1 OBJECTIVE

To promote the timely reporting and investigation of all accidents and incidents to ensure legislative compliance.

To ensure that all workers are aware of their responsibility in relation to accident, injury, incident and hazard reporting. These investigations are a key to identifying the causes of incidents, assessing their associated risks and identifying and implementing effective corrective actions to prevent a recurrence.

To minimise the effects of hazards and incidents on the work health and safety of all workers, contractors, visitors and volunteers at Council work sites.

2 STATEMENT

Kempsey Shire Council requires that an Incident Early Notification Report be completed in regard to all accidents or incidents that occur for all tasks, jobs, work sites, buildings, plant or equipment owned or controlled by Kempsey Shire Council. This form should be completed and forwarded to Human Resources within 24 hours of the occurrence of the accident or incident.

Council also requires that all accidents, injuries, incidents or hazards be investigated and that appropriate strategies be developed and implemented to eliminate or reduce the likelihood of future occurrences. In order to achieve this, Council requires that all accidents, injuries, incidents and hazards be investigated in a timely manner.

All personnel employed by Kempsey Shire Council, any contractor, volunteer or other worker who carries out work at any Kempsey Shire Council facility shall strictly comply with this procedure.

The requirements stipulated in this document are minimum requirements. Other activities may require additional control measures. Such measures shall be additional to, and not in place of the requirements stipulated in this document.

3 LEGISLATIVE REQUIREMENTS


b) Work Health & Safety Regulations 2011.

c) AS/NZS 4360 – Risk Management.

d) WHSP0007 – Risk Assessment.
4 DEFINITIONS

Control of Hazards/Risks – A process of elimination or minimisation of significant hazards.

Direct cause– The hazardous conditions and specific unsafe or inappropriate behaviours that have directly caused or contributed to the accident/incident.

Hazard – Source or situation with a potential to cause injury or illness, damage to property or the environment.

Incident – Any unplanned event that results in or has the potential for injury, illness, damage or other loss.

Incident Investigation – A determination of the steps leading to an incident and the finding of the causes to identify the actions required to prevent the incident reoccurring.

Loss – The total or partial negative occurrence that renders items of Property or Vehicle/Plant, unable to be utilised or has caused damage that requires repair to restore to original condition.

Near Miss – A near miss is defined as any occurrence that might have led to injury or illness, danger to health and/or damage to property or the environment.

Property – Any item belonging to Kempsey Shire Council and identified as such by Data Dot, that is not a registered vehicle or item of plant, e.g. Power Tool, Portable Tools, Chainsaw, Mobile Phone, Computer Equipment, and any Council owned building / structure or part thereof, etc.

Psychosocial – The interrelationship between individuals’ thoughts and behaviours, and their social environment e.g. occupational hazards such as stress, bullying or harassment, occupational violence and fatigue.

Risk – Combination of likelihood of a specific unwanted event and the potential consequences if it should occur.

Risk Analysis – A systematic use of information to determine how often an event may occur and the magnitude of its consequences.

Risk Assessment – The overall process of risk analysis and risk evaluation to minimise the effect of risk upon the health, safety and welfare of workers and the environment.

Risk Evaluation – A process of determining risk management priorities by comparing the level of risk against predetermined standards or criteria.

Root Cause or system cause– The underlying system weaknesses which contributed to the presence of a hazard or the cause to an accident/incident.

Vehicle/Plant – Any item listed on Kempsey Shire Council Insurance Schedule for Plant and Motor Vehicles.

Excess – The amount of money Council has to pay toward claim costs, all property claims are subject to a $2,000 excess and all losses under this amount is paid for by Council (uninsured loss), all vehicle plant claims are subject to a $1,000 excess and all loss suffered under this amount is paid for by Council (uninsured loss).
5 ROLES AND RESPONSIBILITIES

5.1 Management
a) Ensuring that all incidents and hazards are documented using appropriate forms and documents.

b) Ensuring that an investigation is carried out on all reported incidents.

c) Ensuring that elimination/minimisation control strategies of all identified hazards or risks are implemented and monitored.

d) Ensuring all information relating to risk assessment and hazard control is correctly documented.

e) Maintaining and storing the records.

5.2 Workers
a) Immediately reporting every incident/hazard that occurs in the workplace to their Supervisor, Team Leader, Health and Safety Representative (HSR) or Manager.

b) The completion of the sections of the Early Incident Notification form. (Attachment 1)

c) Following Managers, Supervisors/ Team Leaders or HSR instruction to render a hazard or the site of an incident safe.

d) Cooperating fully with any investigation relating to an incident.

