INCIDENT NOTIFICATION FLOWCHART

Upon becoming aware that an incident requiring notification to Comcare under section 38 of the WHS Act has occurred, the PCBU must notify Comcare of the incident immediately.

1. **Not notifiable to Comcare (may be notifiable to another regulator)**
   - **No**
   
   2. **Not notifiable**
   - **No**
   
   3. **Notifiable death**
   - Yes
   
   4. **Notifiable serious injury or illness**
   - Leave site
   
   5. **Notifiable dangerous incident**
   - Leave site

   6. **Is the notifying PCBU a duty holder of the WHS Act 2011 (Cth)?**
   - Yes
   
   7. **Did the incident arise out of the conduct of the PCBU’s business or undertaking?**
   - Yes

   8. **Did the incident cause the death of any person?**
   - No

   9. **Did the incident cause serious injury or illness to a person requiring the person to have:**
   a) immediate treatment as an inpatient in a hospital
   b) immediate treatment (refer to definition of serious injury or illness—section 36)
   c) medical treatment within 48 hours of exposure to a substance.

   10. **Note:** there are also serious illnesses prescribed by the regulations (see reg 699)

   11. **Did the incident result in a dangerous incident? (refer to definition of dangerous incident—section 37)**
   - No

   12. **Not notifiable**
Section 36

immediate treatment for:

- the amputation of any part of the body
- a serious head injury
- a serious eye injury
- a serious burn
- the separation of his or her skin from an underlying tissue (such as de-gloving or scalping)
- a spinal injury
- the loss of a bodily function
- serious lacerations

Regulation 699

For the purposes of section 36 of the Act, each of the following conditions is a serious illness:

(a) any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work:

(i) with micro-organisms; or

(ii) that involves providing treatment or care to a person; or

(iii) that involves contact with human blood or body substances; or

(iv) that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products;

(b) the following occupational zoonoses contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:

(i) Q fever;

(ii) Anthrax;

(iii) Leptospirosis;

(iv) Brucellosis;

(v) Hendra Virus;

(vi) Avian Influenza;

(vii) Psittacosis

Section 37 of the WHS Act sets out that a dangerous incident is 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:

- 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 (refer to Schedule 5 of the Regulations)
- the collapse or partial collapse of a structure (note that this could include Telstra pits)
- 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.