

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

NAME OF DOCUMENT	Work Health and Safety Notifiable Incidents and Regulator Interactions
TYPE OF DOCUMENT	Procedure
DOCUMENT NUMBER	SESLHDPR/269
DATE OF PUBLICATION	August 2025
RISK RATING	Low
LEVEL OF EVIDENCE	National Safety and Quality Health Service Standards: Standard 1 – Clinical Governance
REVIEW DATE	August 2030
FORMER REFERENCE(S)	SESLHDPR/269 - Managing Notifiable Incidents and Regulator Interactions
EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR	Director, People and Culture
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FUNCTIONAL GROUP(S)	Workplace Health and Safety
KEY TERMS	WHS, SafeWork NSW, Inspector, Improvement Notices, PIN Notice, Regulator Inspection, SafeWork Investigation, Notifiable Incident, SafeWork, Prosecution, Fine
SUMMARY	On-site inspections by SafeWork NSW, Entry Permit Holders and Health and Safety Representatives have the potential for improvement notices, fines and prosecutions to be issued against the organisation. This document outlines the procedure to manage such visits.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

This procedure has been developed in line with [NSW Health Policy Directive PD2025_024 - Workplace Health and Safety - Better Practice Procedures](#), [NSW Health Policy Directive PD2020_047 - Incident Management](#), the *Work Health and Safety Act 2011* and *Work Health and Safety (WHS) Regulation 2017* and outlines the processes involved following an incident that is notifiable to the Safety Regulator, SafeWork NSW.

2. BACKGROUND

This procedure outlines how the organisation manages WHS regulator interaction, notifiable incidents, investigations, including inspections conducted by Entry Permit Holders or Health and Safety Representatives (HSRs) or SafeWork NSW Inspectors.

This procedure identifies key responsibilities and provides direction for the management of regulator interaction and the issuing of formal notices, including actions involving receipt, communication, escalation, action tracking and compliance to a formal notice.

SafeWork NSW are empowered under the WHS legislation to investigate workplace incidents and potential breaches of legislation.

3. RESPONSIBILITIES

Role	Responsibilities
Employees/Workers	<ul style="list-style-type: none"> Direct the SafeWork NSW Inspector to the most senior manager available Cooperate and actively contribute to ensuring effective implementation of this procedure Report all incidents to their manager and in the incident management system, ims⁺, in a timely manner to enable the manager to determine if the incident may be notifiable Follow safety instructions provided by their manager or other response workers Do not disturb any incident site that may result in a SafeWork NSW notification Immediately notify their manager of a SafeWork NSW Inspector's or Entry Permit Holder's presence (where the manager is not already aware) Answer questions from the SafeWork NSW Inspector, Entry Permit Holder or HSR clearly, concisely and factually Participate in the development and implementation of any improvement strategies to meet SafeWork NSW requirements
Line Managers	<ul style="list-style-type: none"> Take immediate action to mitigate harmful consequences of an incident Preserve the work area, as far as is reasonably practicable following a notifiable incident (see definitions) Report significant or notifiable incidents to the General Manager and HSW Team immediately

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	<ul style="list-style-type: none"> • Consult with the local HSR and /or WHS Committee • Accompany the SafeWork NSW Inspector during the inspection • introduce the SafeWork NSW Inspector to the essential relevant workers if requested • Record and refer to the Health, Safety and Wellbeing Partner and your senior manager for requests made by a SafeWork NSW inspector if you are not able to comply at the time of the request • Refer to the Health, Safety and Wellbeing Partner to take receipt of any notices issues and clarify any details, and to forward any notices to the Health, Safety and Wellbeing Partner and the General Manager • Participate in SafeWork NSW investigations or inspections, including answering the specific questions clearly, concisely and factually. Where unable to attend, ensure a suitable representative is available • Where available, ensure Local HSR is invited to participate in the SafeWork NSW visit • Ensure relevant workers are available for SafeWork NSW visit • Provide only requested information or documentation • Develop and implement any improvement strategies to meet SafeWork NSW, Entry Permit Holders or HSR agreed recommendations in consultation with HSW Team, relevant workers and their representatives
General Managers/ Service Directors	<ul style="list-style-type: none"> • Ensure that systems are in place to meet legislative compliance for the notification of serious incidents • Provide advice to managers and staff on management of notifications of serious incidents to SafeWork NSW and coordination of SafeWork investigations • Determine if legal advice is required • Receive and act on information received related to serious incidents and injuries • Ensure appropriate response and mitigation of the issue • Report notifiable incident to SafeWork NSW when Head of Health Safety and Wellbeing (or their nominated delegate) is not available • Participate in SafeWork NSW investigations or inspections, acting as Chief Spokesperson during inspections or in any post inspection follow up or communication. Where unable to attend, to ensure a management representative is available • Provide requested information or documentation • Liaise with the Head of Health Safety and Wellbeing on any pre investigation matters and identify any legal advice deemed necessary • Provide the Chief Executive with a brief concerning the investigation's outcome and regular updates on progress with implementation strategies to meet any SafeWork NSW requirements

