

ESPERANCE PORT AUTHORITY

GENERAL REPORTING PROCEDURE- ACCIDENTS, INCIDENTS, HAZARDS & PUBLIC REPORTS

PR004

Document Users : **All Employees**

Responsible Person : **Risk Management Manager**

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DETAILS OF CURRENT REVISION CHANGES

Old Section	New Section	Details of Change

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ABBREVIATIONS AND DEFINITIONS

Dangerous Good	Any substance declared under the provisions of section 42 to be dangerous goods and classified in the Third Schedule to the Explosives and Dangerous Goods Act 1961.
Electrical Accident	An accident that requires medical or first aid treatment (includes fatality). [As defined by the Office of Energy]
Electric Shock	An accident that does not require medical or first aid treatment. An incident where NO injuries are sustained, but precautionary medical treatment is sought, is regarded as an Electric Shock. [As defined by the Office of Energy]
Hazard	<p>An object or situation that has the potential to cause unwanted consequences such as death, injury, damage to property or damage to the environment.</p> <p>For example:</p> <p><u>Safety</u></p> <ul style="list-style-type: none"> • poor lighting; or • trip hazard. <p><u>Environmental</u></p> <ul style="list-style-type: none"> • bund valve being left open.
Incident	<p>In relation to a person is an event that has occurred but has not caused injury to a person, however there was potential to cause injury.</p> <p>In relation to the environment is an event that has occurred but has not resulted in an environmental impact but had the potential to do so.</p> <p>Examples include the following which may occur without injury or environmental impact:</p> <p><u>Safety</u></p> <ul style="list-style-type: none"> • traffic accident without injury or damage to property; or • unguarded rotating equipment. <p><u>Environment</u></p> <ul style="list-style-type: none"> • traffic accident; or • damage to equipment, tanks or pipe containing fuel with the potential for a release.
Initiator	The person who originates the accident/incident/hazard report.
Lost Time Injury (LTI)	An injury that results in at least one full shift being lost at some time (not necessarily immediately) after the shift during which the injury occurred, provided it is not a rostered day off.

Minor Accident	<p>In relation to a person is when the injury does not require that person to go off-site for either medical treatment or lost time incurred by the injury.</p> <p>In relation to the environment is when the environmental impacts are contained on-site.</p> <p>For example:</p> <p><u>Safety</u></p> <ul style="list-style-type: none"> • minor cut, abrasion or bruise. <p><u>Environment</u></p> <ul style="list-style-type: none"> • minor fuel spillage (< 200 L).
Major Accident	<p>In relation to a person is when the injury requires that person to go off-site for either medical treatment or lost time due to the nature of the injury.</p> <p>In relation to the environment, is when there is an off-site environmental impact.</p> <p>Examples include:</p> <p><u>Safety</u></p> <ul style="list-style-type: none"> • an accident, occurrence near miss of a serious accident as defined under the Mines Safety and Inspection Act <p><u>Environment</u></p> <ul style="list-style-type: none"> • major dust release; or • major (>200 L) fuel leak, with or without a fire.
Risk	<p>The likelihood of unwanted consequences such as death, injury, damage to property or damage to the environment from the realisation of specified hazards.</p>
Waste	<p>Environmental Protection Act 1986 defines waste as:</p> <p>“includes matter –</p> <p>(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or</p> <p>(b) prescribed to be a waste”.</p>

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ABBREVIATIONS

AMSA	Australian Maritime Safety Authority
AXTAT	A computerised system developed by the West Australian Department of Consumer and Employment Protection for recording and retrieving information about disabling injuries resulting from accidents in the workplace.
CEO	Chief Executive Officer
DEC	Department of Environment and Conservation
DoCEP	Department of Consumer and Employment Protection
DPI	Department for Planning and Infrastructure
EPA	Esperance Port Authority
FMXXX	Form in the Integrated Risk Management System with number XXX.
h	hour
HSE	Health, Safety and Environment
L	litre
LTI	Lost Time Injury
MM	Mine Manager
NEPM	National Environmental Protection Measure
NPI	National Pollution Inventory
OHS&E	Occupational Health Safety and Environment
PPE	Personal Protective Equipment
RGXXX	Register in the Integrated Risk Management System with number XXX.
RMM	Risk Management Manager
WA	Western Australia

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1. PURPOSE

1.1 General

This procedure addresses:

- accident/incident/hazard – their notification, investigation and reporting; and
- public reports – their notification, and where they are complaints, investigation and reporting.

1.2 Accident/Incident/Hazards

1.2.1 Overall

The primary objective of an accident/incident/hazard investigation is to identify control measures that will prevent a recurrence of the same or similar event.

The focus of the investigation is on identifying system deficiencies rather than apportioning blame.

1.2.2 Specific

This procedure prescribes the Esperance Port Authority's (EPA) procedure for the initial notification, subsequent investigation and the reporting of accident/incident/hazards.

Specifically the purpose of this procedure is to ensure that:

- all accidents, incidents or hazards are properly reported in a timely manner;
- the details associated with the accident, incident or hazard are accurately recorded on the appropriate form(s);
- the risk associated with the accident, incident or hazard is investigated appropriately, with specific emphasis on establishing the root cause;
- where necessary changes are made to reduce the likelihood of occurrence of a similar accident or incident; and
- regulatory reporting obligations are defined and complied with.

1.3 Public Reports

The EPA is part of the community. To be able to respond to community expectations there is a need to identify what is important to the community. This may be gauged from both positive and negative comments. The latter may be in the form of complaints that need to be fully investigated with the focus on corrective actions to minimise the cause of such a complaint.

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2. SCOPE

2.1 Within Scope

This procedure covers the notification, investigation and reporting of all accident/incident/hazard & public reports of significance to the EPA.

This procedure applies to both employees and contractors.

A public report may be either a positive or negative report.

An accident/incident/hazard & public report may relate to:

- **personal** - injury, ill-health or unreasonable loss of amenity to persons;
- **property or environment** - damage including abnormal events producing excessive noise, dust, smoke, odour or water discolouration;
- **regulatory** - breaches or potential breaches of conditions and duties prescribed by law;
- **hazards** - with potential to cause harm to persons, property or the environment (includes safety complaints).
- **financial loss**; or
- **reputation** - damage, including complaints from persons about activities or impacts from the Port.

This procedure shall apply to accident/incident/hazard & public reports that relate to activities:

- within the boundaries of the Port land and waters, whether involving EPA employees, contractors, lessees or visitors, and whether the events are the result of site conditions and activities or external influences; and
- beyond the boundaries of the Port, involving EPA personnel, equipment or emissions emanating from the Port.

2.2 Outside Scope

2.2.1 Properties Exclusively Leased

This procedure excludes accident/incident/hazards on EPA land leased or rented exclusively to another party (e.g. CBH), when the circumstances are such that the accident/incident/hazard is totally contained within the second party premise and the EPA has no loss or liability and no role in managing the event to prevent reoccurrence.

Other procedures deal with the control and combating of accidents and incidents, such as the Emergency Response Plan ([PL020](#)) and Oil Spill Contingency Plan ([PL008](#)).

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2.2.2 Reporting Under the Occupational Safety and Health Act 1984

The above Act and hence accident/incident/hazard reporting requirements are not required for events that may occur at the Port as the Port is considered to be 'mine'. Specifically, the following sections apply.

Mines Safety and Inspection Act 1994

"Interpretation

4. ... "mining operations" means ...

- (f) *...loading and handling of ore or other mining products at any rail or road terminal or any loading or transshipment points, including seaports; and*
- (g) *the operation of any support facilities on the minesite, including mine administration offices, workshops, and services buildings;. "*

Occupational Safety and Health Act 1984

"Application of this Act

- 4. (2) ...this Act does not apply to or in relation to any workplace that is, or at which work is carried out on, a mine ..."**

2.2.3 National Pollution Inventory

National Pollution Inventory (NPI) reporting requirements under the National Environmental Protection Measure (NEPM) are addressed through a separate reference document.

