

House of Assembly—No 233

As laid on the table and read a first time, 10 August 2017

South Australia

Work Health and Safety (Notification of Next of Kin) Amendment Bill 2017

A BILL FOR

An Act to amend the *Work Health and Safety Act 2012*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Work Health and Safety (Notification of Next of Kin) Amendment Act 2017*.

2—Commencement

This Act comes into operation on the day on which it is assented to by the Governor.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Work Health and Safety Act 2012*

4—Insertion of section 39A

After section 39 insert:

39A—Notification of next of kin

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- (1) If a person suffers a prescribed medical incident arising out of the conduct of a business or undertaking, the person who conducts the business or undertaking must, immediately after becoming aware of the incident, take all reasonable steps, in accordance with subsection (2), to notify the next of kin of the person suffering the incident that the incident has occurred.
 - 20 (2) A notification under subsection (1) must be given by the fastest possible means (whether that is in person or by telephone, fax, email or other electronic means) and must include as many details of the incident as are within the person's knowledge.

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- (3) A person is not required to comply with subsection (1) if the person is directly advised by the police, ambulance or some other authority responsible for providing emergency services that they have already notified the next of kin of the incident.
- (4) A person who conducts a business or undertaking out of which a prescribed medical incident has arisen must make a record of the following details in relation to a notification of the next of kin under this section:
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- (a) the name of the person who suffered the prescribed medical incident;
- (b) the date and time of the incident;
- (c) the nature of the incident;
- (d) either—
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- (i) in the case of a notification under subsection (1)—
- (A) the name of the next of kin notified;
- (B) the date and time of the notification;
- (C) the method of notification (eg in person or by telephone, fax, email or other electronic means); or
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- (ii) in the case of a notification by police, ambulance or other authority (referred to in subsection (3))—
- (A) that fact; and
- (B) the method by which the person conducting the business or undertaking was advised that the notification of the next of kin had been made by the police, ambulance or other authority (eg in person or by telephone, fax, email or other electronic means);
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- (C) the date and time of that communication.
- (5) A record made under subsection (4) must be kept for at least 5 years from the date of the incident.
- (6) In this section—
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- next of kin***, in relation to a person, means the person's spouse or domestic partner, a parent or child of the person or a nominee of the person;
- prescribed medical incident***, in relation to a person, means—
- (a) the death, serious injury or illness of the person; or
- (b) any other incident that results in the person requiring—
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- (i) medical treatment (other than superficial or minor medical treatment); or

- (ii) medical attention from ambulance or other emergency services.