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	<ul style="list-style-type: none"> Assist to manage improvement strategies to address any SafeWork NSW recommendations or agreed recommendations from Entry Permit Holders or HSRs in consultation with the relevant managers, workers and their representatives.
Head of Health, Safety and Wellbeing	<ul style="list-style-type: none"> Ensure notifiable incidents are reported to SafeWork NSW Ensure relevant management and NSW Ministry of Health (MoH) are informed of SafeWork NSW activities/notifications Prepare a briefing note on the investigation for the CE on behalf of the Director/Facility Manager Provide the Director/Facility Manager with progress reports on the development and implementation of any improvement strategies Ensure records (and copies) of any documentation, materials or other evidence sent to SafeWork NSW Ensure any IN, PINs or agreed arrangements are reported to NSW MoH via the periodical PINs and Prosecutions report.
Health Safety and Wellbeing (HSW) Partner/Team	<ul style="list-style-type: none"> Immediately notify the General Manager and Head of Health Safety and Wellbeing of any serious or notifiable incident Immediately notify the General Manager and Head of Health Safety and Wellbeing of a visit or proposed by SafeWork Report notifiable incidents to SafeWork NSW with Executive support Provide relevant expertise on work health and safety issues Consult with all relevant persons to resolve issues Assist to develop a plan to rectify hazardous situations, with designated persons responsible for corrective actions within the required timeframe Assist the manager responsible to organise any corrective actions needed and monitor effectiveness Offer support to all relevant staff Act as the liaison person with SafeWork NSW ensuring information is reported back to SafeWork NSW when requested on identified issues within the specific timeframe Assist managers in the investigation of safety issue/s raised related to a notifiable incident and SafeWork NSW Inspector visits Support managers and workers to prepare for planned site visits, including ensuring relevant managers and workers are available to participate, and gathering of relevant documentation Participate in SafeWork NSW investigations or inspections, including accompanying the inspector, answering the specific questions clearly, concisely and factually. Where unable to attend, ensure a suitable representative is available Maintain a record of any materials, photos or other evidence taken by the inspector, Entry Permit Holder or HSR at the time of the inspection. Coordinate improvement strategies to address any SafeWork NSW recommendations or agreed recommendations from Entry Permit Holders or HSR's in consultation with the relevant managers,

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	workers and their representatives
Work Health and Safety Committee/Health and Safety Representatives	<ul style="list-style-type: none"> On behalf of their work group provide representation to management on identified safety issues brought to their attention. Under special circumstances where a HSR is invited to perform an inspection in a workplace other than one belonging to their own work group, the HSR is expected to: <ul style="list-style-type: none"> notify the facility / services manager and the Health, Safety and Wellbeing Partner prior to performing the inspection. if the visit is unannounced due to incident/situation involving a serious risk to the health or safety, notify the facility / services Manager and the Head of Health Safety and Wellbeing as soon as they arrive onsite. Take reasonable steps to work with the Facility / Service Manager to address the identified safety issue/s prior to issuing a Provisional Improvement Notice or Cease Work Order. Where possible, advise the Facility / Service Manager that unless the safety issue is rectified a Provisional Improvement Notice or Cease Work order will be issued If they issue a Provisional Improvement Notice, ensure this is in writing and given to the Facility / Service Manager immediately, so that appropriate action can be taken to address the safety issues or concerns. <p><i>Note: Facility / Services Manager refers to the most senior SESLHD Manager that is on site at the time the issue arises, example Executive Director of Operations, Director of Nursing etc.</i></p>

4. DEFINITIONS

Refer to [Appendix 1 - Definitions](#).