3. HEALTH, SAFETY AND ENVIRONMENT CONSIDERATIONS

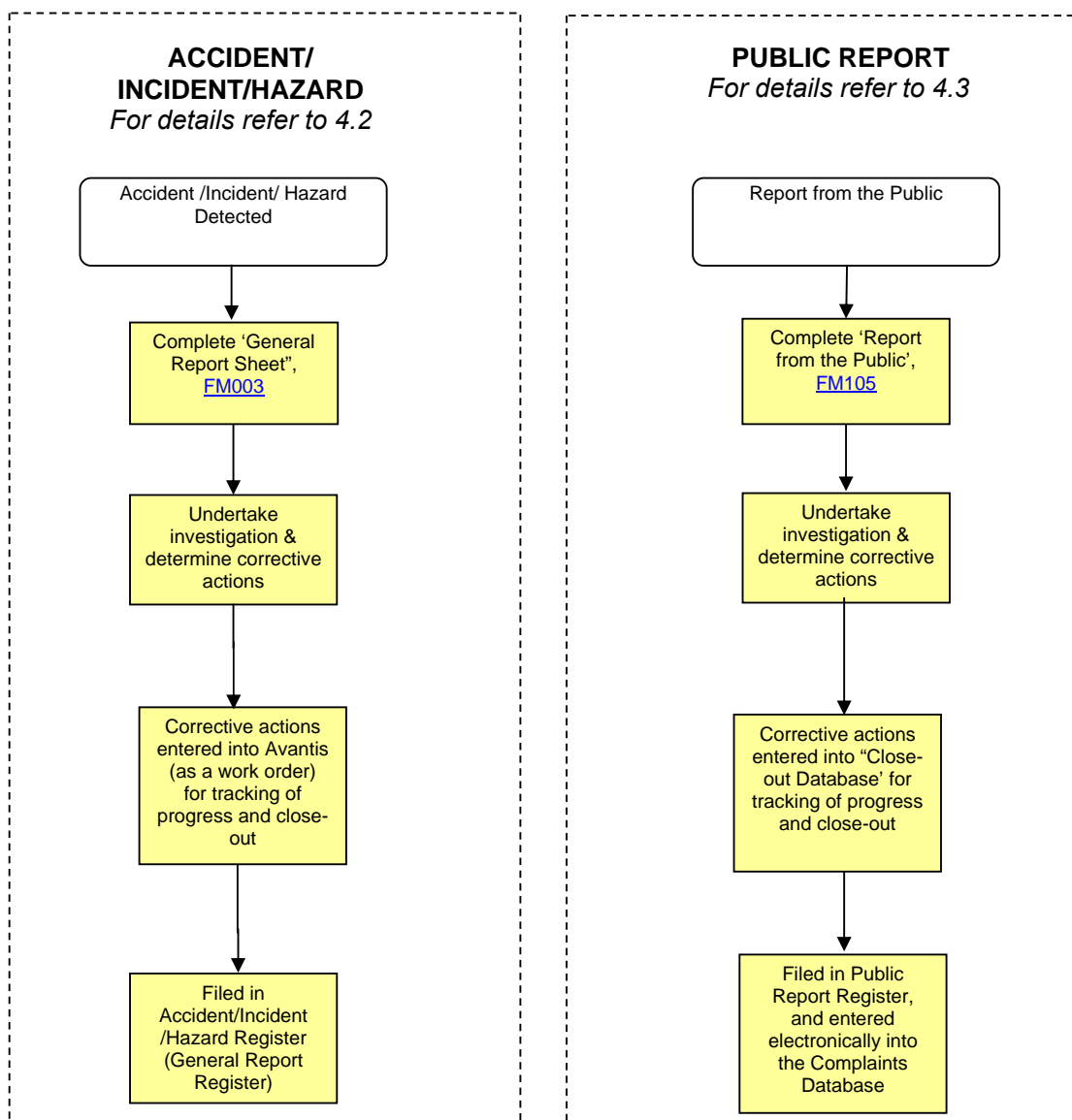
There are no direct health, safety and environment (HSE) considerations with regard to the implementation of this procedure.

4. FLOWCHART AND RESPONSIBILITIES

4.1 Overview

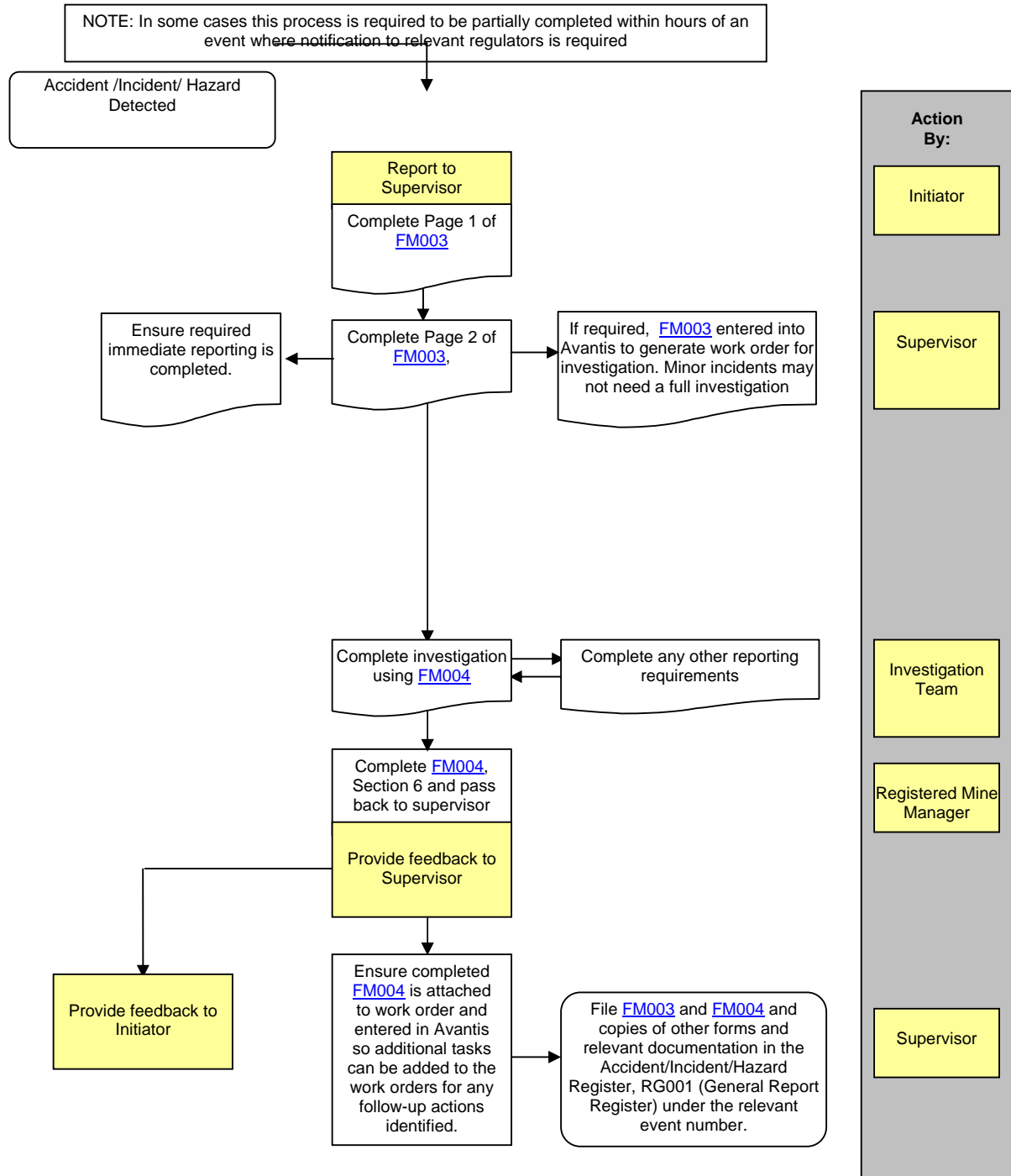
Below is an overview of the procedure for accident/incident/hazard & public reports notification, investigation and reporting.

