe Advisory Service on 1800 136 089.

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

SITE PRESERVATION

An employer or self-employed person who has the management and control of a workplace where a notifiable incident has occurred must ensure that the incident site is not disturbed until:

- an inspector arrives at the site; or
- such other time as directed by an inspector when WorkSafe is notified of the incident.

If, after arriving at the incident site an inspector considers that it should remain undisturbed in order to facilitate investigation of the incident, he or she may issue a non-disturbance notice. This notice must specify the period for which the notice is to apply (no more than 7 days).

The site of a notifiable incident may only be disturbed before an inspector arrives or before an inspector issues a direction in order to:

- protect the health and safety of a person; or
- provide aid to an injured person involved in the incident; or
- take essential action to make the site safe or to prevent a further incident.

The incident site is the area at the workplace where the incident occurred. It includes any plant involved in the incident and extends to any area within the workplace where:

- any substances have escaped, spilled or leaked; and
- any debris, including plant debris, or objects have fallen as a result of the incident.

Directions on site preservation

If you require advice on site preservation or wish to request directions on what to do, ask to speak to an inspector when you notify WorkSafe of the incident. An inspector may consider requests for a site to be disturbed for reasons other than those referred to above. The inspector may or may not issue a direction for a site to be disturbed taking into account the facts and circumstances surrounding the particular incident. There are a number of matters which may be considered by an inspector in deciding whether or not to issue a direction allowing the site to be disturbed. These matters include:

- whether the incident is in fact a 'notifiable' incident according to the *Occupational Health and Safety Act 2004* or other relevant health and safety legislation administered by WorkSafe;
- the seriousness of the incident;
- whether disturbance of the incident site would hinder investigation into the cause of the incident;
- whether the incident is alleged to have been caused or in part caused by plant, substances or a process which, if disturbed, may continue to expose persons to hazards and risks to their health and safety;
- whether the incident is likely to be subject to a comprehensive investigation;
- whether preservation is likely to cause significant disruption to public infrastructure and essential services; and
- whether the incident is in a public place or at a public event where it may not be practicable to secure the incident site at the time of notification.

The above matters are not exhaustive of those which may be considered by an inspector in deciding whether or not to issue a direction.

DUTIES RELATING TO INCIDENTS UNDER THE OHS ACT 2004

How long must you keep a copy of your written record of an incident notification?

You must keep a copy of the written record of a notifiable incident (the completed Incident Notification Form) for at least 5 years.

Access to incident notification records

The following people are entitled to access copies of notifiable incident records:

- WorkSafe inspectors;
- people injured or exposed to risk by the incident, and their representatives;
- representatives of anyone who dies as a result of the incident;
- the health and safety representative for the Designated Work Group (DWG), if any employees of the employer are members of a DWG; and
- members of any health and safety committee established by the employer.

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DUTIES UNDER THE EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007

In addition to the incident notification requirements in the Act, the *Equipment (Public Safety) Regulations 2007* ('the Regulations') require notification of incidents involving certain equipment. These regulations are made under the *Equipment (Public Safety) Act 1994*.

Equipment is defined in the *Equipment (Public Safety) Act 1994* as plant, machinery, apparatus, scaffolding, appliance, implement or tool and includes components of that equipment, and anything fitted, connected or appurtenant to the equipment.

Failure to comply with the Regulations can lead to fines (for each offence) of up to:

- \$6,607.20 for individuals* ; or
- \$33,036.00 for companies*.

Who is required to notify WorkSafe?

If you are a person in charge of prescribed equipment at an equipment site, you:

- are under a duty to immediately notify WorkSafe after becoming aware of a notifiable incident;
- provide a written notification to WorkSafe within 48 hours; and
- preserve the incident site.

A supplier who hires or leases prescribed equipment is also under a duty to take reasonable steps to ensure that persons hiring and using prescribed equipment are aware of the notification requirements in the Regulations when they lease or hire the equipment.

When do the regulations apply?

The Regulations apply to incidents involving "prescribed equipment" at an "equipment site".

"Prescribed equipment" means the equipment prescribed in regulation 903(3) of the *Equipment (Public Safety) Regulations 2007*.

