



# Safety Notice

## Incident notification requirements under WHS legislation – WorkSafe WA

With the introduction of the Work Health and Safety Act 2020 (the Act) on 31 March 2022 the types and nature of incidents that must be reported to WorkSafe have changed.

This Safety Notice will help you decide when you need to notify WorkSafe of a work-related death, injury, illness, or dangerous incident.

Under Section 35 of the Act a ‘notifiable incident’ means:

- The death of a person;
- A serious injury or illness of a person; or
- A dangerous incident.

### Notification to WorkSafe

Section 38 of the Act requires that the Person Conducting the Business or Undertaking (PCBU) must ensure that WorkSafe is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred. Urgent medical assistance, where necessary, should be sought prior to contacting WorkSafe.

Failing to report a ‘notifiable incident’ is an offence under the Act and penalties apply.

School Bus Services (SBS) therefore advises Contractors of the importance of ensuring that processes are in place for reporting health and safety incidents; for example, a Driver to the Manager and then to WorkSafe if required.

For a fatality, or very serious injury, Contractors must notify WorkSafe by calling **1800 678 198** (24 hrs).

After phoning through the report an online report must be submitted WorkSafe at [Report a death or serious incident at a workplace | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](https://www.commerce.wa.gov.au)

All other serious injuries, illnesses and dangerous incidents must be reported online.

### Notification to School Bus Services

Under the Act, because your company is contracted to provide school bus services, School Bus Services (SBS) has a co-reporting responsibility. Therefore SBS must be advised of any reportable incident as soon as practicable. The priority is responding to the incident, however, early reporting will ensure communication is maintained. The report to SBS is to include:

- Incident Detail. Key information includes location, time and date, what occurred, who was involved and the proposed actions.
- Confirmation that the incident has been reported to WorkSafe including time and date of notification and the incident number allocated by WorkSafe.

An initial verbal report should be provided to SBS as soon as practicable with any follow up verbal reporting provided no later than the next Business Day. Written reports are to be submitted via the Contractor Portal as soon as practicable within five business days. Incident reporting is to be via your Contract Officer or alternatively call 9326 2625.

## Notifiable Incident:

The definition of a 'notifiable incident' can be found on WorkSafe website at [Types of serious illness or injury | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](https://www.commerce.wa.gov.au/industry-regulation-and-safety/types-of-serious-illness-or-injury).

A summary is included in the Table 1 below, however, you must refer to information from WorkSafe for the full reporting requirements.

**Table 1**

Types of Treatment	Example
Immediate treatment as an in-patient in a hospital	Admission into a hospital as an in-patient for any duration, even if the stay is not overnight or longer. It does not include: <ul style="list-style-type: none"> <li>• Out-patient treatment provided by the emergency section of a hospital (i.e. not requiring admission as an in-patient)</li> <li>• Admission for corrective surgery which does not immediately follow the injury (e.g. to fix a fractured nose).</li> </ul>
Immediate treatment for the amputation of any part of the body	Amputation of a limb such as arm or leg, body part such as hand, foot or the tip of a finger, toe, nose or ear.
Immediate treatment for a serious head injury	<ul style="list-style-type: none"> <li>• Fractured skull, loss of consciousness, blood clot or bleeding in the brain, damage to the skull to the extent that it is likely to affect organ/face function.</li> <li>• Head injuries resulting in temporary or permanent amnesia.</li> </ul> It does not include: <ul style="list-style-type: none"> <li>• A bump to the head resulting in a minor contusion or headache.</li> </ul>
Immediate treatment for a serious eye injury	<ul style="list-style-type: none"> <li>• Injury that results in or is likely to result in the loss of the eye or total or partial loss of vision.</li> <li>• Injury that involves an object penetrating the eye (for example metal fragment, wood chip).</li> <li>• Exposure of the eye to a substance which poses a risk of serious eye damage.</li> </ul> It does not include: <ul style="list-style-type: none"> <li>• Eye exposure to a substance that merely causes irritation.</li> </ul>
Immediate treatment for a serious burn	A burn requiring intensive care or critical care which could require compression garment or a skin graft. It does not include: <ul style="list-style-type: none"> <li>• A burn that merely requires washing the wound and applying a dressing.</li> </ul>
Immediate treatment for the separation of skin from an underlying tissue (such as de-gloving or scalping)	Separation of skin from an underlying tissue such that tendon, bone or muscles are exposed (de-gloving or scalping). It does not include: <ul style="list-style-type: none"> <li>• Minor lacerations.</li> </ul>