Figure 4-1 Overview of accident/incident/hazard & public reports notification, investigation and reporting



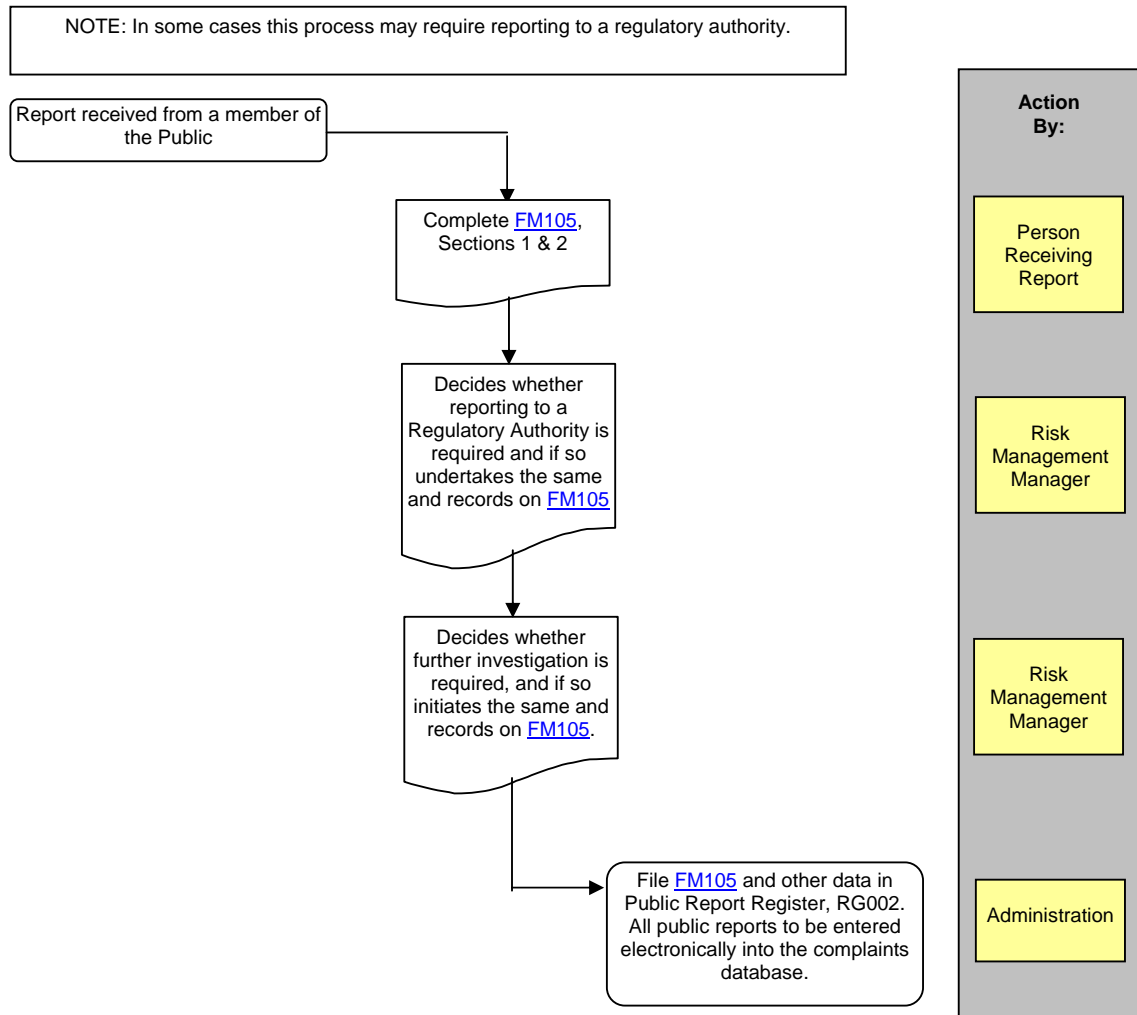
4.2 Onsite Accident/Incident/Hazard Notification, Investigation and Reporting Process

Figure 4-2 Onsite Accident/Incident/Hazard Notification, Investigation and Reporting Process



4.3 Report from the Public

Figure 4-3 Report from the Public



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4.4 Regulatory Reporting Requirements

There is a relatively large number of Acts and Regulations that impose various legal requirements for recording, investigating and/or notifying certain types of events. To assist those responsible for fulfilling those requirements Table 5.1 has been drafted taking into consideration the following legislative requirements which are detailed in Appendix A.

- Common Law Duty of Care;
- Electricity Licensing Regulations 1991 (WA), (Sections 63);
- Explosives and Dangerous Goods Act 1961, (Section 55);
- Mines Safety & Inspection Act 1994 (WA), (Part 2, Section 11; Part 7, Division 2, Sections 76, 77, 78, 79, 81 and 89);
- Mines Safety & Inspection Regulations 1995 (WA), (Division 5, Sections 3.41, 3.42 and 6.36);
- Environmental Protection (Port of Esperance Noise Emissions) Approval 2001, (Sections 9 and 10);
- Environmental Protection Act 1986, (Sections 37A and 72);
- Environmental Protection Regulations 1987, (Sections 5K and 5L);
- Pollution of Waters By Oil and Noxious Substances Act 1987, (Part II, Section 12);
- Pollution of Waters By Oil and Noxious Substances Regulations 1993, (Sections 5, 6 and 7);
- Dangerous Goods (Transport) (Dangerous Goods in Ports) Regulations 2001; and
- Occupational Safety and Health Regulations 1996 (Section 2.4(2)).

4.5 Specific Responsibilities

4.5.1 General

Listed below are details of responsibilities for personnel identified in the above Flowchart. Any person from any level of management or a contractor may initiate a report via the General Report Sheet ([FM003](#)).

Appendix A provides a copy of regulatory responsibilities for:

- employees;
- employers; and
- Chief Executive Officer.

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4.5.2 Initiator

All personnel have a responsibility to themselves and their colleagues to report all accidents/incidents/hazards so as to prevent potential injury due to the recurring circumstances. This responsibility also includes that of protecting property and the environment.

Initiator is responsible for completing Page 1 of the General Report Sheet ([FM003](#)), including the following sections:

- Section 1 – Summary of the Accident / Incident / Hazard;
- Section 2 – immediate corrective action that they have taken to make the area or equipment safe or to prevent potential for pollution of the environment or further damage to equipment; and
- Section 3 – based on their experience the most appropriate corrective action to prevent the accident/incident/hazard from occurring again. This information will assist the investigation team in determining best corrective action to prevent the event from happening again.
- Section 4 – details of any supervisors or other third parties informed of the incident

Initiator will be involved in the accident/incident/hazard investigation that will include a Root Cause Analysis.

4.5.3 Supervisor

The Supervisor is responsible for ensuring all personnel under their supervision are encouraged to report all accident/incident/hazards.

The Supervisor is responsible for completing page 2 of the General Report Sheet, including:

- Section 5: Injury details;
- Section 6: Immediate reporting requirements;
- Section 7: Details of the investigation team; and
- Section 8: Supervisor's comments.

The supervisor is then responsible for deciding whether the incident requires an investigation. If so, he is responsible for ensuring that the General Report Sheet is entered into Avantis so that a work order can be generated for the incident investigation. For small incidents, an investigation may not be required.

When the work order has been generated, the Supervisor is responsible for:

- Coordinating the investigation, including the completion of the General Report Investigation Form, [FM004](#).
- Ensuring the Mine Manager is aware of the outcome of the investigation;
- Ensuring feedback of the outcome of the investigation to the initiator;

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- Ensuring the completed investigation form is attached to the work order and entered into Avantis so that new tasks can be added to the work order for any follow-up actions identified in the investigation.

