

Workplace incidents and inspections

Workplace incidents

What is a workplace incident or dangerous event, what to do in an emergency, how to notify of an incident

Workplace inspections

What is an inspector, what powers does an inspector have, what to expect when an inspector visits

About electrical incidents

Electrical work is dangerous. Queenslanders die every year in electrical accidents.

But electrical safety reforms like the *Electrical Safety Act 2002* are making a difference.

The *Electrical Safety Plan for Queensland 2003-2008* complements the legislative reforms. It's about reducing the incidence of injury and death caused by electricity.

Five priority areas are being targeted to improve electrical safety:

- contact with electric lines
- incidents in dwellings mainly due to problems with fixed wiring, appliances or electrical cords
- incidents in workplaces, other than those specifically involved in the electrical industry
- incidents involving the electricity supply industry
- incidents involving the general electrical industry, including the different categories of electrical work licences, restricted electrical workers and electrical contractors who conduct businesses involving electrical work, including repairs

Electrical inspectors play a key role in improving Queensland's electrical safety.

What is a serious electrical incident?

Section 11 of the *Electrical Safety Act 2002* defines a **serious electrical incident**, and includes incidents that results in death, or a shock or injury requiring medical treatment by a doctor, caused by electricity.

What is a dangerous electrical event?

Section 12 of the *Electrical Safety Act 2002* defines a **dangerous electrical event**, and it includes events involving electrical equipment causing significant property damage; or unlicensed or unauthorised work; or unsafe activity or equipment is found.

A dangerous electrical event may arise, for example, when:

- a person is not electrically safe in a situation involving high-voltage electrical equipment, regardless of whether a shock or injury is sustained;

- someone does electrical work:
 - without a licence,
 - unsafely or
 - incorrectly.

What to do in an emergency

Do not touch anyone who is receiving an electric shock.

If a person is injured, **dial 000 and ask for Ambulance.**

Turn off the power or try to separate the victim from the power source using a **non-conductive** (ie. non-metallic) item

When it is safe to approach the victim – **the power has been turned off** or the victim freed– commence first-aid:

- Turn the unconscious victim onto the side.
- Check for breathing.
- If not breathing, start resuscitation.

It is a good idea to keep your first-aid skills, particularly resuscitation skills, up-to-date.

If **overhead powerlines have fallen down**, you should do the following:

- **do not touch** anyone who is receiving a shock from the fallen powerlines as these may be operating at high voltage
- notify the relevant electricity entity or Police
- keep others away from the fallen powerlines

Do not attempt a rescue until the relevant electricity entity has made the situation electrically safe

Electric shock and water are even deadlier.

Bare feet and wet skin lower the body's electrical resistance. The effects of an electrical shock on a person in or near water are likely to be more severe than in other places.

Even a small voltage can cause drowning due to loss of muscular control.

Remember: **always try to turn off the power supply first.**

Incident notification

What to report and when

A serious or dangerous electrical incident must be reported:

- **in writing**
- **within 24 hours**
- **to the Chief Executive Officer, Department of Industrial Relations.**

If the incident involves a **death**, **immediate notification** is required:

- **by phone**; or
- **by fax.**

Action on advice of electric shock

If a consumer advises a distribution entity of a person sustaining an electrical shock, the distribution entity must:

- ensure the scene is electrically safe to prevent further incidents
- complete the incident report **within three days**
- keep the incident report for five years

'Making safe' versus disturbing the scene

An inspector or police officer will need to investigate the scene of a serious or dangerous electrical incident.

Nothing should be touched or moved – unless there is further risk to life or property damage.

For more information on incident notifications, read sections 194 to 202 of the *Electrical Safety Regulation 2002*.

Forms

An employer or self-employed person is responsible for completing and lodging the incident notification form.

A copy of the form must be kept for three years.

Lodge the form within 24 hours of becoming aware of a dangerous electrical event or serious electrical incident.

If a death occurred, immediate notification is required; followed by the form's lodgement, within 24 hours.