"Equipment site" is defined in the *Equipment (Public Safety) Act 1994* as any place, whether or not in a building or structure, where prescribed equipment is, or is being constructed, manufactured, installed, erected, altered, maintained, repaired or used.

Three examples of equipment sites include:

- lifts in domestic premises;
- amusement structures being used by volunteers at charity fund raising events; or
- cranes used in a public place.

**Subject to variation depending on the value of one penalty unit.*

DUTIES UNDER THE EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007

What is a notifiable incident?

The Regulations apply to incidents which result in death or serious injury. The serious injury category covers the same consequences which are set in section 37(1) of the OHS Act – (refer to page 3 of this publication).

The Regulations also apply to certain incidents involving equipment which expose a person in the immediate vicinity to immediate risk (referred to as 'dangerous occurrences'). Those incidents are:

- the collapse, overturning, failure or malfunction of, or damage to, certain items of plant (set out below); and
- an implosion, explosion or fire.

Items of plant

The items of plant are those set out in Regulation 903 (3) of the *Equipment Public Safety Regulations 2007*:

- boilers categorised as hazard level A, B or C according to the criteria identified in AS 4343, Pressure Equipment – Hazard Levels;
- pressure vessels categorised as hazard level A, B or C according to the criteria identified in AS 4343, Pressure Equipment – Hazard Levels, other than –
 - Gas cylinders, to which AS 2030 – Gas Cylinders applies; and
 - Liquefied petroleum gas fuel vessels for automotive use to which AS 3509 – LP Gas Fuel Vessels for Automotive Use applies; and
 - Serially produced vessels to which AS 2971 – Serially Produced Pressure Vessels applies;
- tower cranes;
- lifts;
- building maintenance units;
- amusement structures to which AS 3533-1 – Amusement Rides and Devices – Part 1: Design and construction applies, other than amusement structures referred to in the standard as class 1 structures;
- concrete placing units (truck mounted with boom);
- mobile cranes with a safe working load greater than 10 tonnes.

How to notify WorkSafe

All notifiable incidents are to be reported to WorkSafe as set out below. The written notification may be provided in an Incident Notification form.

STEP 1: Telephone WorkSafe on 132 360

Immediate notification means as soon as you become aware of the incident. The officer receiving your call will record details of the incident and issue you with a Reference Number. The Reference Number is your proof of immediate notification.

STEP 2: Send your written report of the incident to WorkSafe on an Approved Form. You may submit the written report:

- online via the internet using the electronic form, available at worksafe.vic.gov.au, or
- in hard copy by facsimile to (03) 9641 1091, or
- by post to WorkSafe Victoria, Incident Notification, GPO Box 4306, Melbourne 3001, or
- by post or courier to WorkSafe Victoria, 222 Exhibition Street, Melbourne 3000.

Note: hard copy forms are available at all WorkSafe offices or can be downloaded from the WorkSafe website.

DUTIES UNDER THE EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007

What information* you must provide

The following information must be included in the written record required to be provided to WorkSafe within 48 hours:

- name of the person/organisation required to notify WorkSafe under the regulations;
- business address of the person/organisation required to notify;
- details of the deceased/injured person(s) [if any] –
 - name
 - date of birth
 - gender
 - residential address & telephone number
 - occupation/job title (if applicable)
- time and date of incident;
- place/location where the incident occurred;
- work/activity being undertaken at time of incident;
- brief description of the incident, including extent of injury, if any;
- person(s) who saw incident or first came on scene;
- action taken/intended, if any, to prevent recurrence;
- name/position title and telephone number of person submitting these details and date of submitting details.

Written notification

Written notification may be given on an Incident Notification Form, which is specific to the incidents required to be notified under the Regulations. This form includes the above information.

Copies of the form can be obtained from any WorkSafe office, at worksafe.vic.gov.au, the WorkSafe Advisory Service on 1800 136 089 or the Incident Notification Unit on 132 360.

** The extent of information known at the time of writing.*

DUTIES UNDER THE EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007

Site preservation

The person who is in charge of equipment involved in a notifiable incident which results in the death of any person must ensure that the site is not disturbed until:

- an inspector arrives at the site of the incident; or
- an inspector directs otherwise at the time of notification.

Preservation of the site is the responsibility of the person in charge of the equipment.