4.5.4 Operations Manager

Operations Manager is responsible for ensuring that regulatory reporting is, when required, undertaken in the form and timing required as detailed in Table 5.1.

The Operations Manager is responsible for ensuring that any corrective actions that are recommended during the incident investigation are recorded in Avantis, actioned through the work order and closed-out.

4.5.5 Harbour Master

Harbour Master is responsible for ensuring that regulatory reporting regarding oil spills is, when required, undertaken in the form and timing required as detailed in Table 5.1.

4.5.6 Chief Executive Officer

The CEO is responsible for ensuring that he is being made aware of all accidents/incidents/hazards and any trends in the same. If no reports are being received, and/or only 'good news' is being provided this may be a cause for concern in that there may be a filtering or non-reporting of accidents/incidents/hazards.

The CEO may be ultimately responsible for accident/incident/hazards and hence the importance of being made aware of any trends.

The CEO is responsible for completing Section 6 of the General Report Investigation form, [FM004](#), which provides opportunity to comment on proposed corrective actions and if required provide specific directions to management.

The CEO may be involved in the incident investigation for major incidents. Major incidents may involve the use of [FM087](#), Safety and Health General Report Investigation Sheet which includes a causal analysis.

The CEO is often in the position of also being the Mine Manager under the Mines Safety Act & Regulations and has specific responsibilities to ensure that:

- all accidents are entered in the 'Mine Manager's log book (Mines Safety & Inspection Act 1994, Clause 77);
- serious injuries are immediately reported (2 weeks Lost Time Injury (LTI) or unconsciousness) (Mines Safety & Inspection Act 1994, Clause 76);
- monthly reporting of minor injury is completed (Mines Safety & Inspection Act 1994, Clause 76, 'AXTAT'); and
- immediately reporting of near misses for serious incidents is completed (Mines Safety & Inspection Act 1994, Clause 79).

The CEO is also ultimately responsible for other regulatory requirements. These are detailed in Table 5.1 and Appendix A.

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5. IMMEDIATE ACTION & REPORTING REQUIREMENTS

5.1 Overview of Reporting Requirements

Table 5.1 summarises regulatory and internal reporting requirements. Actions required for the various levels of accident/incident/hazards are summarised below.

5.2 Major Accident

5.2.1 Safety

If required the following actions by various personnel should be taken in the order presented:

- apply first aid;
- activate the Emergency Response Plan, [PL020](#)
- injured person is to, if possible, immediately report to their Supervisor;
- undertake an assessment of injury and either treat on-site or organise medical assistance, which may include:
 - transport to a local general practitioner;
 - transport to the Esperance District Hospital; or
 - calling for an ambulance.
- undertake notification to relevant regulatory authorities;
- fill in 'Mine Managers Accident Log Book', RG003; and
- complete forms relating to the accident as detailed in Section 6 of [FM003](#), and in Table 5.1.

5.2.2 Environmental

If required the following action should be taken by various personnel in the order presented:

- following any action that needs to be taken to protect the safety of personnel, immediate action should be taken to:
 - contain/limit discharge of a spill; and
 - stop/limit any gaseous emission.
- activate the Emergency Response Plan [PL020](#);
- if required, for an abnormal noise event, fill in 'Abnormal Noise Register', RG005 and notify DEWCP within 21 day of the occurrence of the abnormal noise event;
- if required, for an abnormal dust event, fill in 'Abnormal Dust Emissions Register', RG005; and
- complete forms relating to the accident as detailed in Table 5.1.

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5.3 Minor Accident/Incident

5.3.1 Safety

If required, the following action should be taken by various personnel in the order presented:

- apply first aid;
- injured person is to immediately report to their Supervisor;
- Supervisor assesses injury and treats on-site (Note: personnel must report **all** injuries to their Supervisor); and
- complete forms relating to an accident as detailed in Table 5.1.

5.3.2 Environmental

If required, the following action should be taken by various personnel in the order presented:

- following any action that needs to be taken to protect the safety of personnel, immediate action should be taken to:
 - contain/limit discharge of a spill;
 - stop/limit any gaseous emission; and
 - clean-up of spillage.
- report to Supervisor;
- complete forms relating to an accident as detailed in Table 5.1.

5.4 Hazard – Safety or Environmental

A General Report Sheet ([FM003](#)) may be initiated by any employee or contractor and shall be used to identify and report on a situation which has/is occurring and which could have been dangerous or prove to cause an injury in the future or may result in an environmental event. Action to be taken is to:

- complete forms relating to an incident as detailed in Table 5.1.



Table 5-1 Accident/Incident/Hazard & Public Report Reporting Requirements

Accident, Incident or Hazard		Report to Regulatory Body Requirement (By When) {How} [By Whom]					EPA Reporting Requirement (By When) {How} [By Whom]	
Category	Examples	DoCEP	Office of Energy	DEC	AMSA/DPI	Worksafe	Incident Report	Incident Invest.
Major Accident	<ul style="list-style-type: none"> fatality (excluding electric shock); 'serious' injury⁽²⁾; 'serious' near miss eg unguarded rotating equipment. 	✓ (by phone & report asap) {FM045} ⁽³⁾ & record in RG003 ⁽⁴⁾ ; [MM] (Note: accident scene not to be disturbed)	✗	✗	✗	✓ {FM043} ⁽¹⁵⁾ [RMM]	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ ; [RMM]
	<ul style="list-style-type: none"> accident involving storage of dangerous good without injury 	✓ (24 h) {FM041} ⁽⁷⁾ [RMM]	✗	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ ; [RMM]
	<ul style="list-style-type: none"> accident involving transport of dangerous good without injury 	✓ (24 h) {FM042} ⁽⁷⁾ [RMM]	✗	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ ; [RMM]



Accident, Incident or Hazard		Report to Regulatory Body Requirement (By When) {How} [By Whom]					EPA Reporting Requirement (By When) {How} [By Whom]	
Category	Examples	DoCEP	Office of Energy	DEC	AMSA/DPI	Worksafe	Incident Report	Incident Invest.
	<ul style="list-style-type: none"> electric shock or electrical accident (including a fatality) 	✓ (by phone & report asap) {FM045 ⁽³⁾ & record in RG003 ⁽⁴⁾ }; [MM] (Note: accident scene not to be disturbed)	✓ (Immed.) {FM030} ⁽⁸⁾ [RMM]	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
	<ul style="list-style-type: none"> significant discharge to the environment – odour, dust, spillage into harbour (apart from oil); 	✗	✗	✓ (as soon as practicable) {FM111} ⁽¹⁰⁾ [RMM]	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]



Accident, Incident or Hazard		Report to Regulatory Body Requirement (By When) {How} [By Whom]					EPA Reporting Requirement (By When) {How} [By Whom]	
Category	Examples	DoCEP	Office of Energy	DEC	AMSA/DPI	Worksafe	Incident Report	Incident Invest.
	<ul style="list-style-type: none"> discharge of oil into the harbour 	x	x	✓ (as soon as practicable) {FM111} ⁽¹⁰⁾ [RMM]	✓ (immed.) {FM116} ⁽¹³⁾ [HM] (3-6 hourly) {FM118} ⁽¹⁴⁾ [HM]	x	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
	<ul style="list-style-type: none"> excessive noise 	x	x	✓ (as soon as practicable) {FM111} ⁽⁸⁾ & RG005 ⁽⁹⁾ [RMM]	x	x	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
	<ul style="list-style-type: none"> excessive dust 	x	x	x	x	x	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator] & Abnormal Dust Emissions Register [RMM]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]