Workplace inspections

About electrical inspectors

It's the electrical inspector's job to enforce the *Electrical Safety Act 2002*, which means they need to ensure that workers, employers and the general public comply with electrical safety legislation.

Electrical inspectors carry out inspections and investigations and may also issue notices and on-the-spot fines.

Each inspector is issued with an identity card, and must show you the identity card on request while exercising any power under the *Electrical Safety Act 2002*.

The Electrical Safety Office can appoint a temporary inspector who has the powers of an appointed inspector.

Even if it is inconvenient, you must give an inspector reasonable help when asked to do so; unless you think you might incriminate yourself.

Inspectors must avoid unnecessarily getting in the way of business at a workplace.

Sections 122 to 128 of the *Electrical Safety Act 2002* covers, amongst other things, the appointment conditions and limits of inspector powers.

Inspectors' powers

Section 137 of the *Electrical Safety Act 2002* gives inspectors **the power to enter a place** if:

- the occupier consents; or
- it is a public place open at the time to the public; or
- a warrant authorises entry; or
- it is a workplace controlled by someone who has an electrical safety obligation under the Act; or
- there is an urgent need to investigate a serious electrical incident or dangerous electrical event.

Section 138 of the Act states that inspectors **may enter**:

- land surrounding premises; or
- part of a place the inspector reasonably considers to be open to the public normally.

Inspectors' general powers on entering a place include:

- search anywhere
- inspect, measure, test, photograph or film any part of the place or anything
- take things or samples for analysis or testing
- copy documents
- make inquiries or conduct surveys or tests
- inquire into circumstances and probable causes of any serious electrical incident or dangerous electrical event
- take any necessary person, equipment or material into the place
- ask for reasonable help
- require answers to questions

However an inspector, who enters a workplace, must not unnecessarily impede any business being conducted there.

Inspectors have the power to seize an item if it is believed to be evidence of an offence or could be used again to repeat, or continue, an offence.

Inspectors can seize electrical equipment if:

- people or property are at electrical risk from the equipment; and
- urgent action is needed to prevent, remove or minimise the risk.

Section 137 to 166 of the *Electrical Safety Act 2002* covers the powers of inspectors and how they enforce the electrical safety legislation of Queensland.

Entry with consent

If an inspector intends to ask permission to enter, the occupier must first be told:

- why entry is sought; and
- that the inspector is permitted to enter, without consent.

If consent is given, the inspector will ask the occupier to sign an acknowledgment.

Procedures for other entries

If urgent entry is needed to investigate a serious electrical incident or dangerous electrical event, and the occupier is present, the inspector must tell the occupier:

- why entry is sought; and
- that the inspector is permitted to enter, without consent.

Warrants

An inspector may apply to a magistrate for a warrant to inspect a property.

A warrant may be issued if there's good reason to suspect that an activity or thing on site provides evidence of an electrical safety offence at that place.

In urgent situations, a warrant may be issued over the phone, by fax, radio or by other communication. Read Section 142 of the *Electrical Safety Act 2002* for more information on special warrants.

What if I disagree with an inspector's decision?

If your interests are affected by a decision made by an inspector, such as the decision to issue a notice, you have the right to seek a review of the decision.

The appeal process is explained on the reverse side of all enforcement notices and involves the following steps.

- An application for review of a decision must be submitted on the approved form within a certain period (approved forms are also available from all WHSQ offices)
- In most cases the application should be submitted within 14 days after the day you receive notice of the inspector's decision.
- If the application is for the review of a decision to forfeit a thing, the application must be submitted within 28 days after the day you receive notice of the original decision.
- Ensure you submit enough information on the application form to enable a decision to be made.

The Department of Industrial Relations will give you written notice of the review decision within 14 days of making the decision.

You also have the right to make an appeal against an original decision in the Industrial Court.

The Industrial Court may:

- confirm the decision appealed against
- vary the decision appealed against
- set aside the decision appealed against and make a substitute decision
- return the issue to the Electrical Safety Office