

STANDARD OPERATING PROCEDURE

Investigations

February 2018

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DOCUMENT CONTROL SHEET

Review

This SOP must be reviewed every 36 months from the date of issue. However, this document must be immediately modified if practices and/or procedures change.

Document Details

Responsible Officer	Executive Director, SafeWork SA
Approval	9 February 2018
Version	7
Issued (date)	February 2018
Next Review	February 2021
RecFind Number	SAFE 18/0095 Pt 1

Change History

Previous		Change from previous version	Author
Version	Issue Date		
1	July 2005		CALI
2	July 2009		CALI
3	November 2010		CALI
4	December 2010		CALI
5	October 2011		Operational Support Team
6	December 2011		Operational Support Team
7	January 2018	Current process	Corporate Services

Contact Person

Endorsed


 Executive Director
 SafeWork SA
 9 / 2 / 2018

PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to provide readers with a broad understanding of the key requirements for and stages of SafeWork SA investigations into work-related:

- risks to the health, safety and welfare of persons in the workplace;
- accidents; and
- incidents.

The overarching requirements for such investigations are described, as too is each step in the process from when a call is received to when the case file is closed.

While the primary audience for this SOP is SafeWork SA **Inspectors** it is also intended to be a document that any person new to SafeWork SA or AGD could read and understand.

Note: The specific meaning of any acronyms or terms highlighted in **bold** can be found in the glossary (Appendix B)

SCOPE

This SOP focuses on the investigations undertaken by SafeWork SA **Inspectors** in response to reports of work-related accidents or incidents; or situations that:

- may result in injury or illness; and/or
- do not comply with legal requirements.

While the general stages of investigation are the same irrespective of the legislation being enforced, the powers of **Inspectors** will vary depending on the legislation they are enforcing.

As approximately 90% of the investigations undertaken by SafeWork SA relate to the *Work Health and Safety Act, 2012* (SA) (the **WHS Act**), unless otherwise stated, the powers and processes relevant to **Inspectors** referred in this SOP are those from the **WHS Act**.

If an **Inspector** is investigating a matter that falls under one of the other pieces of legislation enforced by SafeWork SA (such as the *Dangerous Substances Act, 1979*) they will need to check that legislation and ensure they are operating purely within the powers given under that legislation.

This SOP does not cover:

- Any processes that are unique to investigations done in response to a request for an **Inspector's** involvement in resolving a consultation or Entry Permit Holder- related issue (under Parts 5 or 7 of the **WHS Act**). For further information see the relevant Model Operating Procedures (MOPs).
- Work done by **Inspectors** in relation to:
 - the granting of licenses or authorisations; and
 - pro-active compliance programs.

BACKGROUND

Types of Investigations

Over 95% of investigations done by SafeWork SA are undertaken by **Inspectors** from the four Industry Teams and the Dangerous Substances Team in the Compliance and Enforcement Division (**CAED**). The primary purpose of these investigations is to prevent work-related fatalities, injuries and illnesses by ensuring compliance with the safety standards set in legislation.

The Investigation Team has primary responsibility for investigations into work-related fatalities and other types of **Critical Events**.

A **Critical Event** is any incident or other matter reported to SafeWork SA through the Help Centre or other means (e.g. the media or Minister's Office) that is deemed a '**Critical Event**' by:

- a **CAED** Team Manager;
- the Investigation Team Manager;
- the **On-Call Duty Manager**;
- the Chief Inspector;
- the Director Investigations; or
- the Executive Director.

When a '**Critical Event**' has been declared' **Inspector/s** from the Investigation Team (**Investigators**) and relevant **CAED** Team/s will be immediately dispatched to attend on site to:

- ensure the immediate situation is made safe;
- ensure compliance with the relevant health and safety legislation; and
- start the process of investigating what happened and why.

Critical Events are often cases where:

- there is a reasonable expectation that not only will action be taken to prevent such incidents happening again; and
- any party whose failure to comply with legal requirements has contributed to the accident/incident, may be prosecuted.

Given these expectations, **Investigators** must follow processes and produce outcomes (such as a **brief of evidence**) that are in addition to the standard investigation process. The facts they establish, through the evidence they obtain, will be used to determine if charges should be laid.

If the case does proceed to Court, the actions taken by **Investigators** and the evidence they have collected may come under heavy scrutiny. For this reason, their investigations are generally more complex and take much longer than standard investigations.

For the purpose of this SOP, investigations into **Critical Events** and other matters allocated to the Investigation Team are referred to as **comprehensive investigations**.

Any additional requirements and processes relevant to **comprehensive investigations** are flagged in each stage of the investigation process.

Principles and Parameters

SafeWork SA will respect the rights of complainants, victims and their families, witnesses and potential defendants throughout the investigation process.

All investigations undertaken by SafeWork SA **Inspectors** and **Investigators** must be done in accordance with:

- the powers, processes and limitations applicable to them under the legislation they are authorised to enforce;
- the statutory requirements applicable to all State Government agencies and employees (e.g. *State Record Act, 1977* and the *Code of Ethics for the South Australian Public Sector*);
- any Memorandums of Understanding (MOUs) with other government agencies that share jurisdiction over the particular workplace or issue;

- any national policies and procedures that the State Government has given a commitment to adopt (e.g. the [National Compliance and Enforcement Policy](#) and [Model Operating Procedures \(MOPs\)](#)); and
- other SafeWork SA policies and procedures (e.g. Safe Work Procedures).

Record Keeping Requirements and Systems

General Requirements

Any **record** created as part of an investigation is considered an official government record under the *State Records Act, 1997* and must only be disposed of in accordance with the [AGD- SafeWork SA Operational Records Disposal Schedule](#). For further information contact the Records Management and Contracts Officer, Corporate Services.

The types of records that may be created as part of an investigation includes (but are not limited to):

- entries in field note books;
- emails, reports, forms, memos, letters and statements (in both hard and electronic format);
- photographs and other digital recordings; and
- statutory notices.

It is not uncommon for SafeWork SA investigations to be subject to Freedom of Information requests or Court orders. Good record keeping is essential to demonstrate the integrity of evidence collected during an investigation and the investigation itself.

Joget: Call Logging and Triage Application

Joget is a call logging and triage application used by the Help Centre and On-Call **Inspectors** to record complaints and notifications. Training on the use of **Joget** is provided to all users and [Quick Reference Guides](#) on **Joget** are available.

Field Notebooks

Field notebooks are used by **Inspectors** to make contemporaneous notes of their actions and observations in relation to an investigation.

If an Inspector is required to answer questions in Court in relation to an investigation they have done or decision they have made, their Field Notebook will be the only document they can refer to while in the witness box to refresh their memory.

For more information see the [Operational Guideline on Field Notes](#)

Copies of all field notebook entries and any other contemporaneous notes must be inserted into all investigation hard copy files. This includes the notes of all persons involved at any stage of the investigation. These notes must be inserted before any file is handed over from one **Inspector** to another or the file is closed, whichever is the sooner.