Accident, Incident or Hazard			Report to Regulatory Body Requirement (By When) {How} [By Whom]					EPA Reporting Requirement (By When) {How} [By Whom]	
Category	Examples		DoCEP	Office of Energy	DEC	AMSA/DPI	Worksafe	Incident Report	Incident Invest.
Minor Accident/ Incident	<ul style="list-style-type: none"> minor cut, abrasion or bruise 		✓ (end of month) {FM046} ⁽¹¹⁾ & record in RG003 ⁽⁴⁾ [OM]	✗	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
		<ul style="list-style-type: none"> failure of a fabric filter; minor chemical spillage (< 200 L). 	✗	✗	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
	<ul style="list-style-type: none"> 'classified' plant without injury 		✓ (by phone & report asap) {FM003} ⁽⁵⁾ & record in RG003 ⁽⁴⁾ [MM]	✗	✗	✗	✗	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]



Accident, Incident or Hazard			Report to Regulatory Body Requirement (By When) {How} [By Whom]					EPA Reporting Requirement (By When) {How} [By Whom]	
Category	Examples		DoCEP	Office of Energy	DEC	AMSA/DPI	Worksafe	Incident Report	Incident Invest.
	Safety	Environment							
Hazard	<ul style="list-style-type: none"> trip hazard 	<ul style="list-style-type: none"> near miss of product spillage 	x	x	x	x	x	✓ (24 h) {FM003} ⁽⁵⁾ [Initiator]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]
Public Report	<ul style="list-style-type: none"> safety of recreation activities within harbour 	<ul style="list-style-type: none"> dust or odour complaint 	x	x	x	x	x	✓ (24 h) {FM105 & FM099} ⁽¹²⁾ [RMM]	✓ (24 h) {FM004} ⁽⁶⁾ [RMM]

- Notes:
- MM – Mine Manager, RMM – Risk Management Manager, OM - Operations Manager, HM - Harbour Master
 - Serious Injury – refer Mines Safety and Inspection Act (Appendix A details relevant section)
 - [FM045](#) – Mining Injury Report Form
 - RG003 – Mine Managers Accident Log Book
 - [FM003](#) – General Report Form
 - [FM004](#) – General Report Investigation Form
 - [FM041](#) – Dangerous Goods Storage Accident Report Form and [FM042](#) Transport of Dangerous Goods Accident Report Form
 - [FM030](#) – Electric Shock/Accident Report Form
 - RG005 – Abnormal Noise Register
 - [FM111](#) – Notification of Environmental Incident
 - [FM046](#) – AXTAT Monthly Reporting Form
 - [FM105](#) – Report from the Public Form, and, if required FM099 – Odour Report and Investigation Form
 - [FM116](#) - POLREP (Pollution Reporting)
 - [FM118](#) - SITREP (Situation Reporting)
 - [FM043](#) – FORM1 – Notification of Injury (Worksafe)

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6. EMPLOYEE/EMPLOYER DUTIES TO REPORT AND INVESTIGATE ACCIDENTS/INCIDENTS

6.1 Duty of Employees or Contractors to Report Hazards, Incidents or Accidents

The Mines Safety and Inspection Act 1984 requires that (Refer Appendix A):

“Reporting of dangerous situations or occurrences

11. (1) *Every person working in a mine must report immediately to the person in immediate authority over that person -*

- (a) *any potentially serious occurrence that arises in the course of or in connection with that person’s work; and*
- (b) *any situation at the mine that the person has reason to believe could constitute a hazard to any person,*

and a person receiving a report under this subsection must convey the information in that report immediately to the manager of the mine or to a person designated for the purpose by the manager.”

This aspect of the above act is facilitated through EPA’s use of this procedure. All employees are encouraged through their induction and safety meetings to:

- where possible, immediately correct any hazardous situation; and
- if a hazard cannot be immediately corrected, to utilise the reporting system to initiate corrective action.

General Report forms are found in TRIM and on the intranet. Employees are to use [FM003](#), General Report Sheet, to report all accidents, incidents or hazards to management.

6.2 Duty of EPA Management to Investigate Hazards, Incidents or Accidents

The Mines Safety and Inspection Act 1984 requires that *“An employer must, so far as is practicable, provide and maintain at a mine a working environment in which that employer’s employees are not exposed to hazards”* which implies that all incidents are to be investigated.

This aspect of the above act is facilitated through EPA’s use of this procedure.

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7. ACCIDENT/INCIDENT/HAZARD INVESTIGATIONS

7.1 General

All accident/incident/hazards must be investigated to determine the cause/s and corrective action/s for prevention of other occurrences. The Supervisor present during the incident will coordinate the investigation, which must commence as soon as possible after the event.

7.2 Investigators

In the case of minor accidents or incidents, a single person can carry out the investigation. For major incidents, a committee approach is to be taken. In this case, the investigation team may include:

- Mine Manager or representative;
- Supervisor;
- Initiator;
- Team leader;
- OHS&E Representative;
- involved employee or contractor; and
- others as required (technical, maintenance, contractors, etc).

The team will meet and nominate a person amongst them to minute the outcomes of the meeting/s. As a minimum the following is required:

- completion of the General Report Investigation Form, [FM004](#);
- develop Corrective Actions to prevent recurrence and detail those corrective actions on the Accident/Incident/Hazard Investigation form, [FM004](#);
- ensure that the completed Accident/Incident/Hazard Investigation Form, [FM004](#), is entered into Avantis so that tasks can be generated on the investigation work order for the corrective actions.

Completed forms will be reviewed and approved by each member of the investigating team.

The team will also nominate an Incident Leader to lead the investigation and meeting(s).

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7.3 Process

The investigation process is comprised of the identification of causal factors and the implementation of corrective actions.

The accident/incident/hazard investigation process, identification of causes and follow-up on corrective actions should focus on:

- identification of basic causal factors that contributed directly or indirectly to the event;
- establishing the facts surrounding the event in relation to potential insurance claims or litigation;
- lack of control systems;
- corrective actions to prevent those causes from reoccurring; and
- providing information needed to determine and analyse trends or problem areas in the facilities or operations.

Causes will be identified by interviewing the person(s) involved in the accident/incident/hazard and any witnesses to the event. Each person involved should be interviewed singly and asked to explain step-by-step the events surrounding the accident/incident/hazard. Identification of causes will also be achieved by reviewing documents and assessing the area where the event occurred to determine any other causes that may not have been noticed by the injured/witness.

The following questions should be raised when undertaking the investigation:

- who was present, including those unauthorised?;
- what were the person/s involved actually doing at the time of the accident/incident/hazard?;
- what were the person/s involved doing immediately before the accident/incident/hazard occurred?;
- if the work being performed was routine, what conditions (operating, occupational, climatic) were present before or during the time of the accident/incident/hazard, that are not normally present?;
- how were these conditions taken into account when performing the work?;
- if the work being performed was not routine, had it been assessed prior to commencement as per the procedure for Management of Change?;
- did the person/s involved fully understand what was expected and the safety and environmental implications of the work?;
- how did the supervisor/s assess that the person/s concerned fully understood the work?;
- were the correct equipment, tools and PPE being utilised for the work?;
- were the documented procedures and precautions for the work being adhered to?; and

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- was there any recent change to personnel, organization, procedures, processes and equipment that may have contributed to the accident/incident/hazard?.

When assessing the area where the accident/incident/hazard occurred, any evidence to support statements made by the person/s involved should be noted as well as other significant aspects of the area. Where possible, photographs should be taken of the area before it is disturbed. The following are some aspects of the area of the accident/incident/hazard which may be relevant:

- any objects that are in or around the work area including tools, documents, PPE and safety/warning signs, and the condition of such;
- any potential sources of ignition in the area;
- evidence of excessive forces;
- general state of housekeeping;
- any sign (odours, discolouration) of release of fuel products or other dangerous goods in the area;
- any suggestion of problems with accessing the area or congestion;
- illumination of the area and audibility at the location; and
- the status of the work that was in progress at the time of the accident/incident/hazard.

Where appropriate a risk assessment should be undertaken of the accident/incident/hazard to determine the probability and frequency of the causes. Details can then be added to the appropriate hazard register and where necessary, risk reduction measures can be implemented.