5. PROCEDURE

5.1. Identifying a Notifiable incident

SESLHD must ensure that SafeWork NSW is notified immediately after a notifiable incident has occurred.

A notifiable incident is defined as:

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

Please refer to [Appendix 1 – Definitions](#) and [Appendix 2 - Determining if an incident is notifiable for more detail information](#)

Under the WHS Legislation notification must be completed as soon as possible:

- During Office Hours**

Contact your Health, Safety and Wellbeing Partner or Health, Safety and Wellbeing Manager. The HSW Team will generally make notifications to SafeWork NSW.

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- **After hours (including weekends and public holidays)**

Contact the most senior manager on duty at the time of the incident, for example the After-Hours Nurse Manager/Facility on-call.

The After-Hours Nurse Manager/Facility on-call can escalate to SESLHD Exec on-call who can contact the Head of Health, Safety and Wellbeing or their delegate to make notification.

Please see [SESLHDPR/410 - Escalation Process and Expectation In-Hours and Out-of-Hours \(On-call\)](#) for further information.

5.2. Duty to Preserve Incident Sites

Following a notifiable incident, the manager of the area must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until SafeWork NSW Inspector has either attended the site or provides direction that it may be disturbed. Site may also refer to any plant, substance, structure or thing involved/associated with the incident.

You may still take the following actions:

- Assist an injured person/s, or
- Remove a deceased person, or
- Essential actions to make the site safe or to minimise the risk of a further notifiable incident, or
- Associated with a police investigation, or
- That an Inspector or the Regulator has given permission

The HSW Team can provide advice on meeting the requirements for preserving incidents sites.

Please refer to [SESLHDPR/727 - Health, Safety and Wellbeing Hazard and Incident Management](#) and [SESLHDPR/322 - Health Safety and Wellbeing – Incident Investigation](#) for further guidance on what steps should be taken following an incident.

5.3. SafeWork NSW Investigation or Inspection

SafeWork NSW Inspectors may attend site following a notifiable incident or complaint made in relation to safety concern or to assess compliance with WHS legislation.

Where a visit is planned, SafeWork NSW will notify of their intention to attend the site and provide guidance on what they intend to review/assess during their visit.

Where a visit is unplanned, please contact HSW Team as soon as they arrive on site.

If you receive notification of SafeWork NSW intention to attend SESLHD you must inform your manager and the HSW Team as they can provide support in relation to preparing for the visit including arranging interviews with relevant workers, ensuring workers are provided with supports before, during and following visits and gathering of relevant documentation.

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Once on site, the SafeWork NSW Inspector should be asked to show their identification and be provided with any relevant safety briefing.

SafeWork NSW Inspectors are to be accompanied by either HSW Team member or Management representative when moving around site.

Please refer to [Appendix 3 – Flowchart for Safe Work and other Safety Interactions for further information](#)

5.4. Provision of information to SafeWork NSW Inspectors

Under the WHS Act there are two sections under which an inspector can request information:

- Section 155 – Notice to give information to SafeWork NSW
- Section 171 – Notice to produce documents or appear before an inspector

Only provide information that has been duly requested.

5.5. Formal Notices

Formal notices include:

- Provisional Improvement Notices (PIN) (issued by HSR)
- Improvement Notices (issued by SafeWork NSW Inspector)
- Non-Disturbance Notice (issued by SafeWork NSW Inspector)
- Prohibition Notice (issued by SafeWork NSW Inspector)

Please see [Appendix 1 – Definitions](#) for full explanation of the different notices

Formal notices may be issued following a notifiable incident, SafeWork NSW visit or workplace inspection undertaken by SafeWork NSW or HSR.

Formal notices must be provided to HSW Team to determine if it is to be disputed or if a review will be sought. Legal Services must be engaged where a notice will be disputed.

Where a notice is accepted, it must be complied with within the specified time.