InfoNET

InfoNET is a SafeWork SA-specific data-base that is used during investigations to:

- check on **PCBU**/client details such as: Australian Business Numbers, address and any history of interactions with SafeWork SA;
- create case files for each complaint or notification;

- generate and record investigation-related documents (e.g. notices, inspection reports and investigation summaries); and
- record all actions taken and information gathered.

SafeWork SA relies on information entered into the InfoNET database for reporting against Key Performance Indicators (KPIs) and for other purposes.

The information that must be recorded on or attached to the InfoNET case file during the course of an investigation includes:

- any statutory notices issued using notice books;
- field notes;
- signed-off Case Conference Forms; and
- any correspondence sent or received.

In addition to the above, the information that must be recorded on the InfoNET case file during **comprehensive investigations** includes:

- all investigative interactions with the victims, witnesses and potential defendants; and
- other significant documents such as the **Investigation Plan** and **Evidence Matrix**

InfoNET is used to provide the *Investigation Team Report* to the Chief Executive Officer of the Attorney Generals Department. This report provides a regular update on the progress of each **comprehensive investigation**. To ensure this report is accurate, it is vital that InfoNET is kept up-to-date and designated key activities such as the following are completed and recorded on time:

- confirmation of work-related fatalities;
- brief of evidence to the Out-posted Crown Solicitor's;
- charges laid; and
- Court outcomes and costs.

Electronic case files

If a document or record (like a Photo log) exceeds 4096Mb it cannot be attached to an InfoNET case file. In these circumstances it can be saved in a specially created folder for the case in the relevant Team's folder in the G:\ drive. Once a case is closed, the case file should be transferred to the T:\drive (it will remain accessible to the relevant **Inspectors** and **Investigators** plus their Team Manager/Leader).

Hard copy files

A hard-copy file is always required for:

- fatality reports;
- request for investigations of alleged inappropriate workplace behaviours;
- an investigation into a **Critical Event**;
- all **comprehensive investigations**; or
- whenever a statutory notice is hand written (as opposed to generated through InfoNET).

Hard copy files are created by the relevant team administration and have a set structure: for **CAED** files see [File Closure Checklist](#).

Record keeping when an Inspector resigns

If an **Inspector** leaves the employ of SafeWork SA, that Inspector is responsible for confirming with their Manager or Team Leader, before they leave the agency, that they have done the following:

- copied and placed all field note book entries relevant to any ongoing investigations in the relevant hard copy file;
- archived all field notebooks as per the *State Records Act 1977*; or if they are relevant to an ongoing **comprehensive investigation**, provided them to an Investigation's Team for storage in an evidence storage facility until such time as the investigation is closed;
- handed to a person nominated by their Team Manager all original evidence including files, documents, DVDs, etc. - this handover shall take place during a formal briefing of the investigation status to the Inspector receiving the file;
- provide an '*Inspector's Statement*' regarding any **comprehensive investigation** they have been involved in; and
- ensure any emails or other electronic files are made available to their Manager.

A notation shall be made on the 'Add Comment' field of the relevant InfoNET case file noting the handover of original evidence.

Resources and Technical Support

Resources

The term resources is used to cover everything from physical resources such the **Inspectors'** field kit and evidence storage facilities - to the human resources available.

Any investigation undertaken by SafeWork SA must be adequately resourced to ensure:

- the safety of SafeWork SA staff involved in the investigation and any workers or other persons on site; and
- the required outcomes of the investigation are achieved (i.e. the situation is made safe, compliance is achieved and any necessary evidence is obtained and secured).

The need for any non-standard/ additional resources for an investigation should be considered before the investigation begins (e.g. additional **Inspectors** to take statements as part of the initial response to a **Critical Event**) and throughout the investigation process.

Technical Support

During any investigation, situations may be identified in which the causal factors are indeterminate due to their technical or complex nature. For example:

- mechanical or operational failures of plant or an element or attachment of plant;
- the failure of a building element or collapse of a structure;
- an issue involving a chemical process; or
- a complex operational system failure.

Such incidents may require technical advice, guidance or support from a person with specialist expertise sourced from either:

- within SafeWork SA;
- as part of a cross-agency technical investigation (for example the Office of the Technical Regulator); or
- through the engagement of an expert witness.

The need for a technical investigation is not always clear at the commencement of an investigation.

Should potential evidence be disturbed, contaminated or lost, the likelihood of completing a successful technical investigation can be severely reduced, or in some cases, impossible.

Inspectors shall advise their Team Leader or Manager as soon as they reasonably believe that any investigation they are undertaking is outside their expertise and/or requires technical support.

If there is any possibility that a technical investigation may be required, steps must be taken to preserve the integrity of the incident scene and to preserve the condition and location of any exhibits. Steps must be taken for a person with the relevant expertise to inspect the incident scene and/or exhibits at the earliest opportunity.

If at any time it is identified that resources outside the Investigation Team's capabilities or expertise are required to carry out an investigation, the Investigation Team Leader or Manager will seek additional resources.

For further information see the: [SOP for Expert Witnesses](#)

PROCEDURE

Notification/Complaint Received

The SafeWork SA Help Centre has two telephone numbers through which most complaints and notifications are received:

- 1300 365 255 for general enquires and complaints; and
- 1800 777 209 for reports of all serious workplace injuries and incidents

(Note: The 1800 number operates 24/7- with **On-Call Inspector** taking calls **after hours**.)

During the course of their conversation with the caller, the Help Centre Information Officers (HCIOs) will:

- determine if the matter falls within SafeWork SA's jurisdiction (if not, they will provide information on who to report it to);
- record all the required details on **Joget**; and
- determine which **CAED** Team it should be referred to.

On completion of the call the HCIO will give the report an indicative rating of either:

1. High priority – **Critical incident** (e.g. fatality, **serious injury or illness** or **dangerous incident**)
2. Medium Priority – Same day service (e.g. electric shock, asbestos exposure, treated as in-patient)
3. Low Priority – anything that does not, based on the information provided, appear to require an urgent response (e.g. a complaint re dirty toilets in a workplace).

If the matter being reported is likely to be a **notifiable incident** under the **WHS Act** (i.e. a fatality, **serious injury** or **dangerous incident**) the HCIOs will also advise the caller that the person with management and control of the workplace must ensure the scene of the incident is not disturbed (s 39, **WHS Act**).

If an Inspector receives a call regarding a fatality or other serious incident, they must advise the caller to immediately call SafeWork SA's emergency phone line: 1800 777 209 to make the report.

CAED Team notified

Once the HCIO's have entered all the necessary information in **Joget** an email is automatically generated and sent to the:

- AGD: SafeWork SA *Safety Incidents* mailbox; and
- relevant **CAED** Team Mailbox.

