This document provides guidance to employers about when WorkSafe must be notified of the loss of containment of a substance at a Major Hazard Facility (MHF).

**Loss of containment of substances at MHFs**

An employer who has management and control of a MHF has notification duties under section 38 of the Occupational Health and Safety Act 2004 (OHS Act) that are likely to apply in the event of a loss of containment of Schedule 14 materials or dangerous goods at the MHF.

**Duty to notify WorkSafe of incidents**

Employers have a duty to notify WorkSafe of certain incidents. The employer must notify WorkSafe immediately after becoming aware that an incident has occurred at a workplace under their management and control. Notification is required where an incident at a workplace results in death or serious injury, being the matters described in section 37(1) of the OHS Act. The notification duty also applies to certain incidents that expose a person in the immediate vicinity to an immediate health or safety risk (section 37(2)). Relevantly, this includes:

- an implosion, explosion or fire, and
- the escape, spillage or leakage of any substance including dangerous goods (ie a loss of containment).

**Loss of containment: when is it a notifiable incident?**

Appendix A will help employers determine whether to notify WorkSafe of the loss of containment of any substance (including Schedule 14 materials and dangerous goods).

**Non-reportable loss of containment incidents**

Loss of containment incidents that do not pose an immediate risk to persons in the immediate vicinity do not need to be reported to WorkSafe. For example:-

- a small leak of flammable liquid that was easily contained and unlikely to create a flammable vapour cloud
- a small release of flammable vapour from an elevated pipeline that immediately dispersed and could not reach the Lower Explosive Limit (LEL) concentration
- a small release of a toxic gas or vapour where the concentration was less than the Short Term Exposure Limit (STEL) value for the chemical
- a small spill or splash of liquid or release of solid material that would not cause harm to a person wearing personal protective equipment appropriate to the task of working with that substance.

**The immediate vicinity of an incident**

The 'immediate vicinity' of an incident includes the area in the workplace where the incident occurred. It may also extend to an area beyond that workplace if the nature and extent of the incident exposes a person in that area to a health or safety risk as soon as the incident occurs.

For example, a toxic gas cloud or flammable vapours may drift and pose an immediate risk to persons who are not physically close to the incident site but are in the immediate vicinity.

**Fire, explosion or implosion at a MHF**

Any incident that involves a fire, explosion or implosion that poses an immediate risk to the health and safety of a person in the immediate vicinity must be reported to WorkSafe immediately. Given the nature of MHFs, any incident that involves a fire, explosion or implosion (whether or not it involves loss of containment) at a MHF is likely to be notifiable.
Further information

Contact the WorkSafe Victoria Advisory Service on 1800 136 089 or go to worksafe.vic.gov.au to download:

- Guide to incident notification
- Incident notification form

Note: This guidance material has been prepared using the best information available to WorkSafe, and should be used for general use only. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe cannot be held responsible and extends no warranties as to the suitability of the information for your specific circumstances; or actions taken by third parties as a result of information contained in the guidance material.
Did the incident result in:
- Death
- A person requiring medical treatment within 48 hours of exposure to a substance
- A person requiring immediate treatment as an in-patient at a hospital, or
- A person requiring immediate medical treatment for a serious injury?

Did the incident involve the escape, spillage or leakage of any substance?

Contact the Advisory Service or go to worksafe.vic.gov.au for information about other notifiable incidents.

Were Emergency Services (police, fire, ambulance) called? (indicates immediate risk to a person in the immediate vicinity)

Was there a loss of containment of:
- any amount of Class 2.3 dangerous goods
- any amount of PGI dangerous goods
- more than 250L/250kg of any other dangerous goods or Schedule 14 material? (indicates immediate risk to a person in the immediate vicinity)

Can the substance present an immediate risk to a person once they are exposed?
Eg a risk of:
- Ignition or explosion (spontaneous or if exposed to an ignition source)
- Violent reaction with another substance or chemical decomposition (eg exothermic reaction, acid/base reaction, reaction with oxidising material)
- Asphyxiation
- Inhalation of a toxic substance (gas, vapour cloud, liquid spray or dust)
- Ingestion of, or skin/eye contact with, a toxic substance (eg spill, splash or spray, loose flakes or powder, accumulation of a solid).

Was the loss of containment:
- large enough to pose an immediate risk to a person (taking into account the nature of the substance), and
- in a location in which it did pose an immediate risk to a person? (A person may be present at the time or after the incident. Eg: a chemical drips onto a designated walkway that is in use; a person enters a containment area where a chemical spill has occurred unaware of the spill.)

Reporting not required.