5.3 Supervisor/Team Leader
a) Verifying the facts and statements made on the Incident Early Notification Report and ensuring that these are correct and valid.

b) Implementing any immediate short term actions to render the hazard or the site of the incident safe.

c) Performing the initial investigation dependant on the severity of the incident.

d) Immediately reporting the incident to their Manager and in the case of actual or potential injury the WHS Support & Audit Officer and Team Leader Human Resources and in the case of actual or potential damage to plant the Coordinator Fleet and Procurement.

5.4 Managers
a) Ensuring documentation and investigation of every incident/hazard that occurs or is reported.

b) Ensuring that any incident that has or may cause injury, is immediately reported to the WHS Support & Audit Officer and Team Leader Human Resources.

c) Ensuring that any incident that has or may cause damage to plant, is immediately reporting to the Coordinator Fleet and Procurement.
d) Having all identified corrective actions relating to an incident completed in accordance with action plans developed.

e) Reviewing Incident Reports and their associated corrective actions on a monthly basis for progress and signing off when completed.

f) Taking over the Team Leader or Supervisor’s responsibility if the Team Leader or Supervisor is unable to initiate corrective action.

5.5 Health and Safety Representatives (HSR)

a) Verifying the facts and statements made on the Incident Early Notification Report and ensuring that these are correct and valid.

b) Implementing any immediate short term actions to render the hazard or the site of the incident safe.

c) Immediately reporting the incident to their Supervisor/Team Leader.

d) Attending the scene of an incident following notification of the incident.

e) Carrying out an investigation in consultation with the management of the area.

f) Following-up to ensure all agreed corrective actions have been implemented.

5.6 WHS Support and Audit Officer

a) Reviewing all Incident Early Notification Reports and Incident Investigation Reports.

b) Ensuring completion of Incident Early Notification Reports and Incident Investigation Reports in a timely manner within a month of the incident date.

c) Providing feedback, advice and support to HSRs, supervisors, team leaders and managers.

d) Providing guidance and assistance to supervisors, team leaders and managers to prevent a recurrence of the same or similar accident, injury, incident or hazard.

e) Monitoring the investigation process and control strategies implemented.

f) Ensuring timely notifications to WorkCover NSW and Council’s Workers Compensation Insurer as required.

g) Monitoring trends of accidents, injuries, incidents or hazards and initiate further investigation.

5.7 Health and Safety Committee

a) Monitoring that corrective actions are implemented.

b) Reviewing investigation findings.
6 PROCEDURES

6.1 Reporting an Incident

a) Any instance of an incident or hazard must be immediately reported to the Supervisor/Team Leader or HSR. The incident, hazard must also be reported to the Manager and the WHS Support & Audit Officer or Team Leader Human Resources.

b) The Manager and the WHS Support & Audit Officer must immediately determine if the incident is a WorkCover NSW notifiable incident according to WorkCover NSW Notifiable Incident. (Attachment 2)

c) The Manager and the WHS Support & Audit Officer must immediately determine if the non-disturbance conditions apply to the incident site according to Non Disturbance Provisions of Incident Sites. (Attachment 3)

d) The Supervisor/Team Leader or HSR must as soon as possible assess the incident site for risks to others.

e) The Supervisor/Team leader or HSR is to immediately implement effective measures to make the site safe before any further work is permitted.

6.2 Actual or Potential Injury

a) This includes minor pains that may be evident during the working day but not be related to any particular incident, but have developed while performing the tasks of the day.

**IMPORTANT:** The reporting of these minor pains is important because these may sometimes develop, after work, into a situation that may require medical treatment and the Supervisor/Team Leaders can assist in seeking medical treatment from the Council appointed doctor or a medical and/or health professionals of their choice.

b) Should the incident result in an injury that requires medical treatment, this treatment is to be sought immediately. Treatment for an injury is to be sought from Council’s appointed doctor or a medical and/or health professionals of their choice.

**IMPORTANT:** In order to comply with Legislation and Insurer requirements, notification of an incident to WorkCover NSW and Insurer must occur within 48 hours of the incident occurring by the WHS Support and Audit Officer or Team Leader Human Resources.

c) An Incident Early Notification Report (Attachment 1) is to be completed by the injured person (if possible) and given to the Supervisor/Team Leader.