If you require advice on site preservation or wish to request directions on what to do, ask to speak to an inspector when you notify WorkSafe of the incident. An inspector may consider requests for a site to be disturbed – refer to page 7 of this publication under the heading “Directions on site preservation”.

In addition to the site preservation requirements under the Act and the Regulations, the *Dangerous Goods (Explosives) Regulations 2000* and the *Dangerous Goods Act 1985* have site preservation requirements.

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FREQUENTLY ASKED QUESTIONS

QUESTION	ANSWER
How do I know if an incident should be reported to WorkSafe under the <i>Equipment (Public Safety) Regulations 2007</i>?	It should be reported under the <i>Equipment (Public Safety) Regulations 2007</i> if it has occurred at an equipment site and it involved prescribed equipment. In addition, one of the consequences set out on page 10 of this publication, under the heading “What is a notifiable incident?” must occur.
Does the requirement to notify WorkSafe of dangerous incidents under the <i>Occupational Health and Safety Act 2004</i> replace any other requirements to notify or report dangerous goods incidents to the police, fire brigade or a WorkSafe inspector?	No. These are additional to the reporting requirements under the Dangerous Goods Act and Regulations.
Is there a requirement for both injury records and incident notification records to be kept?	Yes. <i>The Occupational Health and Safety Act 2004</i> requires a copy of the written record to be kept for 5 years. There is no requirement to keep a written record of notification in the <i>Equipment (Public Safety) Regulations 2007</i> .
Must WorkSafe be notified of incidents resulting in fractured bones?	Yes, if treatment as an in-patient at a hospital or immediate medical treatment is required.
Do vehicle accidents (where the vehicle is a workplace e.g. taxis, couriers, buses etc.) require notification to WorkSafe?	Yes, provided that one of the consequences listed under the heading “What is a notifiable incident?” on page 3 of this publication occurs as a result of the incident. The person(s) involved may be staff, passengers or members of the public.
If a member of the public is the only person injured in a workplace incident, does WorkSafe have to be notified?	Yes. Notification is necessary if the employer is aware of an incident which results in a consequence listed under the heading “Incidents that result in death or serious injury” on page 3 of this publication.
If an item of plant collapses, overturns, fails or malfunctions, or is damaged in transit, is the incident notifiable and by whom?	If the incident results in death or serious injury or if it exposes a person in the immediate vicinity to an immediate risk to their health or safety, it is notifiable. The employer with management or control of the transit is responsible for the notification.
If a volunteer is injured in a workplace (e.g. volunteer emergency services during a storm or fire) is notification required?	Yes.

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FURTHER INFORMATION

For general information about occupational health and safety, contact WorkSafe Victoria on 1800 136 089 or online at worksafe.vic.gov.au

For information or advice about incident notification, contact the Incident Notification Unit on 132 360 or by email on incidentnotification@worksafe.vic.gov.au

To obtain a copy of the OHS Act or regulations, go to dms.dpc.vic.gov.au or phone Information Victoria on 1300 366 356.

Incident notification under other health and safety legislative and regulatory provisions in Victoria*

The following legislative and regulatory provisions contain incident notification requirements in specific circumstances:

- The *Dangerous Goods Act 1985* Section 32 places a duty on:
 - (i) a licensee; or
 - (ii) an occupier or person in charge of premises where dangerous goods are manufactured, stored or sold, an owner or person in charge of a vehicle or boat used to transport dangerous goods and a person who uses, handles or transfers dangerous goods;
 - (iii) a master of a ship

to report without delay to the nearest fire authority or a police station any fire, explosion, spillage, leakage or escape involving dangerous goods in their ownership, possession or control.

- The *Dangerous Goods (Explosives) Regulations 2000*, Regulations 131 and 133 place a notification duty on:
 - (i) persons in control or possession of explosives (including fireworks); and
 - (ii) persons in charge of any premises or place used to manufacture or store explosives, or a road or rail vehicle used to transport explosives.

Incidents that result in injury or property damage must be reported to WorkSafe and a member of the police force without delay. If a fire results, the relevant fire authority must also be notified. In addition, under regulation 757, a person controlling or managing a worksite being a mine or quarry where a misfire has occurred must notify an inspector of the misfire.

