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FAQ: Who and when do Employers' notify in the event of an incident occurring to a worker? (Relates to NSW Workers' Compensation queries only)

Who do Employers' notify and when, in the event of a SERIOUS INCIDENT to a worker?

A serious incident generally involves a serious injury, serious illness or a fatality occurring at, or in relation to, a place of work. (Please refer below "What is a Serious Injury" to clause 344 of the OHS Regulation 2001 **You must :**

- Notify WorkCover **immediately** by telephone on **13-1050** as Workcover will undertake an urgent investigation

ALSO

- Notify your NSW Workers Compensation insurer **within 48 hours**

If Kelly & Coe Insurance Brokers Pty Limited has been appointed on your policy, please notify our office as soon as possible, **after** you have notified WorkCover and your insurer.

What is a serious incident?

A serious incident is defined under clause 344 of the OHS Regulation 2001 (refer to website: www.legislation.nsw.gov.au/fragview/inforce/subordleg+648+2001+ch.12-pt.12.2-sec.344+0+Nand for details) and includes the following incidents occurring at, or in relation to, a place of work:

- that resulted in a person being killed
- an injury that results in the amputation of a limb
- the placing of a person on a life-support system
- any event or circumstance listed below that presents an immediate threat to life:
 - the loss of consciousness of a person caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen
 - major damage to any plant, equipment, building or structure
 - an uncontrolled explosion or fire
 - an uncontrolled escape of gas, dangerous goods or steam
 - imminent risk of explosion or fire
 - imminent risk of an escape of gas, dangerous goods or steam
 - a spill or incident resulting in exposure or potential exposure of a person to a notifiable or prohibited carcinogenic substance (as defined in Part 6.3 of the OHS Regulation 2001)
 - entrapment of a person in a confined space
 - collapse of an excavation
 - entrapment of a person in machinery
 - serious burns to a person.

Remember: This is a summary only. You must refer to the above Legislation for further details.

Who do Employers' notify and when, in the event of OTHER INCIDENTS to a worker?

In the event of other incidents where NSW Workers Compensation is payable or which may be payable (for example: medical expenses, medical assistance or time lost) and involves an illness or injury to workers' (Please Refer to sections 42 and 44 of the *Workplace Injury Management and Workers Compensation Act 1998* and clause 32 of *Workers Compensation Regulation 2003* for further details)



You must:

- Notify your NSW Workers Compensation insurer **within 48 hours**.

If Kelly & Coe Insurance Brokers Pty Limited has been appointed as your broker in respect to your NSW Workers Compensation insurance policy, please notify our office as soon as possible, **after** you have notified your insurer. There is no need to notify WorkCover in this instance.

Handy Tip:

In the event of an emergency, keep contact details of the Emergency Services, NSW WorkCover and your NSW Workers' Compensation insurer in a readily accessible place.

Please note: For information regarding notification procedures Incidents involving:

- injury or illness to **non-workers** at your workplace
- Other incidents involving a **non-worker** where the injury or illness results in the person being unable to perform their normal activities for 7 or more days

You must contact WorkCover on 13-1050 or their website on: www.workcover.nsw.gov.au

Disclaimer:

This document provides general information only. Kelly & Coe Insurance Brokers Pty Limited do not guarantee that the information disclosed in this document is therefore complete or correct and request you contact WorkCover for further details on telephone: 13-1050 or go to their website on: www.workcover.nsw.gov.au for additional information. This document does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. Please note that although all care is taken to ensure that the information is accurate at the time of its preparation and issue, it is important to remember that the relevant laws change over time and you should check the current legislation to ensure that the information is up to date at the time. Therefore, you must seek independent legal advice should you require assistance with regard to the application of the law to your situation.