**NOTE:** Should the injured person be unable to complete an Incident Early Notification Form, the Supervisor/Team Leader is to complete the form after interviewing the injured person. If unable to do so the Supervisor/Team Leader is to notify the WHS Support & Audit Officer or the Team Leader Human Resources as soon as possible.
d) Should an incident result in injury requiring medical treatment, a Workers Compensation Claim form must be completed in accordance with Workers Compensation Procedure Flowchart. (Attachment 4)

6.3 Incident Involving Vehicles or Plant

a) The Supervisor/Team Leader must initially notify the Coordinator Fleet and Procurement for all incidents of loss involving Vehicles or Plant.

b) The Coordinator Fleet and Procurement will notify Council’s Insurance Officer and arrange for the Driver/Operator to attend the Insurance Officer’s office to complete driver details on the insurance claim form.

c) The Coordinator Fleet and Procurement will arrange for the damage to be assessed by two local smash repairers.

d) The Coordinator Fleet and Procurement will forward copies of quotes obtained for repair to the insurance officer only when the cost of repair is above the Insurance Excess amount of $1,000.

e) The Insurance Officer will submit a claim to the Insurers if such a claim is over the Excess Amount of $1,000 and in accordance with the guidelines and procedures for submitting a claim set down by the Council’s Insurer.

f) The Insurance Officer will complete the Insurance Claim form and forward to Council’s Insurer.

g) The Insurance Officer upon receiving notification of determination from insurers will notify the Coordinator Fleet accordingly.

NOTE: No incidental costs incurred will be placed against the claim unless fully justified and previously approved by Council’s Insurers.

6.4 Loss of property

a) The Supervisor/Team Leader must notify the Council’s Insurance Officer for all incidents of loss regarding property.

b) The Insurance Officer will notify by email Council’s Insurers of the potential claim.

c) The Supervisor/Team Leader, if considered appropriate is also to report the incident to the Police and for items so marked Data Dot identification to inform the Police of the Data Dot details.

d) The Supervisor/Team Leader is to then arrange for quotations from two suppliers for replacement items, or repairs to structures and forward such to Council’s Insurance Officer.

e) Where items under the claim of loss are considered to be essential to business continuity, the Insurance Officer will contact the Insurers and seek approval to replace as soon as possible.

f) Upon such approval a Private Works number will be raised with Council’s Debt Recovery Officer and all purchases must be recorded to this Job Number.

NOTE: Only items subject to the claim of loss are to be placed against this Private Works Number.
g) The Insurance Officer will submit a claim to Insurers if such a claim is over Council Excess of $2,000 and in accordance with the guidelines and procedures for submitting a claim set down by Council’s Insurers.

h) All losses under Council excess will be considered on their merit for replacement under Council’s Insurance Excess costing.

**NOTE:** All replacement items of tools, portable equipment, power tools etc. are to be Data Dotted prior to issue into the workplace and recorded against the Worker’s tool register who is responsible for the items.

### 6.5 Reporting continued

a) The Supervisor/Team Leader are to review the Incident Early Notification Report to determine if details are correct and to determine if any further immediate corrective actions are to be implemented.

b) The Supervisor/Team Leader is to then enter the details of the incident into the CivicView Incident reporting pages.

c) The Incident Early Notification Report to be forwarded to Human Resources within 24 hours of the occurrence of the accident/incident.

d) A thorough investigation of the incident is to be carried out by the Manager and Supervisor/Team Leader.

e) The investigation to be commence within 3 days of the incident date.

### 6.6 Incident Investigation

a) The benefits of a thorough investigation into the causes of incidents include:

   i) Prevention of a recurrence of the same or similar accident;

   ii) Good documentation is legal preparation;

   iii) Reduction in damages to stock and equipment;

   iv) Improved moral by corrective action; and

   v) Reduction in lost time, delays and business interruptions.

b) Incident investigation is the systematic observations, analysis and evaluation of events that have damaged people and/or property.

c) The required stages to an incident investigation are:

   i) Obtain a Description;

   ii) Record sequence of events;

   iii) Record witness interviews;

   iv) Review present controls such as:

      - training;
      - work materials;
• enforcement;
• procedures and policies, and
• rules and regulations.

i) Determine the root cause and contributing factors;
ii) Develop controls;
iii) Assign responsibility;
iv) Submit report to senior management; and
v) Ensure follow-up treatment.