Once all the facts of the accident/incident/hazard are established, corrective actions required to prevent another event of the kind occurring can be determined and documented. Corrective actions include reviews, training requirements, and procedural, documentation or engineering changes.

The corrective actions are the most important aspect of the accident investigation process. When evaluating corrective action it is important to:

- clearly define the timeframes;
- conduct periodic reviews of the status of the action; and
- communicate the progress to all personnel concerned.

The investigation is not complete until all corrective actions have been closed-out. The Risk Management Manager is responsible for ensuring that all corrective actions are completed and close-out has been documented.

7.4 Mine Manager Evaluation

The Mine Manager will evaluate the quality of all accident/incident/hazard investigations. The elements to evaluate include:

- accuracy and completeness of information;

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- clarity of the description of events and causes; and
- corrective actions recommended and timeliness in implementing these.

Results of the evaluation will be used to determine training requirements and any modifications required to the investigation procedure.

The Mine Manager will assess any trends in incidents to establish whether additional corrective actions are required.

8. REPORTING AND COMMUNICATION

8.1 Accident/Incident/Hazard Investigation and Recommended Corrective Actions

The accident/incident/hazard investigation procedure, by way of including the initiator of the report on the investigation team, ensures there is feedback on the proposed Corrective Actions. The inclusion of the OHS&E Representative enables the findings of the investigation to be conveyed, through Safety Meetings, to other personnel and contractors.

8.2 Accident Log Book

The Mines Safety and Inspection Act 1994 requires that all accidents/incidents/hazards are recorded by the Mine Manager in the Accident Log Book, RG003, and also requires that this book be available for examination by an OHS&E Representative or any member of a trade union.

9. SAFETY, HEALTH AND ENVIRONMENT ACCIDENT/INCIDENT/HAZARDS FROM OTHER PORTS

Details of environmental/safety accident/incident/hazards from other ports, which come to the attention of the Mine Manager and for which there is the potential for a similar event to occur at a the Esperance Port site, will also be circulated.

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10. RELATED DOCUMENTS

Forms

- [FM003](#) – General Report Sheet
- [FM004](#) – General Report Investigation
- [FM030](#) – Electric Shock/Accident Report Form
- [FM041](#) – Dangerous Goods Storage Accident Report Form
- [FM042](#) – Transport of Dangerous Goods Accident Report Form
- [FM043](#) – Form 1 – Notification of Injury (Worksafe)
- [FM045](#) – Mining Injury Report Form
- [FM046](#) – AXTAT Monthly Reporting Form
- [FM099](#) – Odour Complaint and Investigation Form
- [FM105](#) – Report from the Public Form
- [FM111](#) – Notification of Environmental Incident (Discharge of Materials Form)

Registers

- RG001 – General Report
- RG002 – Public Reports Register
- RG003 – Mine Managers Accident Log Book
- RG005 – Abnormal Noise Register
- RG005 - Abnormal Dust Emissions Register

Plans

- [PL008](#) – Oil Spill Contingency Plan
- [PL020](#) – Emergency Response Plan
- [PL010](#) – Occupational Health and Safety Management Plan



APPENDIX A

REGULATORY REPORTING REQUIREMENTS

A1 Safety

A1.1 Dangerous Goods (Transport) (Dangerous Goods in Ports) Regulations 2001

A1.2 Mines Safety and Inspection Act 1994

A1.3 Mines Safety and Inspection Regulations 1995

A1.4 Explosives and Dangerous Goods Act 1961

A1.5 Electricity (Licensing) Regulations 1991

A1.6 Occupational Safety and Health Regulations 1996

A2 Environment

A2.1 Environmental Protection Act 1986

A2.2 Environmental Protection Regulations 1987

A2.3 Environmental Protection (Port of Esperance Noise Emissions) Approval 2001

A2.4 Pollution of Waters by Oil and Noxious Substances Act 1987

A2.5 Pollution of Waters by Oil and Noxious Substances Regulations 1993

A1 SAFETY

A1.1 Dangerous Goods (Transport) (Dangerous Goods in Ports) Regulations 2001

- “38. Incidents or releases involving dangerous cargoes, duty to notify authorities**
- (1) *This regulation applies if, in a port area, a dangerous cargo is involved in -*
 - (a) *an incident resulting in a situation in which a dangerous cargo is likely to cause imminent risk of death or injury to a person, or imminent harm to the environment or to property;*
 - (b) *an incident resulting in a fire or explosion involving or affecting a dangerous cargo; or*
 - (c) *the release of a liquid or gaseous dangerous cargo because of failure in the containment structure of a bulk tank, intermediate bulk container, or pipeline.*
 - (2) *As soon as practicable after the incident or release, each accountable person in relation to the vessel, and the berth operator, must tell the Competent Authority about the incident or release, and provide details of –*
 - (a) *when and where the incident or release happened;*
 - (b) *the nature of the incident or release; and*
 - (c) *the shipping name, class, and quantity of the dangerous cargo being transported when the incident or release happened.*
 - (3) *Not later than 21 days after the day on which the incident or release happened, the accountable person and the berth operator must give the Competent Authority a written report about the incident or release.*
 - (4) *The report must provide details of -*
 - (a) *when and where the incident or release happened;*
 - (b) *the nature of the incident or release;*
 - (c) *in the case of a release, the quantity of the liquid or gas released;*
 - (d) *any death of or harm to a person or any damage to property resulting from the incident or release;*
 - (e) *the shipping name, class, and quantity of the dangerous cargo being transported when the incident or release happened;*
 - (f) *what the person believes to be the likely cause of the incident or release;*
 - (g) *the measures taken to control any leak, spill or accidental escape of a dangerous cargo, and any fire or explosion, arising out of the incident or release;*
 - (h) *the measures taken after the incident or release to in relation to the dangerous cargo involved in the incident or release; and*

- (i) *the measures taken after the incident or release to prevent a similar incident or release happening again.*

Penalty: \$1,500”

A1.2 Mines Safety and Inspection Act 1994

PART 2 – GENERAL DUTIES RELATING TO OCCUPATIONAL SAFETY AND HEALTH

Reporting of dangerous situations or occurrences

“11. (1) Every person working in a mine must report immediately to the person in immediate authority over that person -

- (a) *any potentially serious occurrence that arises in the course of or in connection with that person’s work; and*
- (b) *any situation at the mine that the person has reason to believe could constitute a hazard to any person,*

and a person receiving a report under this subsection must convey the information in that report immediately to the manager of the mine or to a person designated for the purpose by the manager.

- (2) *If a person who is required by subsection (1) to make a report does not have a person in immediate authority over that person, the report must be made to the manager of the mine.*
- (3) *Every person working at a mine must, unless a similar report has to his or her knowledge already been made, report immediately to the manager of the mine any injury or harm to health suffered by any other person in connection with work at the mine.*
- (4) *A person who contravenes subsection (1), (2) or (3) commits an offence and is liable to a fine of \$10,000.”*

PART 7 – SPECIFIC DUTIES RELATING TO OCCUPATIONAL SAFETY AND HEALTH

Division 2 – Accidents and Occurrences

Notice of accident to be given

- “76. (1) Where a person suffers injury in an accident at a mine and is disabled by that accident from following his or here ordinary occupation, the manager must cause notice of the accident to be given –*
- (a) in accordance with the regulations, to the district inspector for the region in which the mine is situated; and*
 - (b) if the injured person so requests, to the secretary or local representative of a trade union of which that person is a member.*
- (2) The notice required to be given under subsection (1) must –*
- (a) if the injury appears to be serious, be given by the fastest practicable method of communication as soon as it is reasonably practicable to do so, and must subsequently be confirmed in writing; and*
 - (b) if the injury appears not to be serious, be given in writing at the end of the month.*
- (3) A manager who –*
- (a) omits to give a notice required to be given by subsection (1); or*
 - (b) fails without reasonable excuse to give a notice required to be given by subsection (1) in accordance with subsection (2),*
- commits an offence, unless the required notice was given by the principal employer at the mine.*
- (4) An injury is a serious injury for the purposes of this section if the injury –*
- (a) results in the injured person being disabled form following his or her ordinary occupation for a period of two weeks or more; or*
 - (b) involves unconsciousness arising from inhalation of fumes or poisonous gases or asphyxiation due to lack of oxygen or displacement of oxygen by an inert gas; or*
 - (c) results from an accident, including fuming resulting out of the use of explosives or blasting substances.*



