

2010

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

WORK SAFETY AMENDMENT REGULATION 2010 (No 1)

EXPLANATORY STATEMENT

Circulated with the authority of  
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## OVERVIEW

The *Work Safety Act 2008* (the Act) commenced operation in the Territory on 1 October 2009. The Act provides the legal framework for an up to date, modern work safety regime that caters for working and doing business in the Territory today and into the future. It sets out duties which apply to each person involved in work safety. The regulatory framework established by this Act is supported by the Work Safety Regulation 2009 (the Regulation).

## NOTES ON PARTS

### Clause 7 Requirements for notice – Act, s38 (2)

This clause establishes when notice must be given in relation to a serious event under section 38(2) of the Act and how such a notice may be given.

This clause gives effect to the original policy intent for notification and provides that:

- a) where a serious event involves the death of a worker or another person, notice must be given under section 38(2)(a) as soon as possible after the event but no later than 2 hours, and, also, in writing not later than 48 hours after the event;
- b) where a serious event involves a serious injury to a person other than a worker, or other dangerous occurrence, including where the incident involves an imminent risk of death to anyone, or serious injury to anyone, the notice must be given as soon as possible, and in writing not later than 48 hours after the event;
- c) in the case of an injury to a worker which results in incapacity for a work for a period of seven days or more, the notice must be given as soon as possible, and in writing not later than 8 days after the event.

This clause also establishes that notice for section 38(2) (b) can be given in writing, by telephone, by facsimile or by other electronic means. It also prescribes that, if the chief executive receives a notice that has not been given in writing, they must give the employer details of the information received, or, an acknowledgement of receiving the notice.