



Occupational Health and Safety (Maritime Industry) Amendment (Incident Notification and Reporting) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 24 August 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Michaelia Cash
Minister for Employment

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1 Name

This instrument is the *Occupational Health and Safety (Maritime Industry) Amendment (Incident Notification and Reporting) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	31 August 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Occupational Health and Safety (Maritime Industry) Act 1993*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Occupational Health and Safety (Maritime Industry) Regulations 1995

1 Subregulation 12(4)

Repeal the subregulation, substitute:

- (4) The notice must:
 - (a) be in writing; and
 - (b) identify the workplace and the operator of the workplace; and
 - (c) specify the time of the incident; and
 - (d) identify the location of the workplace at that time; and
 - (e) describe the incident.
- (5) The notice may set out any other matters the operator considers relevant.
- (6) The notice must be given to the Inspectorate by one of the following means:
 - (a) sending a fax to the fax number specified for this purpose on the Authority's website;
 - (b) sending an email to the email address specified for this purpose on the Authority's website;
 - (c) another electronic means specified for this purpose on the Authority's website.

Note: Sending a notice by post is not a permitted means.

2 Subregulation 13(4)

Repeal the subregulation, substitute:

- (4) The report must:
 - (a) be in writing; and
 - (b) identify the workplace and the operator of the workplace; and
 - (c) specify the time of the incident; and
 - (d) identify the location of the workplace at that time; and
 - (e) specify the activities the workplace is engaged in at that time; and
 - (f) describe the incident; and
 - (g) set out a list of the consequences of the incident; and
 - (h) if a person was affected by the incident—set out the following details of the person and describe the effect of the incident on the person:
 - (i) name;
 - (ii) gender;
 - (iii) nationality;
 - (iv) date of birth;
 - (v) address; and
 - (i) set out the name, position and contact details of the person giving the report.
- (5) The report may set out any other matters the operator considers relevant.
- (6) The report must be given to the Inspectorate by one of the following means:

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- (a) sending a fax to the fax number specified for this purpose on the Authority's website;
 - (b) sending an email to the email address specified for this purpose on the Authority's website;
 - (c) another electronic means specified for this purpose on the Authority's website.

Note: Sending a report by post is not a permitted means.

3 After Part 4

Insert:

Part 5—Application and transitional provisions

17 Transitional provision for the *Occupational Health and Safety (Maritime Industry) Amendment (Incident Notification and Reporting) Regulations 2017*

If, in the 3 months beginning on the day this regulation commences, a person:

- (a) gives a notice in accordance with subregulation 12(4) as in force immediately before the commencement of this regulation; or
- (b) gives a report in accordance with subregulation 13(4) as in force immediately before the commencement of this regulation;

the notice or report is taken to have been given in accordance with these Regulations as amended by the *Occupational Health and Safety (Maritime Industry) Amendment (Incident Notification and Reporting) Regulations 2017*.

4 Schedule Forms (forms 6 and 7)

Repeal the forms.