**NOTE:** Investigation must be kept objective, factual and free any attempt to assign blame.

d) Incident prevention must be directed towards the control of any difficulties found. A useful strategy is to consider these under the following headings:

i) Behaviour of individuals (persons);
ii) Design of plant and equipment (machine);
iii) Environmental factors existing at the time;
iv) System failures (SWMS, unidentified hazards); and
v) Interaction between all above.

e) Not all incidents, result in injury, and therefore it is necessary to distinguish between:

i) Non-injury incidents; and
ii) Injury incidents.

f) It is important that the belief that “each incident has a cause” is not downgraded to the erroneous belief that each incident has only one “cause”. Most incidents occur as the culmination of a number of related factors. Hence, the investigation should consider these factors under the headings of Person, Machines and Equipment, and Environment. Without these factors, the sequence of events culminating in injury or damage cannot progress.

g) An investigation should begin as soon as possible after the hazard or incident is reported and the medical needs of any injured people have been met. For this to happen, incidents must be reported as soon as possible after they occur.

h) Nothing at the site should be disturbed until after the completion of the investigation other than what is necessary to prevent further injury or loss or contamination until the investigating personnel or team has authorised clearing away.

i) Where necessary, photographs or video footage should be taken and equipment held for subsequent examination or test.
j) It is desirable to take statements from witnesses as soon as possible after the incident. Witnesses should be interviewed separately and questions should be carefully considered so that facts and opinions are not confused.

k) It should be emphasised that the purpose of investigation is not to assign blame for the incident but to establish the causes so as to identify actions necessary to prevent a recurrence.

l) It is essential that the investigation is sufficiently broad to assess the full range of technical, human and administrative factors involved in the hazard or incident even if some factors are outside the chief responsibilities of the area.

6.7 Who should investigate the incident?

a) This will be dependent on the seriousness of the incident and the potential or actual loss, damage or injury involved. The investigation team will include:

i) Manager;

ii) Immediate Supervisor or Team Leader;

iii) Person/s involved; and

iv) HSR for the workgroup;

b) The investigation team may also include:

i) WHS Support & Audit Officer;

ii) Health and Safety Specialist or

iii) External consultant (if applicable to the incident).

c) The Manager in consultation with the WHS support and Audit Officer to determine the required composition of the investigation team.

6.8 The strategy of the investigation

a) A good strategy includes four stages:

i) Gather information and establish facts;

ii) Identify the immediate and underlying causes;

iii) Determine corrective actions, and

iv) Carry out corrective actions.

6.9 The six questions that need to be asked

a) Who?

i) Who was involved?

This includes people both directly involved (injured or eye witnesses) and those that may be able to contribute useful
information about facts surrounding the incident; e.g. supervisors who know what “usually” happens, trainers of persons involved, peers etc.

ii) Who was first on the scene?

iii) Who administered First Aid?

b) What?

i) What happened?

This includes the equipment involved, the processes undertaken, systems, and what happened before and immediately after the incident. What “action” led to this incident? e.g. fall, slip, long-term exposure, hitting. What was happening, what task was involved?

ii) What type of clothing was worn?

iii) What instructions were given?

iv) What other procedures are there for this task?

v) What was the type of surfaces on which the work was being performed?

c) When?

i) When did the incident occur?

ii) When was an incident noticed?

iii) When did the person involved start work that day? It is important to identify here the date, time of day and other psychosocial issues that may have contributed to the event.

iv) Psychosocial issues that may impact on when and incident occurs include:

- Has the person involved just worked extended hours?
- Did the incident occur at night/ on a night shift?

d) Where?

i) Where did the incident occur?

ii) Have there been previous incidents in this particular area?

iii) What was the investigation outcome for previous incidents?

iv) Are there any physical aspects of the environment that may have contributed to the incident?

v) Look for both big and small differences and aspects of the environment.
e) How?
   i) How did the incident occur?
   ii) What was unusual about the event?
   iii) How could the incident have been prevented? This may lead to the direct cause of the incident?

f) Why?
   i) Why did the incident occur?
   ii) Was the person involved properly trained for the process undertaken?
   iii) How much experience had they had in the task?
   iv) Were there safety procedures in place?
   v) Has a risk assessment been conducted for the task in question?
   vi) Does the risk assessment identify the hazard, were the control measures adequate?
   vii) Why were safety systems, procedures, training not followed?
   viii) Were systems followed but they failed?

g) The “atmosphere” at the time of the incident and psychosocial issues will impact on why an incident has occurred, for example:
   i) Was it the last day before a holiday?
   ii) Was there some reason why the importance of safety precautions may have been diminished?

6.10 Isolating the Contributing Factors

   a) This stage is carried out to determine the direct and underlying causes of the incident. It will help to prioritise what to act on first.

   b) Some incident causes will be identified on the original incident report form. These can be used to help establish a thorough investigation.