5.6. Entry Permit holders

Follow same processes as outlined for SafeWork NSW Inspections and Investigations.

Please refer to [Appendix 3 – Flowchart for Safe Work and other Safety Interactions for further information](#)

6. DOCUMENTATION

- Records of Investigation
- Written Notices provided by Entry Permit Holders
- Any records used for the investigation e.g. SWP's, Risk Assessments, etc.
- Notices issued

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- All records must be documented and maintained, including responses and actions to address any notices, including monitoring and reporting on action plan implementation progress.

7. AUDIT

The procedure will be reviewed to determine how effective the process operates when it is initiated, and during the Ministry of Health WHS audits conducted every two years.

8. REFERENCES

External

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2017](#)
- [SafeWork NSW Code of Practice - Work health and safety consultation, coordination and cooperation](#)
- [SafeWork NSW incident response and investigations – what to expect – Customer Service Standard](#)
- [SafeWork NSW When to Notify Blood, Body Fluid and Needlestick Exposure Incidents](#)
- [SafeWork Workplace Inspections](#)

Ministry of Health

- [NSW Health Policy Directive PD2025_024 - Work Health and Safety - Better Practice Procedures](#)

Internal

- [SESLHDPR/727 - Health, Safety and Wellbeing Hazard and Incident Management](#)
- [SESLHDPR/322 - Health Safety and Wellbeing – Incident Investigation](#)
- [SESLHDPR/271 - Work Health Safety and Wellbeing Statement of Commitment](#)
- [SESLHDPR/410 - Escalation Process and Expectation In-Hours and Out-of-Hours \(On-call\)](#)
- [ims+ Incident Management Reporting System](#)

9. VERSION AND APPROVAL HISTORY

Date	Version No.	Author and approval notes
April 2011	1	Peter Kuszelyk, WHS Officer, Health safety and Wellbeing. Amended to reflect change to Local Health Network and Cluster.
_____ 2013	2	Peter Kuszelyk, WHS Officer. Amended to reflect change to WHS Act and Codes of Practice.
August 2017	3	Desktop Revision and Links Update - John Parkinson, WHS Consultant
October 2017	3	Updates endorsed by Executive Sponsor

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March 2022	4	Revise and update links, references, titles, workflows and changes in WHS compliance obligations. Document title changed. Rosanna Martinelli – Head of Health Safety and Wellbeing. Approved by Executive Sponsor.
4 August 2025	5.0	Naomi Kent Safety Audit and Systems Manager (Author) – revisions made to reflect actual processes followed. Risk rating reduced from Medium Risk to Low Risk. Approved at SESLHD Executive Meeting.

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Appendix 1 - Definitions

Key Term	Definition
Accident	Any incident that results in injury or property loss
Entry Notice	Issued by an Inspector advising the purpose of the visit, times of entry and departure, summary of observations, descriptions of actions taken by the SafeWork Inspector, powers exercised by SafeWork Inspector and whether photographs or recordings were taken
Entry Permit	<p>Union officials must obtain an entry permit before entering a worksite.</p> <p>Entry permits provide the holder permission to enter a workplace to inquire into suspected contraventions of the WHS Act that relate to or affect a member of the union or other relevant worker</p> <p>Depending on the reason for entry, permit holder may also be able to:</p> <ul style="list-style-type: none"> advise and/or consult with members of the union or the relevant business or employer (or other PCBU) to help resolve concerns related to the suspected contravention of WHS laws inspect work systems, plants, substances, structures or other thing relevant to a suspected contravention of the WHS Act copy relevant documents <p>You may also be able to assist HRS if requested, like helping with a workplace inspection.</p>
Health and Safety Representative (HSR)	<p>a person elected by the work group using the formal and documented election process (SESLHDPR/730 - Health and Safety Representatives) to represent the workers on work health and safety matters for a term of three (3) years.</p> <ul style="list-style-type: none"> The HSR can elect to attend an accredited five day SafeWork NSW approved training. On completion of the training, the HSR will be registered on the SafeWork NSW database. <p>Following completion of training HSR are empowered under the WHS Legislation to:</p> <ul style="list-style-type: none"> Inspect a work groups workplace Be present during a workplace inspection by the safety regulator or Entry permit holder Be present at interviews with workers and an inspector, with the workers consent Ask for a health and safety committee to be established

