

Important

Use this form to notify of a **sexual assault incident** under the *Work Health and Safety Act 2011* (the Act).

To report a WHS notifiable incident not related to a sexual assault incident use the [WHS Notifiable Incident Form](#).

You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.worksafe.act.gov.au.

A person conducting a business or undertaking (PCBU) is required to provide details of sexual assault incidents pursuant to sections 35-39 of the Act. Failure to comply with this provision may result in a fine of \$10,000 in the case of an individual or \$50,000 in the case of a body corporate.

Privacy

The Act authorises the regulator to collect the information required by this form. The regulator is bound to prevent any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Privacy Policy can be found on the WorkSafe ACT website at <https://www.worksafe.act.gov.au/privacy>. The regulator may provide identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

Instructions

- If completing this form by hand please use blue or black pen.
- Any alteration to information provided on this form must be struck through with pen. Substitute information must be clear and the person completing the form must sign in the margin. Do not use correction fluid or tape.
- Please complete all sections of the form. Please indicate if information requested on this form is not applicable or not known with the letters N/A or N/K respectively.
- Return completed forms by email worksafe@worksafe.act.gov.au or post: WorkSafe ACT, GPO Box 158, Canberra City, ACT, 2601.

Is reporting mandatory?

Yes. You are required to notify WorkSafe ACT, in writing of a sexual assault incident (actual or perceived).

In accordance with sections 35 to 39 of the Act and the *Work Health and Safety Regulation 2011* (the Regulation) it is an offence to fail to make a report of a sexual assault incident.

Who must send in the sexual assault notifiable incident report?

The PCBU is responsible for ensuring that WorkSafe ACT is notified immediately after becoming aware of a sexual assault incident.

What workplaces are covered?

ALL places where people work within WorkSafe ACT's jurisdiction (Commonwealth and Comcare self-insured workplaces are not included) are covered by the Act and the Regulation. Workplaces includes any place where a worker goes, or is likely to be, while at work and includes accommodation provided by the workplace.

Is there a time limit for reporting?

Sexual assault incidents must be notified to WorkSafe ACT immediately after the workplace becomes aware that a sexual assault incident arising out of the conduct of the business or undertaking or at a workplace has occurred.

If the notification is made by telephone, WorkSafe ACT may require that written notice be provided using this form, for example, within 48 hours of that notification being made.

Do you have to keep a copy?

You must keep a record of any sexual assault Notifiable Incident notification that you make to WorkSafe ACT for at least 5 years after the day the notification is given.

What is the definition of a sexual assault incident under the Act?

The definition of sexual assault under the Act 2011 is different to that set out under the *Crimes Act 1900*.

A sexual assault incident is incident (including a suspected incident) in relation to a workplace, exposing a worker or any other person at the workplace to sexual assault.

A PCBU has a duty to notify of a sexual assault incident when it is:

- (1) A sexual assault that has been reported to the police.

OR

- (2) A sexual incident that could be referred to police for an investigation, AND

- (3) Is an act, sexual in nature, inflicted on someone, that a reasonable person believes has sexual connotations,

OR

- (4) Is an act inflicted on someone for the purpose of sexual arousal or sexual gratification. AND

- (5) Includes sexual touching or sexual intercourse without consent.

Sexual assault incident details:

Are you the PCBU of the workplace where the sexual assault incident occurred?

If No - The obligation to report a sexual assault incident (suspected or actual) rests with the PCBU of the workplace. If you are not the PCBU, the incident should be reported to ACT Policing on 131 444, or 000 if it is an emergency.

If Yes - Please continue with this form

- 1) Name and contact details of the person conducting the business or undertaking (PCBU);

I. PCBU Name: First name

Last Name

II. PCBU contact details: Phone:

Email:

- 2) A description of the workplace where the alleged incident happened:

- 3) If the sexual assault incident was reported to the police. ☐ Yes ☐ No

Note: WorkSafe ACT will not forward or report the sexual assault incident to additional authorities. It is your responsibility to report to other agencies where required. It is recommended that sexual assault incidents are reported to police.

END OF FORM - SUBMISSION PAGE

Once you have filled out this form, please save and email to
WorkSafe@worksafe.act.gov.au