

Legislation

09.01.04

Workplace Health and Safety Act 2007

Notification of incidents >

This information bulletin provides guidance on the requirement for notification of certain incidents (including “work related accidents”) under the [Workplace Health and Safety Act 2007 \(the Act\)](#). Please refer to Part 6, Sections 64 to 66 of the Act and Regulation 46 of the Workplace Health and Safety Regulations 2008 (the regulations) for more detail.

The Act provides the following definitions:

- > **injury** includes an impairment of health
- > **significant injury** means an injury requiring medical treatment (this means *treatment* by a registered medical practitioner)
- > **worker** means any person who works in the employer’s business in any capacity (including as a contractor, sub-contractor or volunteer) and includes the employer themselves if they are working in their own business
- > **work-related accident** means a situation or event occurring at a workplace, or arising out of a worker’s work, that results in death or significant injury

Incident notification

Section 64 of the Act sets out the criteria for incidents (including work related accidents) that are *reportable* to the Authority. It is an offence to fail to report an incident that meets any of these criteria and penalties apply.

The purpose of the requirement to notify the Authority of certain incidents is to ensure that the regulator is made aware of situations where there has been either a death or a serious injury or there was a potential for this to occur. This enables the Authority to make sure that causes are identified and appropriate action taken to prevent such incidents in the future. The Authority may also investigate a workplace incident to determine whether those with a duty under the Act have met that duty and take whatever further action is appropriate in the circumstances.

Under the Act, a **reportable incident** is any of the following circumstances:

- > **a work-related accident** (as above, resulting in death or significant injury); **or**
- > **an incident at a workplace creating a risk of a work-related accident and consisting of:**
 - a major structural failure or collapse; **or**
 - an explosion, implosion or fire; **or**
 - the escape, spillage or leakage of a harmful, or potentially harmful, substance; **or**
 - the fall of an object from a height; **or**
- > the failure of a system on which the health or safety of workers is dependent (such as a ventilation system in a mine); **or**
- > **an electric shock** suffered at the workplace; **or**
- > **an incident classified by the regulations as a reportable incident** – Regulation 46 requires an accident involving a hazardous activity for which a risk management plan is required to be reported under this section.

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The Authority must be notified of reportable incidents

The Act (Section 65) requires an employer to notify NT WorkSafe as soon as practicable of the occurrence of a reportable incident and this should be by means of a telephone call to 1800 019 115 as soon as the employer becomes aware of the incident. When you report an incident to NT WorkSafe you will be given a reference number which is your record that you met the notification requirement.

The Authority may, in this telephone conversation, seek further information about the incident and if the incident resulted in a death or significant injury, give directions to the employer to preserve the scene of the incident by ensuring that the site is left undisturbed (Section 66) pending the arrival of a Workplace Safety Officer to undertake an investigation.

If a direction is given to leave the site of the incident undisturbed, NT WorkSafe must ensure that the incident is investigated as soon as possible but this direction doesn't prevent anyone from assisting someone who is injured or taking steps to make the situation safe and prevent any further threat to health or safety.

However, if the employer is directed to prevent the incident site from being disturbed it is an offence to fail to do so and penalties apply to a breach of this section.

In addition to this immediate (as soon as is practicable) telephone notification, the employer must also provide NT WorkSafe with a written report on the incident, in an approved form, (see below) within 48 hours of its occurrence. The approved form ([FM137](#)) is provided by NT WorkSafe and is accessible from the website (www.worksafe.nt.gov.au) or can be emailed or faxed to the workplace on request. The reference number provided at the time of the initial notification is recorded on this form and demonstrates that the employer met the duty to notify as soon as practicable.

The information on the form is intended to provide sufficient information for WorkSafe to judge what, if any, further action is required and should be provided to the extent that the details are known at the time of completing the notification form.

An internal investigation of the incident by the employer will reveal additional information which may also subsequently be provided to WorkSafe if required.

The employer must keep a copy of the report given to the Authority for at least 5 years after the date of the incident.

The employer must, on request, make a copy of this report available for inspection by:

- > any person authorised by the Authority; or
- > a person, or a representative of a person, who was injured in the incident, or who was exposed to risk of significant injury by the incident; or
- > a representative of a person killed in the incident; or
- > a health and safety representative; or
- > a health and safety committee established by the employer.

Penalties

A range of penalties applies where the provisions of the Act are not complied with. Please refer to NT WorkSafe information bulletin [09.01.07](#).

NT WorkSafe

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