Team Managers and Team Leaders are responsible for constantly monitor these in-boxes for reports that may require immediate action.

As a safeguard, if the HCIO has rated the report as a 1 – '**critical incident**' or for any reason believes that it may require immediate attention, they will also telephone the relevant CAED Team Manager or Team Leader to alert them to the report.

If a **critical incident** or report is likely to require same day service and is reported **after hours**, the **On-Call Inspector** will notify the **On-Call Duty Manager**.

CAED Team Triage the Case

The **CAED** Team Manager or Team Leader will triage each new notification or complaint, sent to their team, to determine what action should be taken on the report and create the InfoNET file.

If the report is to be dealt with within the team, it will be allocated to an **Inspector** for follow-up within a certain time frame. The **Inspector** allocated the case may also require the creation of a hard-copy file.

If the Help Centre has indicated that a report may be a '**Critical Incident**' or require 'Same-Day-Service', the **CAED** Team Manager will review the report and decide if it should be declared a **Critical Event**.

If a Manager is unsure as to whether the report should be treated as a **Critical Event**, they may obtain more information by, for example:

- contacting the relevant **PCBU** and/or the person who reported it;
- sending a **CAED** Team **Inspector** out to the workplace;
- contacting other emergency services who may be on site; or
- a combination of the above.

If the incident is declared a **Critical Event** the **CAED** Manager will make direct contact with the Manager Investigations to start the initial response process.

If the **On-Call Duty Manager** declares the report to be **Critical Event** they will:

- contact the **On-Call Investigator** and direct them to attend; and
- decide if they and/or the **On-Call** Inspector should also attend.

Reports involving dangerous substances or explosives

Note: The Manager Dangerous Substances must be advised of any notifiable incidents involving:

- explosives;
- security sensitive substances (e.g. ammonium nitrate); or
- licensable quantities of LPG, Class 3 (flammable liquids), Class 6 (toxic), or Class 8 (corrosive).

For more information on the triaging process see the [Operational Guideline: Triaging and Assessment Panel](#)

Research, Risks and Resources

Research

Team Managers, Team Leaders and the **Inspector/s** themselves share responsibility for ensuring that before they enter a workplace to investigate an incident or complaint they are well informed and well prepared so that they:

- know what the relevant legal requirements are;
- know what to look for;
- have on hand any resources they need to do their job; and
- can take steps to minimise the risk of injury to themselves or others.

The report generated by **Joget** will provide some indication of past interactions with the client (**PCBU/workplace**) in question, but InfoNET should also be used to research:

- past incidents, complaints and notices issued;
- other types of interactions with SafeWork SA (e.g. assistance from the Workplace Advisory Service);
- any safety hazards (e.g. indications of aggressive/hostile persons on-site - flagged by a red border on screen); and
- the correct ABN/CAN of the **PCBU** and/or other entities involved.

If the attending **Inspectors** cannot check InfoNET because an immediate response is required and/ or they are already in transit, arrangements will be made to do the necessary InfoNET checks, and phone the results through to them.

Depending on how familiar the **Inspector** is with the hazards and/or risks in question, they may do some preliminary research on the relevant requirements of the Act, Regulations, Approved Codes of Practice, so they can more easily identify any non-compliances when on site.

They may also, as part of their research, contact another **Inspector** who has a high level of knowledge and experience with the particular hazards, risks, industry and/or client in question.

Risks and resources

Team Managers, Team Leaders and **Inspectors** share responsibility for discussing prior to attendance:

- any risks to health and safety that may require additional precautions (e.g. special travel arrangements to avoid fatigue and ensure a prompt response);
- any additional resources required;
- if there are any other **CAED** Teams or Government agencies that need to be notified and/or involved in the investigation (as per a MOU); or
- any other matter relevant to the case.

These discussions may occur while the **Inspector/s** is in transit, so as not to delay their arrival on site.

Further information on safety requirements can be found in SafeWork SA's Safe Work Procedures such as:

- [SWP: Remote and Isolated Policy and Procedures](#)
- [SWP: Working and Travelling in areas of Bushfire Risk](#)
- [SAFEWORK SA: Heat and Sun Protection Policy](#)

Inspectors must also consider what, if any, action they need to take prior to attending on-site (and during the course of the investigation) to keep to a minimum any risks to the health and safety of themselves and others.

Each **Inspector** is responsible for ensuring that before they leave to go on-site they have:

- done any necessary safety checks;
- have access to drinking water and any necessary personal protective equipment (PPE);
- their field kit is complete; and
- all electrical items and back-up batteries are appropriately charged.

Initial Response to a Critical Event

In addition to the abovementioned actions, where a **Critical Event** has been declared, the relevant **CAED** Manager will have discussions with the Manager Investigations to determine:

- which **Inspector/s** from each team will form the initial response group and who the **Lead Investigator** will be;
- if there are any additional resources and/or support required (e.g. the SafeWork SA utility for transporting of large items of evidence; or technical support);
- if due to the time and location of the incident a regional-based **Inspector** will need take the role of **Lead Investigator** until the Investigation Team staff can attend.

The initial response group will then be dispatched as soon as possible to attend on-site.

The Manager Investigations may also discuss the incident with the **Investigation Liaison Officer (ILO)** to determine if and when they need to be involved.

Where SafeWork SA is the investigating authority, the **ILO** is the single point of contact for liaison with the:

- the next of kin (NOK) of victims of workplace fatality;
- victims of work-related incidents and their families; and
- stakeholders such as **PCBU's**, unions and associations (in relation to victim support only).

The **ILO** provides support and assistance throughout the life of the investigation and prosecution processes including:

- working with victims and NOK in relation to Court process and prosecutions; and
- advising victims and NOK of Court outcomes.

They are also the main point of contact for other support organisations, such as the Office of the Commissioner for Victims' Rights, the Court Liaison Officer, and Victims of Industrial Death (VOID).

Communication

Before attending on site

Inspectors are not required to notify any person prior to attending at a workplace – especially if to do so would defeat the purpose of attendance or cause unreasonable delay. However, **Inspectors** may choose to contact a complainant or the **PCBU** before attending to, for example:

- clarify details; or
- give a verbal direction to stop an activity that is creating an immediate and serious risk to the health and safety of a person/s at the workplace.

Communication during the Initial Response to a Critical Event

Communication with and between the following parties must occur during the initial response to a **Critical Event**:

1. **The PCBU**: As soon as practical in the initial response process the relevant **PCBU** will be contacted to:

- remind them of the need to preserve the site;
- check for any site safety requirements;
- advise them of the estimated arrival time of the initial response group; and how many officers will be attending; and
- answer any questions they may have about the investigation process.

Exactly who calls the **PCBU** will be worked out during the initial discussions between the **CAED** and Investigation Teams. It will usually be a Manager/Team Leader or the **Lead Investigator**.