Types of Treatment	Example
Immediate treatment for a spinal injury	Injury to the cervical, thoracic, lumbar or sacral vertebrae including the discs and spinal cord. It does not include: <ul style="list-style-type: none"> <li>• Acute back strain.</li> </ul>
Immediate treatment for the loss of a bodily function	Loss of consciousness, loss of movement of a limb or loss of the sense of smell, taste, sight or hearing, or loss of function of an internal organ. It does not include: <ul style="list-style-type: none"> <li>• Mere fainting</li> <li>• A sprain or strain.</li> </ul>
Immediate treatment for serious lacerations	<ul style="list-style-type: none"> <li>• Deep or extensive cuts that cause muscle, tendon, nerve or blood vessel damage or permanent impairment.</li> <li>• Deep puncture wounds.               <ul style="list-style-type: none"> <li>○ Tears of wounds to the flesh or tissues—this may include stitching to prevent loss of blood and/or other treatment to prevent loss of bodily function and/or infection.</li> </ul> </li> </ul>
Medical treatment within 48 hours of exposure to a substance	'Medical treatment' is treatment provided by a doctor. Exposure to a substance includes exposure to chemicals, airborne contaminants and exposure to human and/or animal blood and body substances.
Injury or illness in a remote location that required urgent transfer to a medical facility for treatment	<ul style="list-style-type: none"> <li>• Includes any injury or illness not specified previously that cannot be treated at or near the site of the incident;</li> <li>• A remote location is any location that is not served by ordinary ambulance services, and may include mines and offshore facilities, rail camps, geological surveys, and isolated holiday facilities;</li> <li>• A medical facility includes a hospital and any other facility that provides medical services.</li> </ul>
Injury or illness that a medical practitioner considers likely to prevent the person from being able to do their normal work for at least 10 days	<ul style="list-style-type: none"> <li>• Captures any illness or injury not specified previously that prevents a person from doing their normal work for at least 10 days;</li> <li>• This determination may only be made by a medical practitioner and may be in the form of a medical certificate or letter;</li> <li>• Notification must be provided even if the worker is capable of light duties (e.g. a warehouse worker who is moved to desk duties for the duration of their recovery).</li> </ul>

### Treatment Types:

- 'Immediate treatment' means the kind of urgent treatment that would be required for a serious injury or illness. It includes treatment by a registered medical practitioner, a paramedic or registered nurse.
- 'Medical treatment' refers to treatment by a registered medical practitioner (a doctor).

Even if immediate treatment is not readily available, for example because the incident site is rural or remote or because the relevant specialist treatment is not available, the notification must still be made.

### Dangerous Incident:

Dangerous incidents include 'near misses.' WorkSafe must be notified of all workplace incidents 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 —

- an uncontrolled escape, spillage, or leakage of a substance;
- an uncontrolled implosion, explosion, or fire;
- an uncontrolled escape of gas or steam;
- an uncontrolled escape of a pressurised substance;
- electric shock;
- the fall or release from a height of 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; or
- any other event prescribed by the regulations.

### Duty to Preserve Incident Sites

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 an inspector arrives at the site or any earlier time that an inspector directs.

The reference to a site includes any plant, substance, structure or thing associated with the notifiable incident. However, preserving an incident site does not prevent any action needed;

- to assist an injured person;
- to remove a deceased person;
- that is essential to make the site safe or to minimise the risk of a further notifiable incident;
- that is associated with a police investigation;
- for which an inspector or the regulator has given permission.

### Questions

If you are not sure about your obligations, please contact SBS for further advice.