



Environmental Incident Classification and Reporting

9TP-PR-105/18.0

Procedure – Applicable to Infrastructure and Services

Divisional Management System

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Document history

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3.0	August 08	631781	
4.0	23 Dec 09	696779_4	This document is updated to reflect the new document owner.
5.0	13 Aug10	867157	Reformatted for TCA transition and revised governance structure.
6.0	01 Oct 11	835272	This document is updated to include Incident classification Legislative requirements Incident and non-compliance reporting procedure.
7.0	21 Oct 11	867157_9	Definitions and Environmental Incident Sections – amend definition of environmental incident to read "...impact has occurred, is occurring, or is likely to occur." This is consistent with POEO Act. 6.2 – update to reflect changes to SA-FO-002 6.3 – remove "or a contract/alliance-specific report form that is consistent with 9TP-FO101." 7 – update title of SA-FO-002
8.0	1 Nov 11	867157_12	Reformatted for Transport Projects transition and revised governance structure.
9.0	2 Feb 12	1750099_1	Updated to include new legislative requirements as a result of changes to the Protection of the Environment Operations Act 1997.
10.0	1 Aug 12	867157_22	Revised section 6 and figure 1 of the document to reflect the use of the Incident Management System in incident/non-compliance reporting.
11.0	21 Mar 14	867157_23	A paragraph on incidents related to the discovery of asbestos is added to clarify that such incidents are to be reported as safety incidents in the INX.
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13.0	14 Apr 15	867157	Updated to be published to TfNSW website
14.0	28 Apr 16	867157_31	Updated to reflect for I&S transition and revised governance structure.
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17.0	17 Nov 17	867157_37	The name of the system updated to INX.
18.0	20 December 2017	867157_39	IMS is replaced by INX System in Figure 1 & 2.

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1. Purpose and scope

The purpose of this document is to identify the process and procedure to be followed when classifying and reporting an environmental incident or non-compliance that has occurred during work being undertaken by, or on behalf of, Infrastructure and Services (I&S) and defines I&S standard.

This procedure applies specifically to the reporting of environmental incidents and non-compliances to I&S and relevant regulatory authorities, particularly the NSW Environment Protection Authority. It does not provide guidance on management responses or corrective actions required in response to those incidents, which should be detailed in the relevant environmental management plan or other management document as required for the project.

2. Accountabilities

The Director Planning and Environment Services is accountable for this Procedure. Accountability includes authorising the document, monitoring its effectiveness and performing a formal document review.

Project directors are accountable for ensuring the requirements of this document are implemented within their area of responsibility.

Project directors who are accountable for specific projects/programs are accountable for ensuring associated contractors comply with the requirements of this document where required under TfNSW Standard Requirements (TSR).

Contractors are accountable for compliance with this document, where this document forms a part of their contract.

3. Definitions and acronyms

All terminology in this procedure is taken to mean the generally accepted or dictionary definition with the exception of the following terms which have a specifically defined meaning:

ADEM	Associate Director Environmental Management
Environmental incident	An environmental incident is an occurrence or set of circumstances, as a consequence of which pollution (air, water, noise, or land) or an adverse environmental impact has occurred, is occurring, or is likely to occur. Adverse environmental impact includes contamination, harm to flora and fauna (either individual species or communities), damage to heritage items and adverse community impacts.
Environmental non-compliance	A non-compliance with any condition of approval, license condition or any other statutory approval or requirement relevant to the activity and/or area where the activity occurs.
Environmental issue	Any occurrence or set of circumstances that has the potential to cause or lead to an environmental incident or non-compliance if not rectified.
EM	Alliance/contractor environmental manager
EMR	Environment management representative
EPA	NSW Environment Protection Authority
EPL	Environment protection license
EPM	Environment and planning manager

ERM	Event report manager
INX	INX system
Investigation	The process by which the cause(s) of an incident, non-compliance, issue or event is examined and identified.
Material harm to the environment	<p>Has the meaning as defined in Section 147 of the POEO Act.</p> <p>Harm to the environment is material if:</p> <ul style="list-style-type: none"> (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and <p>loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.</p>
Moderator	Person assigned with a lead role under an incident investigation, to determine it's scope etc.
Notifiable event	Any environmental incident or non-compliance that triggers a specific statutory requirement to notify a regulatory authority.
PD	I&S Project director
PM	Alliance/contractor project manager
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pollution	Pollution, air pollution, water pollution, noise pollution and land pollution all have the meanings as defined in the Dictionary to the POEO Act.
Pollution incident	<p>Has the meaning as defined in the Dictionary to the POEO Act:</p> <p>an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.</p>
SME	I&S Senior Manager Environment
TfNSW	Transport for New South Wales
TSR	TfNSW Standard Requirement

4. Legislative requirements

There are a number of Acts and Regulations that include a specific requirement to notify a regulatory authority as a result of pollution, contamination or environmental harm occurring, including impacts to heritage items. Infrastructure and Services (I&S) has defined such incidents as notifiable events.