For further information see the [Initial Response Guideline](#)

2. **SafeWork SA's Executive:** Once the initial response team have been dispatched, the Manager Investigations will send an email summarising the event to:

- all members of the SafeWork SA Executive;
- the Manager Communications and Education Services;
- the AGD Media Unit ([REDACTED]); and
- **Inspectors** and **Investigators** who are attending.

If a **Critical Event** occurs **after hours** the **On-Call Duty Manager** is responsible for notifying Executive and emailing an incident summary to the relevant parties.

3. **The Employee Assistance Provider (EAP):** The Investigation or **On-Call Duty Manager** will supply the agency's EAP with the names and contact details of those who have been sent to attend so that they can be contacted later and offered professional de-brief/counselling services.

For further information see the [SWP: Critical and Traumatic Incident Management](#)

4. **The Initial Response group** If circumstances permit the members of the initial response group will discuss the case and who does what when they arrive on site, with the priority being to:

- ensuring the site has been made safe;
- securing the scene;
- collecting evidence; and
- ensuring compliance both in relation to the event and the workplace as a whole.

Entering the workplace

(Note: The process of taking field notes should start from the point of call receipt and at the absolute latest from the time of arrival.)

Powers of Entry

Under section 163 of the **WHS Act**, an **Inspector** may, at any time, enter a place that is, or that the **Inspector** reasonably suspects is, a workplace. An entry may be made with, or without, the consent of the person with management or control of the workplace.

Inspectors cannot enter residential premises unless with consent, by warrant or if entering to gain access to a workplace (see s170(c)). If the place they have entered turns out not to be a workplace, the **Inspector** must leave at the earliest opportunity.

All **Inspectors** must:

- ensure they enter a place using the powers under the legislation they are there to enforce; and
- comply with any reasonable on-site safety requirements (so long as they do not unnecessarily inhibit or delay entry and the investigation).

Communication on-site

Having entered a workplace the **Inspector** must, as soon as practicable, take all reasonable steps to let the following people know that they are on-site and the reason for their attendance:

- the **PCBU/s**;
- the person with management or control of the workplace (**PMCW**);
- any Health and Safety Representative (HSR) elected under the **WHS Act** by workers carrying out work for the **PCBU** at the workplace.

The **Inspector** must advise the HSR that provided it does not compromise the investigation, they can:

- ‘*accompany an Inspector during an inspection of the workplace or part of the workplace at which a worker in their workgroup works*’ (see section 68(2) **WHS Act**); and
- be present at any interview between a worker and **Inspector** with the consent of that worker. (NB: This may not be appropriate if there is a conflict of interest or a risk of hearsay or collusion.)

Critical Event Investigations

When a SafeWork SA **Investigator** or **Inspector** attends the scene of an incident where emergency services are in attendance, it will be necessary to ensure that the ‘control agency’ (normally SAPOL if fatality or serious injury) is advised of SafeWork SA’s arrival and the attendance recorded (via the incident log/running sheet with the control agency). The person in charge is referred to as the FORWARD COMMANDER and **Inspectors** may be directed to liaise with them or their support officer for advice or instructions.

If another agency has been established as the control agency then SafeWork SA will be required to wait until the scene is handed over or receive instructions by the control agency.

Once the scene has been handed over, the **Lead Investigator** will take immediate steps to:

- liaise with the **PCBU** or **PMCW**, emergency services or other agencies on site to ensure the situation has been made safe; and if not, work with them to eliminate or control any immediate risks;
- establish themselves as the primary point of contact for the investigation;
- secure the incident scene and issue a non-disturbance notice if necessary; and
- start the process of investigation and evidence collection.

If there is a delay in the **Lead Investigator** arrival the first **Inspector/ Investigator** on site will take on the role of the **Lead Investigator** until they arrive.

The **CAED Inspector/s** who is part of the **Initial Response** to a **Critical Event** will:

- give priority to the investigation of the Critical Event as by assisting the **Investigator/s** on site as and when required; and

- carry out an inspection of the whole workplace to identify and address any other risks to health and safety, by collecting evidence of any other non-compliances* and subsequently issuing Improvement or Prohibition notices.

* Non-compliances not related to the **Critical Event** investigation.

For further information see the [Initial Response Guideline](#)

Inspection and evidence collection

Having entered the workplace (as per section 163 **WHS Act**) an **Inspector** may do all or any of the following in order to establish the facts and obtain as much information as necessary to form a reasonable belief as to whether or not the workplace meets legislative requirements:

- inspect, examine and make inquiries at the workplace;
- inspect and examine anything (including a document) at the workplace;
- bring to the workplace and use any equipment or materials that may be required;
- take measurements, conduct tests and make sketches or recordings (including photographs, films, audio, video, digital or other recordings);
- take and remove for analysis a sample of any substance or thing without paying for it; and
- require a person at the workplace to give the **Inspector** reasonable help to exercise the **Inspector's** powers.

Any person who is asked to give reasonable help with the inspection must not, without reasonable excuse, refuse or fail to comply with the requirement.

The type of evidence an **Inspector** may collect during an investigation will vary depending on the complexity of the matter and whether or not it is being collected as part of the initial response to a **Critical Event**. Evidence may include:

- photographs, videos or audio recordings;
- witness statements;
- plant or substances;
- documents (such as safety procedures or maintenance records)
- measurements; and
- samples.

Any evidence collected by an **Inspector** during the investigation process may prove crucial in:

- any challenge to the **Inspector's** decisions and/or actions through the Internal Review process or;
- any subsequent request for an External Review (heard by the South Australian Employment Court); or
- any subsequent prosecution relating to the accident or incident.

The use of correct processes and keeping of detailed records during the collection of evidence and its subsequent, use, storage and management is crucial to ensuring the authenticity and integrity of any evidence collected by **Inspectors**.

More detailed information on the processes to be followed during the collection, management, use and disposal of evidence can be found in the:

[SOP Evidence Management](#)

[SOP Digital Evidence Management](#)

[SOP Use of Expert Witness](#)

A guide to initial investigative actions an **Inspector** should take upon attendance at a workplace accident or event is provided via the [Initial Response Guideline](#)

Ensuring compliance

Unless compliance can be achieved while an **Inspector** is on-site, the most common option used by **Inspectors** to achieve compliance is through:

- the issuing of Improvement or Prohibition Notices (under the **WHS Act**) or similar such notices under other relevant legislation; and
- the provision of information to duty holders on options for achieving compliance, including:
 - how to access [ACOPs](#), [Safeguards](#) and other resources available through the SafeWork SA website;
 - the services available from the Workplace Advisory Team; or
 - where to access services/information provided by industry associations and other organisations.

