

POLICY

TITLE:	Incident Reporting and Investigation Policy		
DIRECTORATE:	Finance		
ADOPTED BY:	Council Resolution:		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	29 November 2026
POLICY NUMBER:	144		
LEGISLATIVE REF:	<i>Local Government Act 2019; Sections 172 – 173</i> <i>Work Health & Safety (National Uniform Legislation) Act 2011</i> <i>Work Health & Safety (National Uniform Legislation) Regs 2021</i> <i>Records Disposal Schedule for Local Authorities (NT) 2018</i> <i>Relevant Codes of Practice</i>		

1. INTRODUCTION

1.1. Purpose

This Policy provides the framework for Barkly Regional Council (BRC) and workers to meet their work health and safety duty and obligations as this relates to the notification of workplace or work-related incidents and injuries, and the investigation and appropriate management of these.

This Policy should be read in conjunction with *Incident Reporting and Investigation Procedures* in relation to the procedures involved in reporting, investigation, corrective action and preventative actions.

1.2. Scope

This Policy applies to the reporting and investigation of all incidents (including near misses and notifiable incidents as defined), including:

- Work related injury or illness to Council employees, volunteers and contractors
- Public liability incidents involving injury or illness to a member of the public at a Council controlled facility or involving Council infrastructure
- Traffic incident at Council controlled road works or on Council controlled road networks
- Any occurrence of a workplace emergency
- Any failure of plant, machinery or equipment which results in, or had the potential to result in injury, illness, damage or other loss
- Any loss or damage to fleet, equipment or property asset from actions (or inactions) of employees, workers, volunteers, contractors, visitors or members of the public
- Any incident involving an environmental spill or other environmental harm at Council controlled facilities, workplace or controlled spaces
- Other significant loss that may need to be reported

The Policy applies to all employees and workers including contractors, volunteers, elected members and visitors when at work, during work travel, when working away, at remote sites and when working at home.

1.3. Definitions

Please refer to Clause 5 of this Policy for a list of definitions.

1.4. Responsibilities

Whether directly or indirectly involved in incidents, all workers must:

- Take responsibility for their own safety and that of others

- Notify management of any work-related incidents (including near misses)
- Lodge an incident report within 24 hours according to established procedures
- Follow the requirements of this Policy and its associated documents

The Work Health and Safety Manager and delegated officers (responsible officers) have a responsibility to:

- Respond to, and manage, incidents as required
- Determine causes of incidents and contributing factors
- Assist in the prevention of reoccurrence of incidents, as far as practicably possible
- Report to senior management on incident management as required
- Report notifiable incidents to the Regulator (and ensure this is delegated in the absence of a responsible WHS person being available to undertake this responsibility)

Team Leaders, Supervisors, Managers and Directors have a responsibility to:

- Take steps and actions to ensure a day-to-day safe working environment
- Follow and enforce all work health and safety policies and procedures at all times
- Consult with, and provide support and assistance as required to workers
- Report notifiable incidents (as defined) to the responsible officer immediately
- Cooperate and support Work Health and Safety as needed

The Chief Finance Officer (CFO) is responsible for the oversight of this Policy.

For work health and safety incident investigations, these will be investigated by the WHS Manager (or their delegate) and/or the relevant manager with responsibility for the area where the incident occurred.

For non-work health and safety incidents, the Chief Finance Officer (CFO) or Chief Executive Officer (CEO) will appoint an appropriate internal or external investigator as deemed appropriate.

1.5. Policy Objectives

- 1) In order for all duty holders to meet legislated and regulatory requirements, it is the responsibility of everyone covered by the scope of this Policy to notify BRC of any incident (as defined) as soon as possible following an incident or near miss.
- 2) In any event, a non-notifiable incident (one which does not have to be notified to the Regulator) must be formally documented immediately or where this is not possible, within 24 hours, in accordance with the *Incident Reporting and Investigation Procedure*.
- 3) Where appropriate and necessary, investigations into incidents may need to occur, and all parties have a legal and moral obligation to participate in such investigations. Please refer to the *Incident Reporting & Investigation Procedure* for further information.
- 4) Where an incident investigation is deemed necessary, it will be reasonably practical according to the severity of the incident. Incident investigation aims to:
 - establish the facts of the incident
 - gather all necessary background information to the incident
 - determine the contributing factors to the incident
 - identify the root cause of the incident
 - take corrective action to prevent similar incidents from occurring again
 - where possible, aim to conclude routine investigations within 7 days of the incident
 - conduct the investigation within the shortest window of time possible
 - monitor the corrective actions taken
- 5) Incident investigation is to occur according to the *Incident Reporting & Investigation Procedure*.