4.1. Notifiable events

A notifiable event is:

Any environmental incident or non-compliance that triggers a specific statutory requirement to notify a regulatory authority.

For further guidance on the statutory requirements for the notification of environmental harm or pollution refer to the I&S EMS document [Environmental Legislation Summary – 2TP-SD-090](#). Some event types are summarised in Table 1 below.

Table 1 Examples of notifiable events

Event type	Legislation		Notification to
Pollution incident	POEO Act	Part 5.7	Immediately after becoming aware of the incident to each relevant authority: <ul style="list-style-type: none"> • EPA Environment Line • Local Council • Ministry of Health (via the Local Public Health Unit) • WorkCover Authority • Fire and Rescue NSW
	POEO (General) Regulation 2009	Section 101	
Land contamination	<i>Contaminated Land Management Act 1997</i>	Section 60(1)	EPA in writing as soon as practicable after becoming aware of the contamination, where required as prescribed in the EPA ‘Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997’
Discover aboriginal relic	<i>National Parks and Wildlife Act 1974</i>	Section 89A	Director-General of the Department of Premier and Cabinet in writing within a reasonable time after becoming aware
Discover Aboriginal Remains	<i>Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	Section 20	Commonwealth Minister of Environment in writing as soon as practicable after becoming aware
Discover relic	<i>Heritage Act 1977</i>	Section 146	Heritage Council in writing within a reasonable time after becoming aware

Further information on reporting pollution incidents to EPA is provided in section 6.4.

5. Incident classification

5.1. Environmental incident

Infrastructure & Services has defined an environmental incident as:

An occurrence or set of circumstances, as a consequence of which pollution (air, water, noise, and land) or an adverse environmental impact has occurred, is occurring, or is likely to occur.

Adverse environmental impact includes contamination, harm to flora and fauna (either individual species or communities), damage to heritage items and adverse community impacts.

Table 2 Examples of environmental incidents

Type	Example incident
Air	Odour that travels beyond the site boundary
Air	Dust exceeding reasonable levels without active management measures in place

Type	Example incident
Air	Operation or maintenance of plant in a manner that causes or is likely to cause air pollution
Water	Discharge of water on or off site in a manner that causes or is likely to cause water pollution
Noise	Noise that travels beyond the site boundary as a result of poorly maintained plant or operation of plant in an inefficient manner
Noise	Failure to comply with the approved hours of work
Land	Cause any substance to leak, spill or otherwise escape (whether or not from a container) in a manner that harms or is likely to harm the environment
Land	Spill/deposit material or allow material to be deposited on land in a manner that causes or is likely to cause land pollution
Land	Cause contamination of land
Land	Dispose of waste in a manner that harms or is likely to harm the environment
Flora/ Fauna	Harm or "pick" a threatened species, endangered population or endangered ecological community
Flora/ Fauna	Damage to vegetation, fauna or habitat including watercourses
Heritage	Damage, disturbance, destruction or works to heritage items/relics
Heritage	Damage, disturbance, or destruction of Aboriginal objects or places

Note: an environmental incident may also be an environmental non-compliance.

5.2. Environmental non-compliance

An environmental non-compliance is a non-compliance with any condition of approval, license condition or any other statutory approval relevant to the activity and/or area where the activity occurs.

Examples of environmental non-compliances are given in the Table 3 below.

Table 3 Examples of environmental non-compliance.

Example non-compliance
Works without the required planning approval
Failure to comply with a condition of approval
Works without the required EPL
Failure to comply with an EPL condition
Works undertaken without any other required statutory approval
Failure to comply with any other statutory requirement that does not result in an adverse environmental impact or pollution

Note: an environmental non-compliance is not necessarily an environmental incident.

5.3. Environmental issue

An environmental issue is any occurrence or set of circumstances that has the potential to cause or lead to an environmental incident or non-compliance if not rectified.

Environmental issues may be identified during formal or informal inspections undertaken by an alliance, contractor, I&S employee or environmental management representative/environmental representative. Issues identified during inspections (i.e. those conducted by I&S employees or representatives) should be documented using the form: [Environmental Site Inspection Report Template – 9TP-FT-307](#).