Most of the requests for an Internal Review of an **Inspector's** decision under Part 12 of the **WHS Act** are in relation to a statutory notice they have issued. Challenges may relate to when and how the notice was issued and/or the actual contents of the notice (i.e. disputing the alleged breach or the directions on how to remedy it). It is important for **Inspectors** to ensure that when they issue a notice there is a clear legal basis for the notice and that they are not directing the duty holder to do something that is either not their responsibility or not required by the legislation.

There may be times when an **Inspector** may need to do a bit more research and/or get some technical advice before issuing a notice. This can be done off-site (back in the office) and the notice delivered later. Any delay between the visit and the issue of the notice should be kept to a minimum and the **Inspector** must confirm that the non-compliance still exists before issuing the notice.

For more information on the issuing of statutory notices see:

- [Operational Guideline for Improvement Notices.](#)
- Model Operating Procedures for:
 - [Issue of notices and other general requirements relating to all notice types](#)
 - [Prohibition Notices](#)
 - [Improvement Notices](#)

In most cases any statutory notices required in relation the **Critical Event** will be issued by **Investigators** from the Investigation Team. The exceptions to this include:

- where there is a notice needs to be issued as soon as possible (e.g. a prohibition notice); or
- there is likely to be a lengthy delay in attendance by an **Investigator** from the Investigation Team (e.g. remote regional workplaces).

If a safety issue identified by a **CAED Inspector** is similar to that involved in the **Critical Event**, the **CAED Inspector** will address the matter in consultation with the **Lead Investigator** to ensure consistency in approach.

For further information see the [Initial Response Guideline](#)

Before leaving the workplace

Before an **Inspector** leaves the workplace they need to double check that they are satisfied that they have done everything they need to while on-site – for example:

- investigated all of the matters relevant to the complaint or notification;
- taken action on any other areas of non-compliance;
- taken any necessary photos and/or collected any other evidence relevant to any decisions they have made (e.g. to issue or not issue notices); and
- ensure the details they have noted in their field note book are correct (e.g. names, titles and contact numbers).

Before leaving they should also speak to the **PCBU/ PWMC** to:

- issue and explain any notices prepared while onsite (or advise them of any that will be issued);
- explain what will happen next (e.g. provision of an Inspection report); and
- answer any questions they may have.

Prior to leaving the site of a **Critical Event**, the members of the initial response group will meet to confirm the following.

- They are satisfied that any residual risks arising from the incident/situation have been eliminated or minimised.
- That they have a clear understanding of the facts (i.e. what happened, witness names and details, etc.).
- What evidence has been collected and what is still to be collected.
- If the scene still needs to be preserved and if so how (e.g. issue Non-disturbance Notice, physical barriers, security guards).
- What, if any, notices have been issued.

Note: Inspection reports are not issued for **Critical Event** Investigations.

The **Lead Investigator** will phone-in a situational report to the Manager Investigations prior to leaving the site. The Manager Investigations will then update Executive etc.

Post- attendance meetings and actions

Case Conference

The purpose of a Case Conference is to ensure a fair and consistent approach in the way that complaints and notifications are investigated by SafeWork SA; and the decisions made by SafeWork SA on the outcomes of those investigations.

The types of matters considered during the Case Conference include:

- if there is a need for further visits to the workplace and investigation;
- if there are any unique features of the case that impact on the way the investigation is to be carried out and the resources/expertise required;
- whether a prima facie legislative breach exists;
- whether action should be taken to prevent similar incidents in other workplaces through, for example:
 - the release of a Hazard Alert or Safeguard;
 - a press release on the incident;
 - a compliance program focusing on the particular hazard, risk and/or industry.
- the risk management principles to apply to a particular investigation;
- the policy or organisational issues that may need to be considered, and
- whether significant costs may be involved in further investigation and if those costs are appropriate.

Every investigation that has occurred as a result of a **notifiable incident** will be Case Conferenced within two weeks of allocation, but additional Case Conferences can be if and when necessary.

In-team Case Conferences are held at times, locations and in a manner decided by the individual team. Team Leaders are responsible for coordinating the weekly Case Conference schedule for their respective teams.

Prior to the Case Conference the **Inspector** will produce the necessary *Initial Case Conference Form* through InfoNET. This form summarises:

- accident/incident details;
 - relevant duty holders (legal entities);
 - any notices issued and evidence seized or obtained; and
 - the **Inspector's** opinion on the next steps of the investigation.
- The **Inspector** shall make an initial determination of any prima facie legislative breach (if applicable) and record this on the Case Conference form in the '**Inspectors opinion**' section. If the **Inspector** is of the opinion that further investigation is not required, the evidential and policy justification for that opinion must also be detailed in the '**Inspectors opinion**' section.

NOTE: It is recognised that at an initial Case Conference, **Inspectors** may not have a full appraisal of an incident and/or the relevant entity to be able to provide all the answers required of the full Case Conference record of outcome form.

During the Case Conference the form is also used to record:

- who was present (normally the Team Manager, Team Leader and **Inspector/s**);
- the issues discussed; and
- decisions made and/or actions to be taken.

The completed Case Conference form must be scanned and attached to the relevant case file on InfoNET.

If as a result of the Case Conference the investigation is to be referred to another team for follow-up:

- the reasons for referral must be recorded; and
- arrangements should be made for the file and all exhibits to be handed over to the other team within 24 hours of the Case Conference.

Where possible, the file content should comply with any file handover checklist that is in place at the time.

Meetings and actions following an Initial Response to a Critical Event

Initial Response De-brief

The Investigation Team Manager will organise a de-brief for the group of **Investigators** and **Inspectors** who were part an initial response to a **Critical Event**. The de-brief usually occurs the next working day, or at least within 48 hours of attendance on site. The de-brief is attended by:

- all those who were part of the initial response; and
- any other relevant staff for example:
 - the **CAED Team Manager**, Team Leader and/or the **On-Call Duty Manager**;
 - the **Investigation Liaison Officer**; and
 - any in-house technical or subject matter advisor.

The purpose of the meeting is to:

- Check on wellbeing of staff;
- Confirm:
 - What is known

- What was done and is still left to do
- What next? Is there a need for broader compliance action?
- What worked well and what did not.
- Identify if additional technical assistance/ expertise required;
- Confirm if a second InfoNET and hard copy file will need to be opened for any compliance activities;
- Update if necessary the Incident Report Form; and
- Start the **Investigation Planning** process.

The **Investigators** and **CAED Inspectors** are to continue liaise with each other to ensure information on all relevant progress is shared and known to each **Inspector**.

Assessment Panel

An overview of the **Critical Event** is to be discussed at a specially convened Assessment Panel meeting at 9.00pm on the first working day after the initial response. The Panel will review the initial response and discuss the need for any extra resourcing and/or the involvement of another Team.

The Panel will include: **CAED Managers**; one Team Leader per team and the Director Investigations and the Chief Inspector.

Initial Case Conference

As per the practice for all notifiable incident investigations, the **Lead Investigator** for each **Critical Event** will organise the initial Case Conference to occur within 2 weeks of the initial response.