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	<ul style="list-style-type: none"> Gather information about the health and safety of workers in the work group without breaching any workers privacy Issue a PIN, if they reasonably believe that the WHS legislation has been breached Direct a worker or work group to stop unsafe work if they reasonably believe workers would be exposed to a serious risk to their health and safety <ul style="list-style-type: none"> This direction can only be given if either: <ul style="list-style-type: none"> The issue cannot be resolved by consultation, or The risk is so serious and immediate or imminent that it is unreasonable to consult first
Immediate treatment	Urgent treatment required for a serious injury or illness. It includes treatment by a registered medical practitioner, a paramedic or a registered nurse
Improvement Notices (IN)	<p>Issued by an Authorised Officer (SafeWork NSW Inspector).</p> <p>The IN can be issued pursuant to a PIN following a workplace visit by an Inspector to resolve a disputed PIN, where a PIN has not been complied with or, where an Inspector reasonably believes that a person is contravening the Act or is likely that the contravention will continue or be repeated.</p> <p>The IN may contain directions and will specify a date by which time compliance is required.</p>
Incident	An unplanned event resulting in, or having the potential for injury, ill health, damage or other loss e.g. an occurrence, which affects or could affect the safety of operation
Investigation	A process conducted for the purpose of occurrence prevention, which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, where appropriate, the development of agreed corrective and/or preventive actions.
Non-Disturbance Notice	Issued by an Inspector authorised under the Act. A Non-Disturbance Notice is issued to the occupier of a place to prevent movement, interference with or disturbance of plant, substance or any other thing and, applies for no more than 7 days
Notifiable Incident	<ul style="list-style-type: none"> the death of a person, or a 'serious injury or illness of a person' or a 'dangerous incident' <p>arising out of the conduct of a business or undertaking at a workplace.</p> <p>Further definitions of '<i>serious injury or illness</i>' and '<i>dangerous incident</i>' can be found under Section 36 and 37 of the Work</p>

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	Health and Safety Act 2011 and Appendix 2 – Determining if an incident is Notifiable to SafeWork NSW
PCBU	A 'Person Conducting a Business or Undertaking' is a broad term used throughout work health and safety legislation to describe all forms of modern working arrangements, commonly referred to as businesses.
Preservation of site	The site where a notifiable incident has occurred must not so far as reasonably practicable be disturbed until a SafeWork NSW Inspector arrives at the site or an earlier time if directed by a SafeWork NSW Inspector. The incident site is able to be entered if it is safe to do so in order to provide first aid and treatment to an injured person or to prevent further property damage.
Prohibition Notice (PN)	<p>Issued by an Inspector where there is reasonable belief that an activity is occurring at a workplace that involves or will involve an immediate risk to health or safety of a person.</p> <p>The Prohibition Notice prohibits the carrying on of the activity until the Inspector has certified in writing that the matters that give rise to the risk have been remedied</p>
Provisional Improvement Notice (PIN)	<p>A formal notice that may potentially be issued by a HSR to the employer when they believe there has been a contravention of the WHS Act or Regulations in their workplace. A PIN can potentially be issued by the HSR when consultation between the HSR and employer has failed to resolve the health and safety issue. It is important to note that a HSR may only issue a PIN after they have consulted with their employer about the alleged health and safety contravention and the issue has not been remedied. Ensure the validity of the PIN in line with relevant legislation (i.e. training of HSR, work group representation).</p> <p>Based on a PIN being provisional, the PCBU / Employer may dispute the issued PIN by referring it to the WHS Regulator for determination and resolution. Note: there are time limits imposed on contesting the issued PIN.</p>
SafeWork NSW	The workplace health and safety regulator for NSW
Worker	<p>Under the Work Health and Safety Act 2011 (WHS Act), a worker includes any person who works, in any capacity, in or as part of the business or undertaking.</p> <p>You are a worker under health and safety legislation if you are an:</p> <ul style="list-style-type: none"> • employee • independent contractor or subcontractor (or their employee) • employee of a labour hire company