Example:

In gathering information you discover that the incident occurred at dusk. A worker was walking along a path to the car park. The path had an uneven surface and the employee tripped. The worker attempted to break the fall by clasping a guardrail that was damaged and a sharp piece of metal cut her forearm and scratched her hand. She fell on one knee and sustained a bruise.

The contributory factors are:
   i) Poor vision (incident occurred at dusk);
   ii) Trip hazard (uneven path); and
iii) Sharp hazard (damaged guard rail).

c) To accurately isolate these factors the investigator should ask, “Would the incident have occurred if the contributory factor were absent?” This becomes a logical progression through each contributory factor to determine the factor was the direct incident cause and should be urgently addressed.

d) Continue to ask “Why?” e.g. “Why had the uneven path/damaged guard rail not been identified and repaired?”

e) The underlying causes are just as important and must not be overlooked in determination of corrective actions.

6.11 Determine Corrective Actions

a) Recommendations of the investigators must be based on the key contributory factors and the related underlying causes. To prevent recurrence of an incident, something must change.

b) In the previous example, it would be imperative to fix the trip hazard first and immediately isolate it from access to ensure the incident does not recur before the trip hazard is eliminated.

c) It may be necessary to conduct risk assessments to assist in the process of prioritisation, and to maintain sufficient documentation about the investigation.

d) It is imperative that the results and recommendations of the investigation are adequately communicated, so that the most appropriate people are involved and clearly understand requirements.

e) To assist with this, the investigators should conduct a post investigation briefing or follow up report. This should include the most appropriate people who can authorise and implement the recommendations and corrective actions.

f) The investigation report may include agreed dates for completion of any recommended changes and corrective actions. These completion dates must be realistic and agreed upon by all parties involved in the incident.

6.12 Recording Corrective Actions in CivicView

a) When corrective actions and agreed dates for implementation have been finalised, all details must be entered into the CivicView incident recording system.

b) The details required are:

i) Corrective Actions;

ii) Person responsible for implementing them;

iii) Due Date for Completion; and

iv) Actual Completion Date
6.13 Reviewing Investigation Report

a) At the completion of the investigation process all parties are to review and sign off on the report.

i) Injured Person;

ii) Supervisor/Team Leader/HSR;

iii) Manager;

iv) WHS Support and Audit Officer;

v) Director; and

vi) General Manager

b) The completed investigation report to be returned to the WHS Support and Audit Officer for reporting to the next meeting of the Health and Safety Committee or to WorkCover NSW (if required).

7 RECORDS

Records of all accident/injury/incident/hazard notifications, reporting, investigation and corrective actions shall be kept. Where applicable, records shall be kept for duration as required by legislation.

8 ATTACHMENTS

1. Incident Early Notification Report Form WHSF0051

2. WorkCover NSW Notifiable Incidents WHSF0074

3. Non Disturbance of Incident Sites WHSF0073

4. Worker Compensation Procedure Flowchart WHSF0026

5. Incident Investigation WHSF0002

VARIATION

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.
## INCIDENT EARLY NOTIFICATION REPORT

**WHSF 0051**  
**File No 693**

- **Incident No Injury**
- **Person Injury**
- **Damaged or Stolen Property**
- **Identified Hazards**
- **Near Misses**

**Incident Date**: / / 

**Incident Time**: :

**NOTE**: All "Personal Injury & Incidents No Injury" must be reported within 8 Hours of Occurrence to Human Resources on 65663321 or 0427896849 or 65663326 or 0434163924.

### Location
- **Street or Site Name & No:**
- **Suburb & State:**
- **Postcode:**

### Plant No./Vehicle Reg No.1:
- **1:**
- **2:**
- **3:**

### Persons Involved
- **Name 1:**
  - **Daytime Tel No:**
  - **Employee No.**
- **Name 2:**
  - **Daytime Tel No:**
  - **Employee No.**
- **Name 3:**
  - **Daytime Tel No:**
  - **Employee No.**

### Third Party Details
- **Name 1:**
  - **Licence No.:**
- **Address:**
- **Suburb & State:**
  - **Postcode:**
- **Vehicle Rego No.:**
- **Insurer Name:**
- **Police Report No.: (If Appl):**

### Describe the incident/injury and location: E.g. What has occurred and in what location?

**What happened?**

### Describe what you were doing. E.g. How did it occur?

**How did it happen?**

### Where did it happen?

### Immediate Actions Taken to Make Safe:
INCIDENT EARLY NOTIFICATION REPORT

Was Medical Treatment Given?  No [ ]  First Aid [ ]  Doctor [ ]  Hospital [ ]

