

Notifiable Events & Preserving Incident Sites



Stephen Small

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THAT WAS THEN.....



Health and Safety in Employment Act 1992

25 Recording and notification of accidents and serious harm

(3) If there occurs any **serious harm or accident** to which this subsection applies, the employer, self-employed person, or principal concerned must,—



Health and Safety in Employment Act 1992

25 Recording and notification of accidents and serious harm

(a) as soon as possible after the occurrence becomes known to the employer, self-employed person, **or principal**, notify the Secretary of the occurrence; and



Health and Safety in Employment Act 1992

25 Recording and notification of accidents and serious harm

(b) **within 7 days** after the occurrence, or, if the occurrence is not known to the employer, self-employed person, or principal within that period, as soon as possible after it becomes known, give the Secretary written notice, in the prescribed manner, of the circumstances of the occurrence.



Health and Safety in Employment Act 1992

26 No interference at accident scene

(1) Where a person is **seriously harmed** while at work, no person shall, unless authorised to do so by an inspector, remove or in any way interfere with or disturb any wreckage, article, or thing related to the incident except to the extent necessary—



Health and Safety in Employment Act 1992

26 No interference at accident scene

(a) To save the life of, prevent harm to, or relieve the suffering of, any person; or

(b) To maintain the access of the general public to an essential service or utility; or

(c) To prevent serious damage to or serious loss of property.



THIS IS NOW.....

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Health and Safety at Work Act 2015

24 Meaning of notifiable incident

(1) In this Act, unless the context otherwise requires, a notifiable incident means an unplanned or uncontrolled incident **in relation to a workplace** that exposes a worker or any other person to a serious risk to that person's health or safety arising from an **immediate or imminent exposure** to:—



Health and Safety at Work Act 2015

24 Meaning of notifiable incident

- (a) an escape, a spillage, or a leakage of a substance; or
- (b) an implosion, explosion, or fire; or
- (d) an escape of a pressurised substance; or
- (e) an electric shock;** or
- (f) the fall or release from a height of any plant, substance, or thing; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or any shoring supporting an excavation;



Health and Safety at Work Act 2015

Immediate or imminent exposure to....

Not: possible and potential exposure to...



Health and Safety at Work Act 2015

Possible and potential exposure =



Health and Safety at Work Act 2015

55 Duty to preserve sites

(1) A PCBU who manages or controls a workplace at which a notifiable event has occurred must take all reasonable steps to ensure that the site where the event occurred is not disturbed until authorised by an inspector.



Health and Safety at Work Act 2015

55 Duty to preserve sites

(2) Subsection (1) does not prevent any action—
(a) to assist an injured person; or
(b) to remove a deceased person; or
(c) that is essential to make the site safe or to minimise the risk of a further notifiable event; or
(d) that is done by, or under the direction of, a constable acting in execution of his or her duties; or
(e) for which an inspector or the regulator has given permission.



WHY ARE EDB'S CONCERNED??

**THE SAIDI CLOCK IS
TICKING!!**



Health and Safety at Work Act 2015

56 Duty to notify notifiable event

(1) A PCBU must, as soon as possible after becoming aware that a notifiable event arising out of the conduct of the business or undertaking has occurred, ensure that the regulator is notified of the event.



Health and Safety at Work Act 2015

56 Duty to notify notifiable event

- 2) A notification under subsection (1)—
- (a) may be given by telephone or in writing (including by email, or other electronic means); and
 - (b) **must be given by the fastest possible means in the circumstances.**



Health and Safety at Work Act 2015

56 Duty to notify notifiable event

- (3) For the purposes of subsection (2), a person giving notice by telephone must—
- (a) give the details of the incident requested by the regulator; and
 - (b) if required by the regulator, **give a written notice of the incident within 48 hours** of being informed of the requirement.



BUT

56 Duty to Notify vs



34 PCBU must consult other PCBUs with same duty

(1) If more than 1 PCBU has a duty in relation to the same matter imposed by or under this Act, each PCBU with the duty must, so far as is reasonably practicable, **consult, co-operate with, and co-ordinate activities** with all other PCBUs who have a duty in relation to the same matter.



WORKSAFE
NEW ZEALAND | MAHI HAUMARU
AOTEAROA



FACT SHEET

WHAT EVENTS NEED TO BE NOTIFIED?

The health and safety regulator must be notified when certain work-related events (notifiable events) occur. This factsheet provides information about what a person conducting a business or undertaking (PCBU) needs to do if a notifiable event occurs.

If there are multiple PCBUs, who is responsible for notifying?