The Initial Case Conference will be attended by:

- the **Lead Investigator** and other **Investigators** involved; and
- the Manager Investigations; and
- the relevant Team Leader.

Other staff who may be asked to attend include:

- the Investigation Liaison Officer;
- the **CAED Inspectors** involved; and
- any technical specialists or other staff who have particular knowledge and/or experience of the type industry, hazards or issue involved.

Case Conferences relating to **Critical Events** will include discussion of whether or not the case should be:

- subject of a **comprehensive investigation**;
- closed (for non-work-related fatalities); or
- referred to the relevant **CAED** for follow up.

Most case are likely to require a complete **comprehensive investigation** in which case there will be further discussion of:

- potential lines of enquiry/ breaches;
- the draft **Investigation Plan**;
- **Evidence Matrix**; and
- any additional resources or technical/expert advice needed to complete the investigation.

Sometimes, for **Critical Event** investigations, the results of the incident de-brief will eliminate the need for an Initial Case Conference'.

If this is the case, the **Lead Inspector** will still need to generate and complete the Case Conference Form. Attach the completed form and attach it plus any other notes from the de-brief to the InfoNET and the hard-copy files.

Ongoing Investigations

CAED Investigations

The extent to which a complaint or notifiable incident will require further investigation will vary on a case by case basis. For most **CAED** investigations, the rest of the investigation process will centre on ensuring any notices that have been issued are complied with. This may involve further discussions and/or visits to the site to answer questions and obtain evidence of compliance.

The progress with each investigation will be discussed at the scheduled one-on-one meetings between the **Inspector** and their Team Leader.

Comprehensive Investigations

If a comprehensive investigation is to be done in relation to a **Critical Event**:

- the responsibility for the comprehensive investigation rests with the Investigation Team and the **Lead Investigator** in particular; and
- the follow-up of other non-compliance issues and any other prevention initiatives rests with the relevant **CAED** Team and **Inspector**.

The officers involved in the initial response to the **Critical Event** will continue to liaise with each other to ensure that all significant information and progress is shared and known to each **Investigator** and **Inspector**. The **CAED Inspector** will continue to provide any necessary advice and/or assistance with respect to the investigation especially regarding industry practice and hazards.

The Investigation will progress as per the **Investigation Plan** discussed at Case Conference and include activities such as:

- taking further witness statements;
- obtaining additional evidence (e.g. autopsy reports, medical reports, policies, procedures and records held by the **PCBU**);
- obtaining technical advice or opinion either usually from an expert witness;
- ongoing contact with the victims and/or their family via the **Investigation Liaison Officer**; and
- record/s of interview with potential defendants.

Brief of Evidence

Purpose and structure

A Brief of Evidence is only required for **comprehensive investigations** undertaken by the Investigations Team

The purpose of a Brief of Evidence is to:

- demonstrate to the Crown Solicitor's Officer (CSO) there is sufficient evidence to justify a commencement of prosecution proceedings; and
- provide the CSO with the evidence to enable them to successfully prosecute a defendant.

A brief of evidence must provide the evidence necessary to prosecute a matter in court beyond a reasonable doubt. To achieve this, all of the elements of an offence against the Act must be proved to this standard.

If for any reason during the course of a comprehensive investigation it seems likely that the case should or will not proceed to prosecution, a report on the investigation and the reasons for recommending closure will be forwarded to the Director Investigations. This Director will then decide if work on the investigation should cease and the case be closed.

Contents and Structure

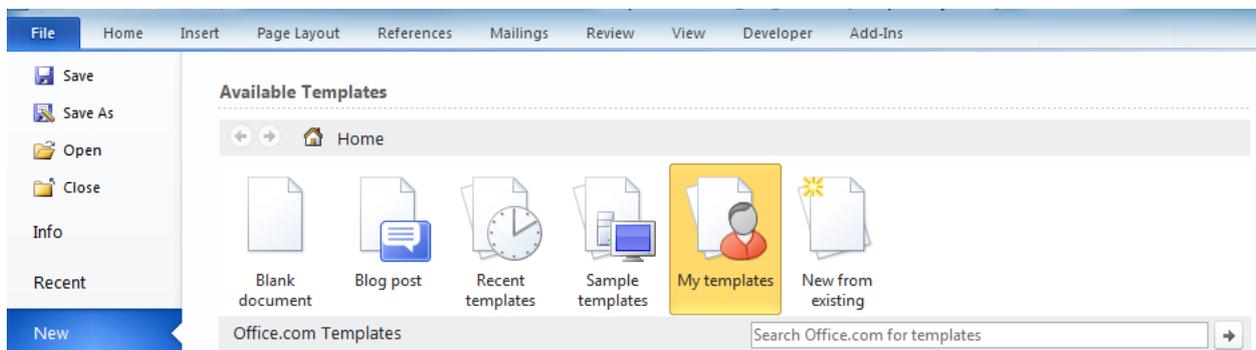
The Brief of Evidence will be compiled in using the relevant template to ensure all of the required information is provided, including:

- details of the defendant, worker/person injured and the incident itself;
- foreseeability and what other ‘reasonably practicable options’ were available;
- the **Evidence Matrix** detailing the alleged breaches (of the Act and Regulations) and supporting evidence; and
- notes to the prosecutor on for example potential defences.

A folder containing hard copies of documentary evidence also forms part of the brief. This folder includes documents such as:

- statements from: all witnesses, **Inspectors** involved in the initial response and/or subsequent investigation, and expert/technical witnesses;
- record of interview with the defendant or their representative;
- photographic and video logs;
- other forms of documentary evidence (e.g. the **PCBU**s investigation report);
- statutory notices; and
- victim impact statements.

The template for the brief of evidence is available through Word via the Investigations tab under the ‘*My templates*’ icon.



Victim Impact Statements

The Victim Impact Statement follows a unique format and the **ILO** will liaise with the injured worker and or their family, as and when required, to obtain any necessary Victim Impact Statements for inclusion in the Brief of Evidence.

Research

Part of the process involved in preparing a Brief of Evidence is to research for the Crown the range of “reasonably practicable” control measures that could have been in place before the incident.

The evidentiary status of an Approved Code of Practice is established in Section 275 of the **WHS Act**. If an Approved Code recommends a certain course of action be taken in order to achieve

compliance, then the failure of a person to take such action can be presented in court as evidence of whether or not they have met their duty of care (i.e. if they have done what is reasonably practicable).

Guidelines can also be tendered as evidence in court, but they are not automatically recognised as admissible and are more open to be legally challenged.

For further information see the [Operational Guideline on the Status of Approved Codes of Practice](#)

While the primary responsibility for doing this research rests with the Investigation Team, the **CAED Inspector/s** involved in the case may be able to use their knowledge of the industry to assist or recommend someone within their Team or the agency that has relevant knowledge and/or experience.