Describe the Treatment Given

Name of First Aider, Doctor or Hospital (If Applicable)

Note: Council's Treating Doctor is: Dr Ackerley 26 Elbow Street, West Kempsey Ph 0265626888

Did the Person Stop Work as a Result  Yes [ ]  No [ ]

Date Stopped: /  Time Stopped: /  Length of Time Off (If Known): :

Witnesses

Name:  [ ] Address:  [ ]

Name:  [ ] Address:  [ ]

Name:  [ ] Address:  [ ]

Reporting/Injured Person

Name & Phone No:  [ ]  Signature:  [ ]  Date:  /  / 

Supervisor Reviewed

Name & Phone No:  [ ]  Signature:  [ ]  Date:  /  / 

Time Reported to Supervisor:  [ ]

Manager and supervisor to investigate and complete the following section of immediate corrective actions taken.

What action was taken to prevent incident recurrence?

Manager Name:  [ ]  Signature:  [ ]  Date:  [ ]

Return this form to Human Resources by fax to 65663343 or email within 24 hours of reported incident.

Investigation of the incident to occur as per WHS Procedure 5.6.3 Incident Reporting and Investigation by relevant Manager and Supervisor.
What to Do when an Incident Occurs

NOTE: All Incidents must be Reported to Supervisor immediately and to HR within 8 Hours of Occurrence

1. Incident Occurs
   - Is person injured?
     - Yes → Seek Medical Aid
     - No → Notify Manager, Human Resources, WHS Officer and Coordinator Fleet & Procurement (if Plant involved)

2. Does WorkCover require notification?
   - Yes → Notify WorkCover
   - No → Assess the risk to others of the present situation

3. Are immediate Corrective Actions Required?
   - Yes → Implement Immediate Corrective Actions
   - No → Complete Incident Early Notification Form WHSF0051

4. Supervisors to review details contained on WHSF 0051 and Sign Off

5. Supervisor to enter details contained on WHSF 0051 into the Incident Reporting Web Page

6. Forward to Human Resources for filing under File No 693

The WHS Act Part 3 section 26, 36 & 37 lays out notification requirements:
- Serious incidents include the following incidents occurring at, or in relation to, a workplace: such as:
  - An injury that results in the hospitalisation of a person
  - The death of a person on a life-support system any event or circumstances that presents an immediate threat to life
  - The loss of consciousness of a person caused by impact of physical force exposure to hazardous substances, electric shock or lack of oxygen
  - Major damage to any plant, equipment, building or structure
  - An uncontrolled explosion of the site
  - An uncontrolled escape of gas, dangerous goods or steam
  - Infringement of an escape of gas, dangerous goods or steam
  - As skill or incident resulting in exposure or potential exposure of a person to a noxious or prohibited substance or mixture
  -Collapse of the roof
  - Failure to evacuate
  - Infringement of an escape of gas, dangerous goods or steam

Non-disturbance provisions apply where a serious incident occurs:
Under the WHS Act, the occupier of a place of work must take measures to ensure that:
- Plant at that place is not used, moved or interfered with after it has been involved in a non-disturbance occurrence
- The area at that place that is within four metres or, if the regulations prescribe some other distance occurrence is not disturbed
- This does not prevent any action:
  - To help or remove a trapped or injured person or to remove a body
  - To avoid injury to a person or damage to property
  - For the purpose of any police investigation
  - In accordance with a direction or permission of an inspector
  - In such other circumstances as may be prescribed by the regulations.
WHAT ARE NOTIFIABLE INCIDENTS UNDER PART 3 OF THE WHS ACT 2011?

Part 3 of the WHS Act requires WorkCover NSW (the regulator) to be notified of serious workplace incidents and for the site of these incidents to be preserved until an inspector arrives or directs otherwise (subject to some exceptions).

In summary part 3 of the WHS Act requires:

- Immediate notification of a ‘notifiable incident’ to the regulator after becoming aware of it
- If the regulator asks – written notification within 48 hours of the request
- Preservation of the incident site until an inspector arrives or directs otherwise.

What is a ‘notifiable incident’?

A ‘notifiable incident’ as outlined in the WHS Act is:

- The death of a person
- A ‘serious injury or illness’, or
- A ‘dangerous incident’

arising out of work carried out by a business or undertaking or a workplace.

‘Notifiable incidents’ may relate to any person – whether an employee, contractor or member of the public.

Only the most serious safety incidents are intended to be notifiable, and they trigger requirements to preserve the incident site pending further direction from the regulator - refer WorkCover Incident Notification Fact sheet.

