



**Lutheran Church of Australia | National Office |  
New Work Health and Safety Laws  
Incident Notification**

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## **1.0 Notifiable Incidents**

*(WHS Act Part3 S35-39)*

### ***What is a notifiable incident under the new Work Health and Safety laws?***

Under the Work Health and Safety laws a notifiable incident means:

- ❖ the death of a person
- ❖ a serious injury or illness of a person
- ❖ a dangerous incident

### ***What is a serious injury or illness?***

A person attaining an injury or illness requiring the person to have:

- ❖ immediate treatment as an in-patient in a hospital
- ❖ immediate treatment for the amputation of any part of his/her body, a serious head injury, a serious eye injury, a serious burn, the separation of his/her skin from an underlying tissue, a spinal injury, the loss of a bodily function, serious lacerations
- ❖ medical treatment within 48 hours of exposure to a substance
- ❖ any other injury or illness prescribed by the regulations

### ***What is a dangerous incident?***

An incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health and safety emanating from an immediate or imminent exposure to:

- ❖ an uncontrolled escape, spillage or leakage of a substance
- ❖ an uncontrolled implosion, explosion or fire
- ❖ an uncontrolled escape of gas or stream
- ❖ an uncontrolled of a pressurised substance
- ❖ electric shock
- ❖ the fall or release from a height or any plant, substance or thing
- ❖ the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations
- ❖ the collapse or partial collapse of a structure
- ❖ the collapse or failure of an excavation or of any shoring supporting an excavation
- ❖ the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- ❖ the interruption of the main system of ventilation in an underground excavation or tunnel
- ❖ any other event prescribed by the regulations

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***When do I have to notify SafeWork or relevant state/territory authority?***

A person conducting a business or undertaking (PCBU) must ensure that SafeWork or relevant state/territory authority is notified **immediately after becoming aware** that a notifiable incident arising out of the conduct of the PCBU has occurred.

The notification must be provided by the fastest possible means, either by telephone or in writing (fax, email or other electronic means).

***Under the Work Health and Safety law what is my duty to preserve the site where the incident occurred?***

The person with management or control of the workplace must ensure so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time directed by an inspector. This does not prevent any action:

- ❖ to assist an injured person
- ❖ remove a deceased person
- ❖ essential to make the site safe or to minimise the risk of a further notifiable incident
- ❖ associated with police investigation
- ❖ for which an inspector, the SafeWork or relevant state/territory authority have given permission.

A site includes any plant, substance, structure or thing associated with the notifiable incident.

***How long the records of the incident must be kept?***

A PCBU must keep a record of the notifiable incident at least for five (5) years from the date of the notification given to the SafeWork or the relevant state/territory authority.

*Refer to [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)*