File Reviews

A File Review will be held within three months after the incident date and every three months for the life of the investigation. The purpose of the review is to discuss the results of the investigation so far, and if any additional work and/or resources are required to complete the Brief of Evidence. The File Review is usually attended by the Manager Investigations, the **Lead Investigator** and their Team Leader but other **Investigators**, **Inspectors**, technical specialist or the **ILO** may also be involved as and when required.

Dealing with the Coroner's Office

Information from the Coroner's Office may be required to form part of the Brief of Evidence. A section 155 Notice (under the **WHS Act**) signed by the Manager Investigations may be issued to obtain this information from the Coroners' Office. Such information may include a post mortem report and/or the SA Police report to the Coroner.

The Investigations Support Officer in the Investigations Team is the single point of contact for matters involving the Coroner's Office.

A copy of the Brief of Evidence for any work-related fatality investigated by SafeWork SA will be provided to the Coroner.

Inspectors may also be required to provide other information to the Coroners Officer or give evidence in the Coroner's Court in relation to work-related fatality they have been involved in investigating.

All coronial requests for information from an **Inspector** will come via the Investigations Support Officer; and in the case of **Inspector** attendance at inquests, via a witness summons.

Finalising the Brief of Evidence

Once the **Lead Investigator** is satisfied that the Brief of Evidence is complete it will be reviewed by the following people before being provided to the CSO Out-posted solicitors:

- the relevant Team Leader in the Investigations Team;
- the Manager Investigations; and
- the Director Investigations.

At each point in the review process the **Lead Investigator** may be asked to do additional work on the brief; such as gaining additional statements or documents.

The Out-Posted Solicitors may also ask for additional evidence to be collected before preparing a final letter to the Executive Director on whether or not, in their opinion, charges should be laid.

Finalising a Comprehensive Investigation

Prosecutions

If a decision is made to proceed to prosecution the Out-Posted Solicitor will draft charges in consultation with the relevant officers and members of Executive. Once finalised, the charges will be lodge with the South Australian Employment Tribunal and then served on the defendant/s.

(Note: As of July 2017 all prosecutions of legislation enforced by SafeWork SA are heard in the South Australian Employment Court (SAEC), which forms part of the South Australian Employment Tribunal.)

The **Lead investigator** must attend court for all guilty plea submissions and may, depending on circumstance be present for most to the trial or hearings.

The defendant may plead guilty to the charges, in which case there is unlikely to be any substantial additional Investigation work required.

If the defendant pleads not guilty the matter will be heard in the SAEC unless:

- an Enforceable Undertaking is entered into; or
- the charges are withdrawn.

The **Lead Investigator** has responsibilities in the pre-trial stage to assist the Investigation Liaison Officer and Investigation Support Officer in liaising with victims and other witnesses (respectively).

During the trial the **Lead Investigator** and **Inspectors** will continue to assist with the liaison process and provide assistance to the prosecutor when requested. **Lead Investigators** maintain responsibility for exhibits during any court proceedings.

Other **Inspectors** involved in the investigation may be required to attend trials to give evidence as required, and/or may stay for all or part of the trial as a learning and development opportunity.

Post-Trial

It is important that knowledge gained from investigations is shared throughout SafeWork SA.

Appropriate mediums for sharing information on the lessons learnt during the trial include the Team Leaders Forum and the WHS Functional Group meetings.

File closure

In the **CAED**, once the **Inspector** has evidence and is satisfied that all notices have been complied with most investigations can be closed.

However prior to this occurring the **Inspector** must make sure that all records have been retained in the appropriate InfoNET case file and hard copy file (if one exists). See the [File Closure Checklist](#).

If the **Inspector** has been keeping records as per requirements throughout the investigation process then the case file/s should contain all the relevant forms, photographs, notices and other records. All that is then left is the generation of an Investigation Summary via InfoNET.

The Investigation Summary will contain:

- the essential facts regarding:
 - the relevant **PCBU** and/or other duty holder/s and the information provided by them;

- the information provided by the complainant or injured person;
- compliance action taken;
- any Case Conference directives; and
- the **Inspector's** comments and recommendations.

Approval to close an investigation into a notifiable incident can only be given by a Team Manager. Approval to close all other files can be given by a Team Leader.

Files for cases that have gone to court cannot be closed until such time as a decision is handed down by the Court and any period in which an appeal can be lodged has expired. Once this has occurred, all routine file administrative closure actions as detailed above must be completed before the InfoNET and hard copy files can be closed. Files **comprehensive investigation** cannot be closed unless they also contain:

- confirmation that all exhibits have been returned to their lawful owner or forfeited; and
- a copy of court outcomes.