- Regulation 5.2.11(2) of the *Occupational Health and Safety Regulations 2007* places a duty on the operator or a major hazard facility to immediately notify the local emergency services of any major incident that occurs at the facility.

* It is important to note that the incident notification requirements in the *Occupational Health and Safety Act 2004* and the *Equipment (Public Safety) Regulations 2007* are not inconsistent with, and do not prevail over, the statutory powers of the emergency services.

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APPENDIX 2

Definitions and general meanings of terms used

TERM	DEFINITION
De-gloving	Is the tearing off, by injury, of the skin of a finger, forearm and hand, or leg and foot in a way similar to taking off a glove.
Exposure	Is contact with a substance through inhalation, ingestion or through the skin.
Implosion	Is bursting inwards (as in the inwards mechanical collapse of a hollow structure).
Serious Laceration	<p>“Serious Lacerations” is not defined in the Act or the Regulations and therefore each case will need to be assessed on its merits and, depending on the circumstances, a decision made on whether a particular incident and injury is notifiable. The primary indicators of “seriousness” are that the injured person requires immediate medical treatment by a registered medical practitioner or that the injured person is admitted as an inpatient in a hospital for immediate treatment. As a guide, other indicators that may be considered when assessing the seriousness of a laceration for notification purposes are:-</p> <ul style="list-style-type: none">• the length of the lacerations;• the depth of the lacerations;• the location of the lacerations and proximity to vital organs (for example, the abdomen, head, face, neck, groin, wrists or a blood vessel or main artery);• the likelihood that the lacerations will cause scarring;• the blood loss caused or the risk of blood loss caused by the lacerations;• any damage to internal organs or other parts of the body, such as tendons, ligaments or muscles;• the nature and extent of any medical treatment required or likely to be required to treat the lacerations;• any adverse or potential adverse effects from the lacerations, such as poisoning, toxicity or infection;• any short or long-term loss of bodily function caused or likely to be caused by the lacerations; or• any contamination of the wound with a substance or foreign body or particles (for example, shattered glass, splintered wood, particles from a cutting wheel, nail from a nail gun, etc.). <p>It is important to bear in mind that the primary purpose of notification to WorkSafe is to ensure that action is taken to prevent a reoccurrence. This objective should at all times take precedence over an exacting assessment of the nature of injury.</p>

TERM	DEFINITION
Mine	<p>Mine is defined in section 37(4) of the Act as:</p> <p>(a) a workplace at which work is being done under a mining licence granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>; or</p> <p>(b) a workplace at which exploration (within the meaning of that Act) in the form of –</p> <p>(i) underground work of any kind; or</p> <p>(ii) drilling from the surface for coal bed methane – is being done under an exploration licence granted under that Act; or</p> <p>(c) in relation to a tourist mine (within the meaning of that Act) those parts of the mine that are underground and all infrastructure and plant associated with the underground workings of the mine.</p>
Medical Treatment	<p>Is defined in the Act as treatment by a medical practitioner registered under the <i>Health Professions Registration Act 2005</i>.</p>
Quarry	<p>A quarry includes: (a) a pit or excavation made in land below the natural surface for the purpose of extracting or removing stone if the primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works; or (b) any place or operation declared by the Minister by notice published in the Government Gazette to be a quarry – and includes access ways on private land and the works, machinery, plant, equipment, buildings and structures above or below ground used for or in connection with – (c) making, enlarging or deepening the pit or excavation; or (d) carrying on the operation; or (e) the extraction or removal of stone from the pit or excavation; or (f) the treatment on or adjacent to the land in which the pit or excavation is made of stone extracted or removed from the land or the manufacture on or adjacent to that land of bricks, tiles, pottery or cement products substantially from stone so extracted or removed.</p>
Scalping	<p>Is the tearing off, by injury, of the skin covering the head (but not including the face and ears).</p>
Structure	<p>Is a physical construction and includes buildings, framework, platforms and scaffolds.</p>
Substance	<p>Is defined in the Act as any natural or artificial substance, whether in the form of solid, liquid, gas or vapour.</p> <p>Hazards from substances include those from materials such as radioisotopes, biological agents, electromagnetic radiation and chemicals. Dangerous goods as defined in the <i>Dangerous Goods Act 1985</i> are also included.</p>

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