

NSW Work Health and Safety Act



Module: Incident Notification

What is different in WHS Act about Incident Notification?

New Act has similar notification requirements to the current NSW legislation



New Act does not include 7 day unfit for work provision found in NSW definition



Overview of WHS Act

What is a notifiable incident?

An incident involving the **death** of a person, '**serious injury or illness**' of a person or a '**dangerous incident**'



What is a serious injury or illness?

An injury or illness including: **immediate treatment** as an in-patient in a hospital or immediate treatment for amputation, spinal injury, serious lacerations etc. or medical treatment **within 48 hours** of exposure to a substance at a workplace





Overview of WHS Act

What is a dangerous incident?

An incident that exposes a person to **serious risk to their health or safety** arising from **an immediate or imminent exposure** to matters such as, for example:

- an uncontrolled escape, spillage or leakage of a substance, or
- an uncontrolled implosion, explosion or fire or
- an uncontrolled escape of gas or steam.





What WHS Act says PCBUs must do:



Notify WorkCover of a **notifiable incident** immediately after becoming aware of it



Notify by phone or in writing- **quickest means possible**



Ensure that the **incident site is preserved** until an inspector arrives or until directed by an inspector. Does not prevent action to assist **injured persons or make site safe**



Keep a record of notifiable incidents for **5 years**



What is the likely impact of these changes?



- The WHS Act retains **similar notification requirements** to those that currently apply so little change is expected



- The duty is for all **PCBUs**