FURTHER INFORMATION

APPENDIX A: Responsibility Matrix

APPENDIX B: Glossary of Terms

APPENDIX A: Responsibility Matrix

Legend: CE = Critical Event CI = Critical Incident Pros = Prosecution

TASK OF:	HELP CENTRE	CAED TEAM MANAGER	CAED TEAM LEADER	CAED INSPECT	INVEST TEAM MANAGER	INVEST TEAM LEADER	INVEST-IGATOR	DIR INVEST	CHIEF INSPEC	EXEC DIR	ILO	ISO
1. Receiving notification/ complaint and entering details on Joget.	✓											
2. Advise caller of the need to preserve the scene of any accident or incident	✓											
3. Preliminary priority rating given to report and allocated to CAED team.	✓											
4. CAED Team notified of new case via email (phone call too if ranked 'High Priority')	✓											
5. Triage to confirm/change priority rating and CAED Team allocation.		✓	✓									
6. Decide if report should be declared a 'Critical Event'.		✓			✓			✓		✓		
7. Allocation of Inspector/investigator to respond.		✓	✓		✓	✓						
8. Pre-attendance background check & assessment of risk & resource required.		✓	✓	✓	✓	✓	✓					
9. Pre-attendance communication (as required)		✓	✓	✓	✓	✓	✓					
10. Enter workplace & address immediate & serious risks (Prohibition Notice if necessary)				✓			✓					
11. Communicate with stakeholders and any other agencies on-site.				✓			✓					
12. Secure the scene of accident/incident and collect evidence. (Non-disturbance Notice)				✓			✓					
13. Investigate the complaint/alleged breach & collect evidence.				✓			✓					
14. Ensure compliance (e.g. issue Improvement Notice)				✓			✓					
15. Identify and collect evidence of any other (unrelated) non-compliance				✓			✓					
16. Ensure compliance (e.g. issue Improvement Notice)				✓			✓					
17. Checks and communication with stakeholders before leaving the workplace				✓			✓					
18. Critical Event: Update Manager Investigations							✓					
19. CE: Update Executive and others					✓							
20. Inspection report provided to stakeholder				✓								
21. CE: Liaison with family of deceased and/or injured persons and their family											✓	
22. CE debrief – next working day or within 48 hours		✓		✓	✓	✓	✓					
23. CE: Assessment Panel – next working day or within 48 hours		✓	✓	✓	✓	✓	✓					
24. CE: Action taken to minimise the risk of similar events (e.g. Compliance Program)		✓	✓	✓					✓			
25. CI: Investigation Plan and Evidence matrix drafted							✓					
26. Initial Case Conference – within 2 weeks of notifiable incident report or CE		✓	✓	✓	✓	✓	✓					
27. Ongoing Investigation/ follow up (e.g. re notices issued, statements, ROI)		✓		✓			✓					
28. Comprehensive Investigation: Managing the production of brief of evidence within time frames					✓	✓	✓					
29. CI: Ongoing liaison with victims including Victim Impact Statement											✓	
30. CI: File review 3 months after initial response					✓	✓	✓					
31. CI: Brief of evidence reviewed & forwarded on through to Director Investigation					3✓	2✓	1✓					
32. CI: Brief of evidence reviewed & forwarded to CSO								✓				
33. CI: Advice from CSO reviewed and decision made regarding prosecution					✓	✓	✓	✓		✓		
34. Prosecution: Charges lodged with SAET and served on defendant					✓							✓
35. Pros: Informing Investigators of trial dates and briefings												✓
36. Pros: Communication re trial & other developments (e.g. Pleas / Enforceable Undertaking)				✓	✓	✓	✓	✓			✓	✓
37. Pros: Liaise with victims, witnesses re availability, proofing and attendance							✓				✓	✓
38. Pros: Post-trial- results recorded, communicated and learnings shared.					✓	✓	✓	✓	✓	✓		✓
39. File completed				✓			✓					
40. File approved for closure		✓	✓		✓							
TASK	HELP CENTRE	CAED TEAM MANAGER	CAED TEAM LEADER	CAED INSPECT	INVEST TEAM MANAGER	INVEST TEAM LEADER	INVEST-IGATOR	DIR INVEST	CHIEF INSPEC	EXEC DIR	ILO	ISO

APPENDIX B: Glossary of Terms

After hours	5.30pm to 8.30am Monday to Friday and all day Saturdays, Sundays and Public Holidays.
CAED	Means Compliance and Enforcement Directorate that reports to the Chief Inspector.
Comprehensive Investigation	Means an investigation undertaken by the Investigation Team that will or may require the production of a brief of evidence .
Critical Event	Means any critical incident other matter reported to SafeWork SA that is deemed a ' Critical Event ' by: <ul style="list-style-type: none"> • a CAED Team Manager • the Investigation Team Manager • the On-Call Duty Manager • the Chief Inspector • the Director Investigations • the Executive Director.
Critical Incident	Means a notifiable incident or other serious safety-matter reported to the Help Centre that they have rated as a 'Category 1- High Priority: ' Critical Incident '. The following type of incidents are always be coded by Help Centre as 1 – High Priority: <ul style="list-style-type: none"> • Death of a person • Serious Injury or illness • Dangerous Incident • High Profile Public Event/Incident that may attract Media Attention • Minister or MP including any incident/injury in their building • Entry Permit Holder notification/complaint
dangerous incident	Under section 37 WHS Act <i>means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to—</i> <p>(a) an uncontrolled escape, spillage or leakage of a substance; or</p> <p>(b) an uncontrolled implosion, explosion or fire; or</p> <p>(c) an uncontrolled escape of gas or steam; or</p> <p>(d) an uncontrolled escape of a pressurised substance; or</p> <p>(e) electric shock; or</p> <p>(f) the fall or release from a height of any plant, substance or thing; or</p> <p>(g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations; or</p> <p>(h) the collapse or partial collapse of a structure; or</p> <p>(i) the collapse or failure of an excavation or of any shoring supporting an excavation; or</p> <p>(j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or</p> <p>(k) the interruption of the main system of ventilation in an underground excavation or tunnel; or</p> <p>(l) any other event prescribed by the regulations, but does not include an incident of a prescribed kind.</p>
Evidence matrix	Means a table produced during investigations that lists for each alleged offence information such as the elements of the offence and, the evidence to be collected by whom and when.

Notifiable Incident	Under section 35 of the WHS Act means- (a) <i>the death of a person; or</i> (b) <i>a serious injury or illness of a person; or</i> (c) <i>a dangerous incident.</i>
ILO	Investigations Liaison Officer is the single point contact for liaison with the: <ul style="list-style-type: none"> • the next of kin of victims of workplace fatality; • victims of work-related incidents and their families; and • stakeholders such as PCBU's, unions and associations (in relation to victim support only).
Investigation Plan	A plan created by Investigation Team Investigators that detail the key actions to be taken during a comprehensive investigation .
Inspector	Means an 'Inspector' or 'Authorised Officer' appointed under the: <ul style="list-style-type: none"> ■ <i>Work Health & Safety Act 2012 (SA)</i> ■ <i>Dangerous Substances Act 1979</i> ■ <i>Mines & Works Inspection Act 1920</i> ■ <i>Petroleum Products Regulations Act 1995</i> ■ <i>Shop Trading Hours Act 1977</i>
Investigators	Inspectors who work in the Investigations Team
Joget	Joget is a call logging and triage application used by the Help Centre and On- Call Inspectors to record complaints and notifications.
Lead Investigator	Is the person recognised as managing or taking the main role in an investigation
On-Call Duty Manager	The Team Manager listed as the Duty Manager on the On-Call Roster when SafeWork SA is notified of any incident or complaint after hours .
On-Call Inspector	The CAED Inspector listed as the ' On-Call Inspector ' on the On-Call Roster when SafeWork SA is notified of any incident or complaint after hours .
On-Call Investigator	The Investigator listed as the ' On-Call Investigator ' on the On-Call Roster when SafeWork SA is notified of any incident or complaint after hours .
PCBU	Means Person Conducting a Business or Undertaking as defined in section of the WHS Act
PMCW	Means a Person conducting businesses or undertakings involving the Management or Control of Workplaces as described in section 20 of the WHS Act
Record of Interview	A formal interview with a potential defendant that is usually video recorded and transcribed verbatim.
serious injury or illness	Under section 36 WHS Act – <i>means an injury or illness requiring...</i> (a) <i>immediate treatment as an in-patient in a hospital; or</i> (b) <i>immediate treatment for—</i> (i) <i>the amputation of any part of his or her body; or</i>

	<p>(ii) a serious head injury; or (iii) a serious eye injury; or (iv) a serious burn; or (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping); or (vi) a spinal injury; or (vii) the loss of a bodily function; or (viii) serious lacerations; or (c) medical treatment within 48 hours of exposure to a substance, and includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind.</p>
WHS Act	Means the <i>Work Health and Safety Act, 2012 (SA)</i>