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Recording of accidents in accident log book

77. (1) *The manager must cause to be kept at the mine a book of a type approved by the State mining engineer and called the accident log book, and must after the occurrence of any accident cause a record of the accident to be entered without delay in the book.*

Penalty: \$5,000

(2) *The manager must ensure that the accident log book is kept open at all reasonable times to the examination of an inspector, an assistant inspector, a health and safety representative for the mine, a representative of a trade union any member of which is employed at the mine, and of any other person authorized by the State mining engineer.*

Penalty: \$5,000

Recording of occurrences in the record book

78. (1) *The manager must immediately give notice to the district inspector for the region in which the mine is situated of an occurrence to which this section applies, whether or not any bodily injury to any person or damage to property has resulted from the occurrence, and must give to the district inspector such particulars in respect of the occurrence as the inspector may require.*

Penalty: \$5,000

(2) *The manager must without delay record particulars of an occurrence to which this section applies in the record book.*

Penalty: \$5,000

(3) *This section applies to an occurrence –*

(a) *any extensive subsidence, settlement or fall of ground or any major collapse of any part of the operations of a mine, or any earth movement caused by a seismic event; or*

(b) *any outbreak of fire above of below ground in any mine; or*

(c) *any breakage of a rope, cable, chain or other gear by which persons are raised or lowered; or*

(d) *any inrush of water from old underground operations or other source; or*

(e) *any accidental ignition of dust below ground or discovery of the presence of potentially harmful or asphyxiant gas or an outburst of such gas in any part of a mine; or*

(f) *any accidental ignition or detonation of explosives, or any delayed or fast ignition of explosives; or*

(g) *any explosion or bursting of compressed air receivers, boilers, or pressure vessels; or*

(h) *every electric shock or burn to a person and every dangerous occurrence involving electricity; or*

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- (i) any incidence of a person being affected by poisoning or exposure to toxic gas or fumes; or
- (j) any loss of control of heavy earth moving equipment, including failure of braking or steering.

Manager to report potentially serious occurrences

- 79. (1) *The manager must inform the district inspector for the region in which the mine is situated of any occurrence at the mine which in the manager's opinion had the potential to cause serious injury or harm to health (other than an occurrence referred to in Section 78) although no injury or harm in fact happened.*
- (2) *The manager must inform the district inspector as required by subsection (1) as soon as practicable after the manager has ascertained the facts and circumstances of the occurrence and, if required by the district inspector, must provide a written report on that occurrence.*

Examination of an accident location by trade union representatives

- 80. *Where an accident has occurred at a mine and any employee involved in that accident is a member of a trade union, a representative of that trade union is entitled to examine the place where the accident occurred.*

Place of accident not to be disturbed

- 81. *A person must not disturb a place at a mine where an accident causing death or serious injury has occurred except with -*
 - (a) *a view to saving life or preventing injury to any person; or*
 - (b) *the permission of an inspector or, in the case of a fatal accident, the permission of the coroner.*

Penalty: \$25,000 in the case of a corporation and \$5,000 in the case of an individual.

- (3) *The manager must inform the district inspector as required by subsection (1) as soon as practicable after the manager has ascertained the facts and circumstances of the occurrence and, if required by the district inspector, must provide a written report on that occurrence.*



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Record books

“89. (1) Where a record book or a log book is required under this Act to be kept at a mine or any other place, the manager must ensure that -

- (a) the book is kept solely for the purpose of making the entries required under this Act; and**
- (b) every entry required to be made in the book is made in ink; and**
- (c) the book is kept safely in good order and condition.**

Penalty: \$5,000”

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A1.3 Mines Safety and Inspection Regulations 1995

PART 3 – MANAGEMENT OF MINES Division 5 – Notice of Accidents

“Requirement is notice is in writing

- 3.41.** *For the purposes of section 76 of the Act, when notice of an accident is given, or confirmed, in writing, the notice must be in the form approved for that purpose by the State mining engineer.*

Monthly status report

- 3.42.** *The manager of the mine must ensure that a report is provided to the district inspector in a form approved for that purpose by the State mining engineer as soon as is practicable after the end of each month relating to the status of all employees who have been injured by accidents at the mine, (whether during that month or otherwise), and including the total hours worked by employees and the number of employees.*

Penalty: \$25,000 in the case of a corporation and \$5,000 in the case of an individual.”

PART 6 – SAFETY IN USING CERTAIN TYPES OF PLANT IN MINES Division 1 – Preliminary

““classified plant” means any –

- (a) boiler;*
- (b) crane;*
- (c) hoist;*
- (d) lift; or*
- (e) pressure vessel.”*

Division 3 – Classified Plant

Registration of plant

“6.34 (1) *Each responsible person at a mine must ensure that before any classified plant of a type set out in subregulation (5) is used at a mine, the plant has been registered with the State mining engineer.*

Penalty: \$25,000 in the case of a corporation and \$5,000 in the case of an individual.”

Reporting of incidents affecting registered plant

“6.36 (1) *If an incident causes or is suspected of causing breakage, distortion, damage or failure of registered classified plant the person who was operating or in charge of the plant at the time of the incident must immediately give particulars in writing of the incident -*

- (a) if the person is an employee, to the person’s employer; or*
- (b) in any other case, to the State mining engineer.*

Penalty: \$25,000 in the case of a corporation and \$5,000 in the case of an individual.”

A1.4 Explosives and Dangerous Goods Act 1961

Accidents

- “55. (1) Where any accident involving any explosive or dangerous goods occurs in, about or in connection with any factory, magazine or premises, the person in occupation shall forthwith give to the Chief Inspector notice in writing of the accident and of any loss of life, personal injury, or damage to property occasioned thereby.*
- (2) *Where any accident involving explosives or dangerous goods occurs in, about or in connection with any vehicle, vessel or aircraft carrying explosives or dangerous goods, or on or from which explosives or dangerous goods are being loaded, unloaded, held or carried, the master and the owner of the vessel, or, as the case may be, the person having command or charge of the vessel or aircraft and the owner of the vehicle or aircraft, and the owner of the explosives or dangerous goods being so loaded, unloaded, held or carried, shall forthwith give to the Chief Inspector notice in writing of the accident and of any loss of life, personal injury, or damage to property occasioned thereby.*
- (3) *When any depot or place where explosives or dangerous goods are stored is wholly or partially destroyed by an accident, no person shall, without the permission in writing of the Chief Inspector, reconstruct that depot or place, or deposit any explosives or dangerous goods therein, or, except in the interests of the safety of any person or of the public or for the protection of any property, remove any explosives or dangerous good therefrom.*
- (4) *For the purpose of investigating any accident involving any explosive or dangerous goods, an inspector may make inquiries from any person who he has reason to believe is in possession of information that may lead to discovery of the cause of the accident, by no such person shall be required to answer any question tending to incriminate himself.*
- (5) *Notwithstanding the provisions of this section, it shall be sufficient compliance with this section if the Chief Inspector is notified of any accident by a member of the police force or by an inspector appointed under this or any other Act, and upon being notified as in this subsection mentioned the Chief Inspector may at his discretion make further inquiry or investigation concerning the accident.”*

Penalty: \$50,000”

A1.5 Electricity (Licensing) Regulations 1991

Accidents to be reported

“63. (1) Where an accident that has caused or is likely to cause danger to life or property has occurred any person who is aware of the accident or danger shall immediately report the fact to the Director and the relevant supply authority but if the person is an electrical worker in the course of his or her employment it is sufficient for the purposes of this regulation if the report is made to the employer of that person.