2. POLICY STATEMENT

2.1 Policy

- 1) BRC has the primary duty of care, so far as is reasonably practicable, to ensure the health and safety of workers and other persons, including ensuring that the conditions at the workplace are monitored for the purpose of preventing illness or injury.
- 2) BRC has a duty of care and obligation to notify NT Worksafe of serious incidents and follow the directions of the regulator as applicable in accordance with this policy and its procedure and relevant legislation.
- 3) Officers (as defined in legislation) must exercise due diligence to ensure that BRC complies with its duties, in accordance with legislated provisions and *the Work Health & Safety Policy*.
- 4) Workers and elected members must, while at work, take reasonable care for their own health and safety, and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.
- 5) Workers must also comply, so far as the worker is reasonably able, with any reasonable instruction that is given by BRC to allow BRC to comply with its obligations and cooperate with any reasonable policy or procedure or undertaking relating to health and safety.
- 6) Failure by BRC to meet its duty of care and obligations under the Act and Regulations may result in serious penalties, up to and including industrial manslaughter charges.

3. ACTIONS AND CLAIMS ARISING OUT OF INCIDENTS

- 1) It is important for all persons to be aware that there are specific procedures and potential actions and claims arising out of incidents being notified, not limited to:
 - Workers' compensation claims
 - Public liability claims
 - Insurance claims
 - Property claims
 - Investigations
 - Legal action
- 2) For this reason, it is of utmost importance that every person covered by this policy and its procedures adheres to the requirements contained in these documents.

4. RECORD KEEPING

- 1) As can be seen through this Policy, incident reports may be used for various reasons including being sent to various external parties. They therefore become important business records.
- 2) Photographs taken at the time of an incident, where an incident is significant and/or is an incident that involves damage and/or injury must also be retained with the incident.
- 3) From a safety perspective, incident reports must be kept for Incident Report Forms exist, these must be kept for 5 years, although if it involves asbestos they must be kept for 30 years.
- 4) Any disposal of incident and investigation documents must only occur in accordance with relevant legislation, this Policy and any applicable retention schedules.

5. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Incident Reporting and Investigation Procedures
- 2) Emergency Management Plan
- 3) Work Health & Safety Policy
- 4) Rehabilitation and Return to Work Policy
- 5) Risk Management Policy
- 6) Working from Home Policy/Procedure
- 7) Codes of Conduct

6. DEFINITIONS

An **incident** is a workplace or work-related event which occurs when an unplanned event takes place resulting in, or having a potential to result in injury, illness or damage or loss to persons or property.

An **injury** is any physical or mental damage to the body caused by exposure to a hazard.

An **illness** is any physical or mental ailment, disorder or condition which can be sudden or gradual in its development. This also may include the aggravation of a pre-existing condition.

An **emergency** is an incident that arises internally or from an external source, which has the potential to cause illness or injury to workers, building occupants and visitors, and which requires an immediate response (e.g., fire).

A **near miss** is an incident that had the potential to cause injury, illness, damage or other loss.

Workplace, for the purpose of this Policy includes any place where work is being performed during the course of employment (or for elected members, when performing their duties for Council), when travelling in the course of employment and locations including offices, remote locations or sites and when working from home.

A notifiable incident (**as described by legislation**) means:

- the death of a person; or
- a serious injury or illness of a person; or
- a dangerous incident.
- What is a serious injury or illness

A **serious injury or illness** (as described by legislation) of a person means an injury or illness requiring the person to have:

- immediate treatment as an inpatient in a hospital; or
- immediate treatment for:
 - the amputation of any part of his or her body; or
 - a serious head injury; or
 - a serious eye injury; or
 - a serious burn; or
 - the separation of his or her skin from an underlying tissue (such as degloving or scalping); or
 - a spinal injury; or
 - the loss of a bodily function; or
 - serious lacerations; or
 - medical treatment within 48 hours of exposure to a substance;
 - and includes any other injury or illness prescribed by the Regulations, but does not include an illness or injury of a prescribed kind.

A **dangerous incident** (as described by legislation) means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to the person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance; or
- an uncontrolled implosion, explosion or fire; or
- an uncontrolled escape of gas or steam; or
- an uncontrolled escape of a pressurized substance; or
- electric shock; or
- the fall or release from a height of any plant, substance or thing; or
- 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; or
- the collapse or partial collapse of a structure; or
- the collapse or failure of an excavation or of any shoring supporting an excavation; or
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
- the interruption of the main system of ventilation in an underground excavation or tunnel; or
- any other event prescribed by the Regulations;
- but **does not** include an incident of a prescribed kind.

7. IMPLEMENTATION AND REVIEW

7.1. Implementation

Relevant personnel will be made aware of this policy. It is not a requirement of the Act to publish this policy on the Barkly Regional Council website.

7.2. Review

This policy will be reviewed on or before 29 November 2026.

8. BREACHES

Proven breaches to this Policy can result in any one or more of the following:

- disciplinary action, up to and including dismissal
- notification to an external agency
- penalties imposed by a regulatory body, and/or criminal charges

9. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

10. APPROVAL

This policy is approved.

Chris Kelly

Chief Executive Officer



Signature

29 Nov 2024

Dated

END