



Australian Government

Comcare

GUIDE TO WORK HEALTH AND SAFETY INCIDENT NOTIFICATION

A guide on notifying Comcare of
'notifiable incidents' under the
Commonwealth *Work Health and
Safety Act 2011*

DEFINED TERMS

The following terms are defined in the WHS Act. They are used in this guide according to their definitions.

s 22

Term	Defined in ...
------	----------------

Serious injury or illness

Section 36

s 22

The WHS Act does not elaborate on the meaning of 'death'. However, there are definitions of 'serious injury or illness' in section 36 and 'dangerous incident' in section 37.

WHAT IS A SERIOUS INJURY OR ILLNESS?

Section 36 of the WHS Act provides that a serious injury or illness of a person is an injury or illness requiring the person to have certain types of treatment.

The following table sets out the relevant types of treatment and gives examples of what is and is not included.¹

Type of treatment	Includes ...	Does not include ...
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	Out-patient treatment provided by the emergency section of a hospital (i.e. not requiring admission as an in-patient) Admission for corrective surgery which does not immediately follow the injury (e.g. to fix a fractured nose)
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	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 Head injuries resulting in temporary or permanent amnesia	A bump to the head resulting in a minor contusion or headache
Immediate treatment for a serious eye injury	Injury that results in or is likely to result in the loss of the eye or total or partial loss of vision Injury that involves an object penetrating the eye (for example metal fragment, wood chip) Exposure of the eye to a substance which poses a risk of serious eye damage	Eye exposure to a substance that merely causes irritation
Immediate treatment for a serious burn	A burn requiring intensive care or critical care which could require compression garment or a skin graft	A burn that merely requires washing the wound and applying a dressing
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)	Minor lacerations

¹ The types of treatment appear in section 36(a)-(b). The examples are based on Safe Work Australia's *Incident Notification Information Sheet* (November 2015).

Type of treatment	Includes ...	Does not include ...
Immediate treatment for a spinal injury	Injury to the cervical, thoracic, lumbar or sacral vertebrae including the discs and spinal cord	Acute back strain
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	Mere fainting A sprain or strain
Immediate treatment for serious lacerations	Deep or extensive cuts that cause muscle, tendon, nerve or blood vessel damage or permanent impairment Deep puncture wounds 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	
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	First aid administered by a first aid officer

It does not matter whether the person actually receives the treatment, just that the injury or illness could reasonably be considered to warrant such treatment. Consider the following situations:

- > A worker drops a heavy weight onto his foot but does not seek immediate treatment as he thinks that the steel-capped boots he was wearing have protected him from serious injury. However, when he later takes off his boots it becomes apparent that his foot is broken.
- > A person does not receive immediate treatment for a condition based on religious beliefs or cultural norms. For example, the person might refuse a blood transfusion or decline treatment from a doctor of the opposite sex.

In addition to the injuries or illnesses that are defined by the type of treatment required, two types of illness are specifically included in the definition of 'serious injury or illness'.

The first is 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:

- > that involves providing treatment or care of a person
- > that involves contact with human blood or body substances
- > that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.²

The second type of specified illness is certain 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.³

² WHS Regulations, regulation 699.

³ WHS Regulations, regulation 699. The relevant occupational zoonoses are Q fever, Anthrax, Leptospirosis, Brucellosis, Hendra Virus, Avian Influenza and Psittacosis.

NOTIFICATION SCENARIOS

The suggested answers in the following scenarios may assist in understanding the incident notification duty.

SCENARIO 1: WORKER ASSAULTED IN CAR PARK

A worker is assaulted in a public car park adjacent to her workplace while walking back to work after a client meeting. The PCBU's policy requires that the worker wear her uniform and name badge which clearly identify her as a worker.

During the attack the assailant stated loudly that he was upset about actions taken by the PCBU that had adversely affected him. As a result of the attack the worker suffered serious lacerations to her face and hands and was subsequently taken to hospital in an ambulance. The worker was treated for her injuries as an in-patient in hospital and required stitches for a deep cut to her forehead. She was provided with a medical certificate for one week off work.

Questions	Suggested answers
Did a notifiable incident occur?	Yes. There was a serious injury or illness. The worker required immediate treatment as an in-patient in a hospital, and also required immediate treatment for serious lacerations.
Was the PCBU required to notify Comcare of the incident?	Yes. The incident arose out of the conduct of the PCBU's business or undertaking. The worker was assaulted because she was a worker of the PCBU.

SCENARIO 2: VOLUNTEER AT CONFERENCE

While working as a volunteer at a Commonwealth organisation's annual conference, a university student suffers serious burns to his hands and arms while filling an urn with boiling water. At the time, he was preparing the tea/coffee making facilities before the arrival of conference guests.

The volunteer is attended to at the scene by a first aid officer, then by ambulance officers who transport him to hospital where he receives immediate treatment for his injuries. The volunteer remains in hospital for several hours for observation but is not admitted.

Questions	Suggested answers
Did a notifiable incident occur?	Yes. There was a serious injury or illness. The student required immediate treatment for a serious burn; however, he did not receive treatment as an in-patient at the hospital.
Was the PCBU required to notify Comcare of the incident?	Yes. The incident arose out of the conduct of the PCBU's business or undertaking. The student suffered the burns while carrying out work for the Commonwealth organisation. Note that a volunteer is one type of worker as defined in section 7 of the WHS Act.

SCENARIO 4: HEART ATTACK WHILE AT WORK

A staff member sitting at his desk complains of chest pain and pain radiating down his left arm. The first aid officer attends and the worker is sent to hospital by ambulance. He is diagnosed as having suffered a heart attack and admitted, eventually having two months off work. There were no previous occurrences of chest pain and the staff member reports that he was not feeling under pressure at work.

Questions	Suggested answers
Did a notifiable incident occur?	Yes. There was a serious injury or illness. The staff member required immediate treatment as an in-patient in a hospital.
Was the PCBU required to notify Comcare of the incident?	No. There is nothing to suggest the heart attack was related to work. However, if there was evidence that the staff member was experiencing high levels of work-related stress before suffering the heart attack, the answer could have been different as it is possible that the heart attack was related to the conduct of the PCBU's business or undertaking.

SCENARIO 5: MOTOR VEHICLE ACCIDENT

A staff member is traveling to conduct a home visit as part of her normal duties. She is driving a vehicle provided by the PCBU. While stopped at traffic lights, a truck collides with the back of her vehicle. The worker is shaken and sustains minor bruises but is otherwise unharmed. She consults her GP the next day and is diagnosed as having a whiplash injury resulting in three days off work.

Questions	Suggested answers
Did a notifiable incident occur?	No. There was no serious injury or illness, as the staff member did not require one of the relevant types of treatment.
Was the PCBU required to notify Comcare of the incident?	No. The incident was not a notifiable incident. If the incident had been a notifiable incident, the PCBU would have been required to notify Comcare as the incident occurred while the staff member was carrying out her normal duties for the PCBU's business or undertaking. (Note that a vehicle can be a workplace according to the definition in section 8 of the WHS Act).