**Serious injury or illness of a person means an injury or illness requiring the person to have:**

- Immediate treatment as an in-patient in a hospital; or
- Immediate treatment for:
  - a) The amputation of any part of his or her body;
  - b) Serious head injury;
  - c) Serious eye injury;
  - d) Serious burn;
  - e) The separation of his or her skin from an underlying tissue (such as de-gloving or scalping);
  - f) Spinal injury;
  - g) The loss of bodily function; or
  - h) Serious lacerations.
- Medical treatment within 48 hours of exposure to a substance,
• Any infection to which the carrying out of work is significant contributing factor:
  
a) With micro-organisms;
b) That involves providing treatment or care to a person;
c) That involves contact with human blood or body substances; or
d) That involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.

_Dangerous incidents means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person’s health or safety emanating from an immediate or imminent exposure to:_

a) An uncontrolled escape, spillage or leakage of a substance;
b) An uncontrolled implosion, explosion or fire;
c) An uncontrolled escape of gas or steam;
d) An uncontrolled escape of a pressurised substance;
e) Electric shock. Examples of electrical shock that are notifiable are:
   
   • Shock due to static electricity;
   • ‘Extra low voltage’ shock (ie arising from electrical equipment less than or equal to 50V AC and less than or equal to 120V DC);
     • When defibrillators are used deliberately to shock a person for first aid or medical reasons; or
     • Minor shock resulting from direct contact with exposed live electrical parts (other than ‘extra low voltage’) including shock from capacitive discharge.
   f) The fall or release from a height of any plant, substance or thing;
g) 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;
h) The collapse or partial collapse of a structure;
i) The collapse or failure of an excavation or of any shoring supporting an excavation;
j) The inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
k) The interruption of the main system of ventilation in an underground excavation or tunnel.
WHAT ARE NON-DISTURBANCE PROVISIONS?

Non-disturbance provisions apply where a serious incident occurs.

Under the WHS Act, Section 39, 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 the inspector arrives at the site or any earlier time that an inspector directs.

This does not prevent any action:

a) To assist an injured person;
b) To remove a deceased person;
c) That is essential to make the site safe or to minimize the risk of a further notifiable incident;
d) That is associated with a police investigation; or
e) For which an inspector or the regulator has given permission.
INSTRUCTIONS: Retrieve a copy of the Incident Early Notification Report WHSF 0051. All members of the investigation team are to sign this form. All sections of this form must be completed. Recommendations must include name of person(s) deemed responsible for taking corrective actions.

Incident No: ____________________________ This is the same number allocated to the incident on CivicView and written on WHSF 0051

<table>
<thead>
<tr>
<th>Person(s) Involved</th>
<th>Name/Address/Ph No</th>
<th>Name/Address/Ph No</th>
<th>Name/Address/Ph No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Investigation Team</th>
<th>Member Name</th>
<th>Signature</th>
<th>Member Name</th>
<th>Signature</th>
<th>Member Name</th>
<th>Signature</th>
</tr>
</thead>
</table>

3. What was the sequence of events leading up to the incident?

<table>
<thead>
<tr>
<th>Sequence of Events</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
</tr>
</thead>
</table>

4. Location, Task and Supervision

- Exact location, date and time of the incident:
- Task being performed at the time of the incident:
- What was the person instructed to do?
- Who had instructed the person?
- On the day of the incident, how long had the task been performed?
- What supervision was provided?
<table>
<thead>
<tr>
<th>Training and Competency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>How experienced in this task is the person involved?</td>
<td></td>
</tr>
<tr>
<td>What training has been given for this task?</td>
<td></td>
</tr>
<tr>
<td>What additional training should be given?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plant and Equipment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What plant/equipment/tools were used?</td>
<td></td>
</tr>
<tr>
<td>Were they suitable for the task? If NO, explain why</td>
<td></td>
</tr>
<tr>
<td>What plant/equipment/tools should have been used?</td>
<td></td>
</tr>
<tr>
<td>Were plant/equipment/tools used correctly? If NO, explain why</td>
<td></td>
</tr>
<tr>
<td>Is certification required for plant/equipment/tools. If YES, Indicate requirements and whether person is certified and No:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal Protective Equipment and Clothing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What personal protective equipment (PPE) and clothing was in use?</td>
<td></td>
</tr>
<tr>
<td>Were they suitable for the task? If NO, explain why</td>
<td></td>
</tr>
<tr>
<td>What personal protective equipment (PPE) and clothing should have been used?</td>
<td></td>
</tr>
<tr>
<td>Was the personal protective equipment (PPE) and clothing being used correctly? If NO, explain why</td>
<td></td>
</tr>
<tr>
<td>Should any additional PPE be added. If YES, include details</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk Assessment and Procedures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was a risk assessment of the task undertaken prior to performing the task? If NO, explain why</td>
<td></td>
</tr>
<tr>
<td>What control measures are recommended in the risk assessment?</td>
<td></td>
</tr>
<tr>
<td>What written procedure(s) were available for this task?</td>
<td></td>
</tr>
<tr>
<td>Was the procedure being followed? If NO, explain why</td>
<td></td>
</tr>
</tbody>
</table>
### Incident Investigation