(2) *Any report made to an employer under subregulation (1) shall be reported to the relevant supply authority and Director.*

(3) *In subregulation (1) —*

*“**accident**” means an accident that results from a sudden discharge of electricity or that otherwise has, or may have, electrical origins.”*

**Penalty: Indiv. \$5,000
Corp. \$25,000”**

A1.6 Occupational Safety and Health Regulations 1996

Accidents to be reported

2.4. Notification under section 19 of certain injuries

(1) For the purposes of section 19(3) of the Act, the kinds of injury incurred by an employee to be notified by an employer to the Commissioner are -

- (a) a fracture of the skull, spine or pelvis;
- (b) a fracture of any bone -

- (i) in the arm, other than in the wrists or hand;
- (ii) in the leg, other than a bone in the ankle or foot;

- (c) an amputation of an arm, a hand, finger, finger joint, leg, foot, toe or toe joint;
- (d) the loss of sight of an eye;
- (e) any injury other than an injury of a kind referred to in paragraphs (a) to (d) which, in the opinion of a medical practitioner, is likely to prevent the employee from being able to work within 10 days of the day on which the injury occurred.

(2) Notification of an injury to which section 19(3) of the Act applies is to be made

- (a) in the form of Form 1 in Schedule 2; or
- (b) by telephone.

(3) The prescribed particulars for the purposes of the notification of an injury to which section 19(3) of the Act applies are -

- (a) name and business address of the employer;
- (b) name, sex and occupation of the employee;
- (c) address of the place at which the injury was incurred;
- (d) date and time the injury was incurred;
- (e) brief description of how the injury was incurred and the type of machine or equipment, if any, involved;
- (f) nature of the injury or, where applicable, report of death; and
- (g) the place to which the employee has been taken.

A2 ENVIRONMENT

A2.1 Environmental Protection Act 1986

Duty to notify Chief Executive Officer of discharges of waste

“72. (1) Subject to subsection (2), if a discharge of waste –

- (a) occurs as a result of an emergency, accident or malfunction;*
- (b) occurs otherwise than in accordance with a works approval or licence or with a requirement contained in a pollution abatement notice; or*
- (c) is of a prescribed kind or a kind notified in writing to the occupier concerned,*

and has caused or is likely to cause pollution, the occupier of the premises on or from which that discharge took place who does not, as soon as practicable after that discharge, notify the Chief Executive Officer of the prescribed details of that discharge commits an offence.

- (2) Subsection (1) does not apply to or in relation to a discharge of waste which is of a kind prescribed for the purposes of this subsection.”*

Penalty: \$50,000, (daily \$10,000)”

A2.2 Environmental Protection Regulations 1987

5K. Prescribed details of discharge of waste

For the purpose of section 72(1) of the Act the prescribed details of a discharge of waste are –

- (a) the time and the address of the premises on or from which the discharge occurred and a map of the premises showing the location of the discharge;*
- (b) if the discharge of the waste was a result of the operation of equipment or otherwise, the name of the person operating the equipment or otherwise responsible for the discharge of the waste;*
- (c) the composition of the waste;*
- (d) the quantity of the waste discharged;*
- (e) whether or not the discharge caused pollution and, if so, the nature and the extent of the pollution;*
- (f) the action taken by the occupier of the premises to minimise the effect on the environment of the discharge of waste; and*
- (g) whether or not the waste involved in the discharge has been removed, dispersed, destroyed, disposed of or otherwise dealt with, and if so, the manner in which the waste was removed, dispersed, destroyed, disposed of or otherwise dealt with.*

5L. Notification of details of discharge of waste

- (1) *A notification to the Chief Executive Officer under section 72 of the Act may be given by telephone or facsimile.*
- (2) *If the notification is given by telephone, notification in writing must be given to the Chief Executive Officer as soon as practicable after the telephone notification."*

A2.3 Environmental Protection (Port of Esperance Noise Emissions) Approval 2001

"3. Interpretation

- (1) *In this Approval -*

*"**abnormal event**" means an unexpected event that the occurrence of which is beyond the immediate control of, and could not reasonably have been foreseen by, the Port Authority (such as an accident or emergency, a breakdown of plant or equipment or extreme weather conditions); ...*

9. Noise resulting from abnormal events

An emission of noise that contravenes clause 6 or 7 is taken not to breach a condition of the Approval if –

- (a) *the emission is a result of an abnormal event;*
- (b) *if the emission contravenes clause 7 – it is a result of an event the occurrence of which results in the accidental or unintended emission of noise;*
- (c) *the Port Authority takes all reasonably practicable measures to stop the emission as soon as is reasonably practicable; and*
- (d) *the Port Authority notifies the Chief Executive Officer and the chief executive officer of the Shire of Esperance of the occurrence of the abnormal event within 21 days after the day on which it occurred, or within any further time allowed by the Chief Executive Officer on the application of the Port Authority.*

9. Abnormal events register

- (1) *The Port Authority must keep an abnormal events register for the purposed of this Approval.*
- (2) *If an abnormal event or any other event results in the emission of noise that contravenes clause 6 or 7, the Port Authority must enter in the register the following particulars –*
 - (a) *the nature of the event;*
 - (b) *the date and time of the occurrence of the event;*
 - (c) *details of the contravention, including the level and characteristics of the noise (if known) and the duration of the emission;*
 - (d) *the measures taken by the Port Authority to stop the emission;*
 - (e) *the measures (if any) taken by the Port Authority to prevent, or minimise the possibility of –*
 - (i) *a similar event occurring in the future; or*
 - (ii) *the emission of noise that contravenes clause 6 or 7 if a similar event occurs in the future.*
- (3) *The Port Authority is to make the register available for inspection by an inspector on request.”*

A2.4 Pollution of Waters by Oil and Noxious Substances Act 1987

“12. Duty to report discharge of certain substances from land or apparatus

- (1) *I any discharge of oil or of an oily mixture occurs from a place on land into State waters, the occupier of the place shall without delay, notify, in the prescribed manner, a prescribed officer of the occurrence.*

Penalty: \$5,000
- (2) *Where, in compliance with subsection (1), the occupier of a place on land has notified a prescribed officer of the occurrence of a discharge, he shall, if so requested by a prescribed officer furnish, within the prescribed time, a report in relation to the discharge in accordance with the prescribed form to a prescribed officer.*

Penalty: \$5,000”

A2.5 Pollution of Waters by Oil and Noxious Substances Regulations 1993

“5. Prescribed manner of notifying incidents etc.

- (1) *For the purpose of sections 11 (1) and (3) and 22 (1) and (3) of the Act, a prescribed incident is notified in the prescribed manner if it is notified -*
- (a) *in the manner prescribed by the Commonwealth regulations made for the purposes of the corresponding section of the Commonwealth Act; or*
 - (b) *in the manner prescribed by the Commonwealth regulations made for the purposes of the corresponding sections of the Commonwealth Act but conveyed through -*
 - (i) *the Marine Emergency Operations Centre, Department of Marine and Harbours; or*
 - (ii) *a port signal station.*
- (2) *For the purposes of section 12 (1) a discharge from a place on land is notified in the prescribed manner if it is notified in the manner prescribed by subregulation (1).*

6. Prescribed time for report

For the purposes of section 11 (6) and (7), 12 (2) and 22 (6) and (7) of the Act, 24 hours immediately following the receipt of a request for a report is the prescribed time.

7. Prescribed form for report

- (1) *For the purposes of sections 11(6) and (7) and 22 (6) and (7) of the Act, the form prescribed by the Commonwealth regulations for the purposes of the corresponding sections of the Commonwealth Act is prescribed.*
- (2) *For the purpose of section 12 (2) of the Act, the form prescribed by subregulation (1) with such modifications as are necessary and including -*
- (a) *the name, address and telex, facsimile and telephone numbers of the occupier of the place on land from which the discharge occurred; and*
 - (b) *the geographical location where the discharge occurred,*
- is prescribed.”*