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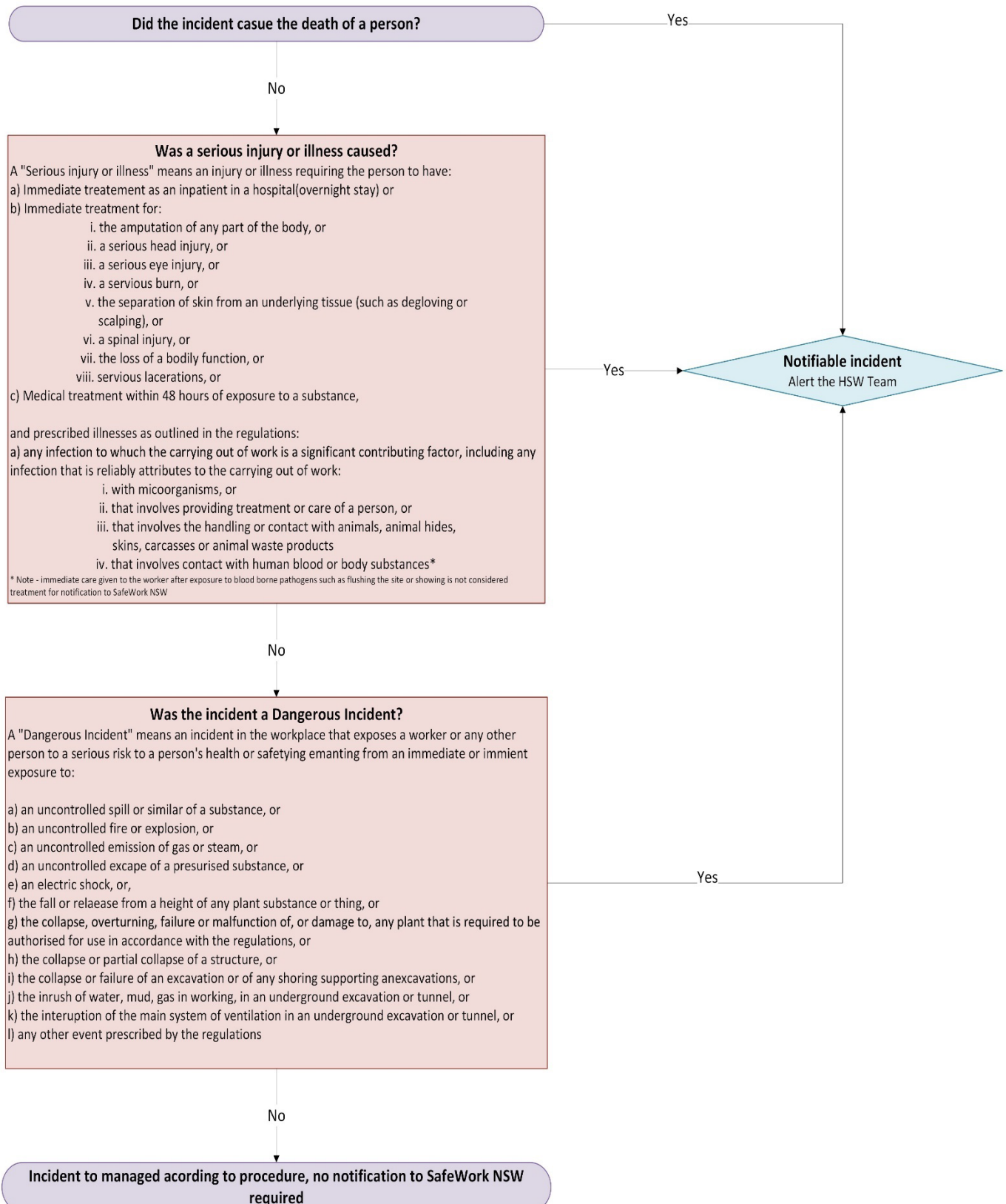
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	<ul style="list-style-type: none">• outworker, such as a home-based worker• apprentice or trainee• a student gaining work experience• volunteer.
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Appendix 2 – Determining if an Incident is Notifiable to SafeWork NSW



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Appendix 3 – Flowchart for SafeWork or other Safety Interactions