If multiple PCBUs are involved in the work, one PCBU should be nominated to notify the regulator. However, all PCBUs are responsible for ensuring a notification is made.



**STILL TRUMPED BY
THE ELECTRICITY
ACT !!!**



Electricity Act 1992 (As at 4 April 2016)

16 Notification of accidents

- (1) This section applies to every accident that—
(a) is caused wholly or partly by, or involves or affects, electricity, or involves or affects the generation, conversion, transformation, conveyance, or use of electricity; and



Electricity Act 1992 (As at 4 April 2016)

16 Notification of accidents

(b) results in—

- (i) **serious harm** to any person; or
- (ii) damage to any place or part of a place that **renders that place or that part of that place unusable** for any purpose for which it was used or designed to be used before that accident.



Electricity Act 1992 (As at 4 April 2016)

16 Notification of accidents

(3) Where any accident to which this section applies occurs in any place, the appropriate person shall notify WorkSafe of the particulars of the accident forthwith on becoming aware of the accident.



Electricity Act 1992 (As at 4 April 2016)

16 Notification of accidents

(4) The appropriate person is as follows:

(a) in the case of an accident involving or affecting any works or electrical installation, the person who has control of those works or that installation:

(b) if the accident is discovered by any person who is authorised to do prescribed electrical work under Part 10, that person:

(c) in all other cases, the occupier of the place where the accident occurred.



Electricity Act 1992 (As at 4 April 2016)

17 Interference with scene of accident

(1) No person shall interfere in any way with the scene of any accident to which section 16 applies without the permission of WorkSafe, or if WorkSafe is not present, a constable or a member of a fire brigade; except to the extent that the person believes is necessary to avoid or minimise further injury or damage or to restore the safe supply of electricity.



Our interpretation is that we can totally rely on the Electricity Act Section 17 to reinstate the network, except where any damage was caused by a PCBU at an existing worksite.



It is easy when we are the PCBU in control of the works.



What Alpine Energy is doing Internally:

Advising all contractors that as the PCBU in control of the works, we will be the default notifier.

Except:

- Where legal privilege applies
- By mutual agreement with other PCBU



But what about when they are a third party causing damage?



**Is this a worksite?
Is it notifiable??**

**Pole integrity
compromised by
non-consented
excavation**



**Alpine
ENERGY**

Is this a worksite?

Is it notifiable??

**Live LV
conductor
pulled down
in transport
yard**



**Alpine
ENERGY**

**Is this a worksite?
Is it notifiable??**

**Full Fonterra
Tanker**



**Alpine
ENERGY**

Is this a worksite?

Is it notifiable??



**Alpine
ENERGY**

Is this a worksite?

Is it notifiable??



Alpine
ENERGY

Is this a worksite?

Is it notifiable??



Alpine
ENERGY

What Alpine Energy is doing Externally:

Informing 3rd party contractors that we believe it is a notifiable event.

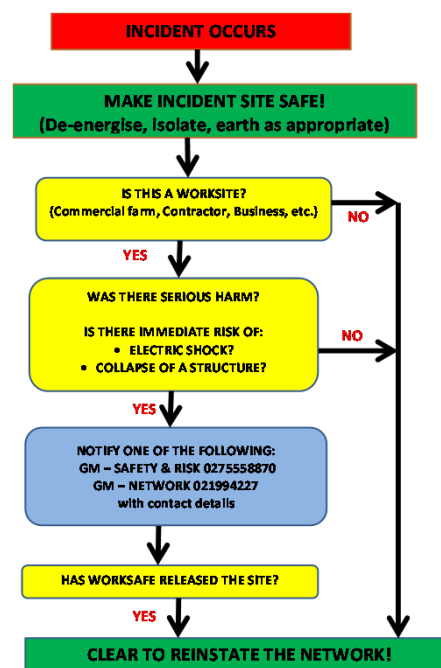
Requesting:

- Notification reference number
- WorkSafe Inspector contact details

Attempting to have discussion with WorkSafe Inspector regarding restoration vs preserving site.



What we have
done to assist our
faults staff and
control room



Actual Phone Conversation

- ▶ **Me:** “unless you tell me otherwise right now, we will be reinstating the power supply to ***** road under Section 17 of the Electricity Act.”
- ▶ **WorkSafe:** “when and how the power is reconnected is a matter for the energy company and not something I have any expertise in.”



Conclusion

Notifiable event:

1. Must be a worksite
2. Must have serious risk to health and safety of either:
 - Serious harm
 - Immediate and Imminent Exposure to Electric Shock etc
3. Can rely on Electricity Act provisions to restore power.

Questions?

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Preserving Incident Sites**



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