**No:** WHSF0002  
**Rev No:** 2

**Date Issued:** 01/01/2012  
**Date for Review:** 01/01/2014

#### Additional Questions

| 9 |  
|---|---
|  
|  
|  
|  

#### Immediate Causes (more than one box can be ticked)  
Any items ticked must be addressed in corrective actions

| 10 |  
|---|---
| 10.1 | Information error or omission  
10.2 | Failure to follow procedures  
10.3 | Inadequate warning/safety devices/barriers  
10.4 | Failure to observe/use warning/safety devices/barriers  
10.5 | Improper manual handling  
10.6 | Influence of alcohol/drugs  
10.7 | Inadequate equipment/tools  
10.8 | Misuse of equipment/tools  
10.9 | Work environment  
10.10 | Untidy work area  
10.11 | Inadequate PPE  
10.12 | Incorrect use of PPE  
10.13 | Inadequate access  
10.14 | External factors (third party, weather, etc.)  
10.15 | Loss of containment  

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**5.6.3**  
**Page 22 of 25**
### 11 Underlying Causes

Underlying causes should be checked and issues noted (more than one box can be ticked). Any issues ticked must be addressed in corrective actions.

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>11.1</td>
<td>Controls</td>
<td>11.5</td>
<td>Communication</td>
</tr>
<tr>
<td>11.2</td>
<td>Training</td>
<td>11.6</td>
<td>Organisation</td>
</tr>
<tr>
<td>11.3</td>
<td>Equipment</td>
<td>11.7</td>
<td>Human</td>
</tr>
<tr>
<td>11.4</td>
<td>Housekeeping</td>
<td>11.8</td>
<td>Design</td>
</tr>
<tr>
<td>11.9</td>
<td>Procedures</td>
<td>11.10</td>
<td>Maintenance Management</td>
</tr>
<tr>
<td>11.11</td>
<td>Disciplinary Measures</td>
<td>11.12</td>
<td>Purchasing</td>
</tr>
</tbody>
</table>

### 12 Summary and Analysis

Findings

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5.6.3 Page 23 of 25
## Corrective Actions

This section must address all Immediate and Underlying Causes identified in Sections 10 & 11.

<table>
<thead>
<tr>
<th>No</th>
<th>Action (List all actions relating to items required to be taken to prevent recurrence)</th>
<th>By Whom (Name)</th>
<th>Date to be Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**NOTE:** All details of all Corrective Actions are to be entered into the Web Pages on CivicView.

## Management Sign Off

FINDINGS & CORRECTIVE ACTIONS reviewed and accepted

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injured Person</td>
<td>/ /</td>
</tr>
<tr>
<td>Team Leader/Supervisor/HSR</td>
<td>/ /</td>
</tr>
<tr>
<td>Manager</td>
<td>/ /</td>
</tr>
<tr>
<td>WHS Support &amp; Audit Officer</td>
<td>/ /</td>
</tr>
<tr>
<td>Director</td>
<td>/ /</td>
</tr>
<tr>
<td>General Manager</td>
<td>/ /</td>
</tr>
<tr>
<td>Health &amp; Safety Committee</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>Date of Meeting:</td>
<td>/ /</td>
</tr>
<tr>
<td>Findings &amp; Corrective Actions reviewed and accepted</td>
<td>Yes / No</td>
</tr>
<tr>
<td>If No, Further recommendations:</td>
<td></td>
</tr>
<tr>
<td>No:</td>
<td>Recommendation</td>
</tr>
<tr>
<td>----</td>
<td>---------------</td>
</tr>
<tr>
<td></td>
<td>Findings &amp; Corrective Actions reviewed and accepted</td>
</tr>
<tr>
<td>Health &amp; Safety Chairperson</td>
<td>Name</td>
</tr>
</tbody>
</table>