For any issues raised, a priority is to be given for action to be implemented, in accordance with the following:

Priority	Action required
Immediate	Immediately and closed out on day of inspection
High	Within 24 hours
Medium	Within 3 working days
Low	Within 5 working days
Other	By the date noted

If any issues raised during an inspection are also considered to constitute an environmental incident and/or non-compliance then this must be noted on the inspection report, including reference to then relevant condition of approval or other requirement. Any such incidents or non-compliances must also be reported separately in accordance with Section 6.

6. Incident and non-compliance reporting

All environmental incidents and non-compliances must be reported to I&S. The environmental incident/non-compliance reporting procedure is illustrated in Figure 1, which includes requirements for verbal notification, recording the incident in the INX system and notification to the regulatory authority for a notifiable event, and EPA in the case of a notifiable pollution incident.

The [Environmental Incident/Non-compliance Report – 9TP-FT-101](#) may be used for reporting in the following circumstances:

- where access to the INX system is not available
- for reporting non-compliances that do not require reporting in the INX system.

6.1. Verbal notification

The I&S EPM and project manager must be notified verbally immediately after the alliance/contractor becomes aware of the incident or non-compliance. The EPM or SME should provide advice to the alliance/contractor on the classification of the incident/non-compliance and whether notification to any regulatory authority is required.

6.2. Incident reporting

Environmental incidents must be reported to I&S within 4 hours of occurring or first being observed. The INX system is accessed via <https://tfnsw.inxsoftware.com>. Additional details of the incident are to be recorded in the INX system within 48 hours of the incident/non-compliance first being observed. Step by step guidance on how to use the INX system is provided in the I&S document [Guide to Environmental Incident and Non-compliance Reporting – Using the INX System – 9TP-SD-005](#).

The event moderator (generally the SME) shall review the details and assign the incident to the EPM and/or relevant contractor's personnel (generally their environmental manager) to

manage the incident and complete the preventative/follow-up actions and investigation. Details and completion dates of the actions are to be recorded by the SME and/or EPM and/or the contractor's personnel who have been assigned the incident/non-compliance in the INX system. The alliance/contractor shall input details and findings for the incident investigation in the INX system if required. The SME shall review the report and close the incident when all the actions are completed.

For an incident related to the discovery of asbestos, the incident is to be recorded in the INX as a safety incident.

A senior safety officer is to assign the incident to both the EPM and the safety officer of the project in order to manage both the safety and environmental aspects of the incident and any associated actions (see Figure 2 on page 14). It is the senior safety officer's responsibility to close the incident if all actions are completed.

6.3. Notification to regulatory authorities

If an incident or non-compliance is a notifiable event then a report must be provided to the relevant regulatory authority within the timeframe(s) specified by the relevant legislation. For notifiable events other than pollution incidents the alliance/contractor should seek advice from I&S on whether the notification is to be made by I&S or the alliance/contractor.

Requirements for reporting pollution incidents to EPA and other authorities are identified below in Section 6.4.

6.4. Reporting pollution incidents to EPA and other authorities

Pollution incidents which are causing or threatening material harm to the environment must be reported to each of the following authorities immediately after becoming aware of the incident, as required by Section 148 of the POEO Act. The contact numbers for these authorities are:

- EPA Environment Line 131 555
- Local Authority Local Council (specific to area)
- Ministry of Health Public Health Unit via 1300 066 055
(full local area contact details are available on the [Public Health Units pages of the NSW Health website](#))¹
- Workcover Authority 131 050
- Fire and Rescue NSW 1300 729 579

Note: If the situation warranted calling 000 as a first point of notification, you do not need to ring Fire and Rescue NSW again.

Relevant information required to be given to EPA when making a notification is specified in Section 150 of the POEO Act as follows:

- (a) the time, date, nature, duration and location of the incident
- (b) the location of the place where pollution is occurring or is likely to occur
- (c) the nature, the estimated quantity or volume and the concentration of any pollutants involved

¹ <http://www.health.nsw.gov.au/Infectious/Pages/phus.aspx>

- (d) the circumstances in which the incident occurred (including the cause of the incident, if known)
- (e) the action taken or proposed to be taken to deal with the incident and any resulting pollution or threatened pollution
- (f) other information prescribed by the regulations.

You are required to report the information known at the time of making the notification. If the information required by (c), (d) or (e) above is not known at the time of initial notification but becomes known afterwards it must be reported to each authority immediately after it becomes known. Verbal notification must be followed by notification in writing within 7 days of the date on which the incident occurred.

You are not required to report a pollution incident if:

- (a) you are aware that the incident has already come to the notice of each of the notification authorities
- (b) the incident is an ordinary result of action required to be taken to comply with an environment protection licence, an environment protection notice or other requirement of or made under the POEO Act
- (c) the pollution incident involves only the emission of an odour.

Failure to report a pollution incident as required by the POEO Act is an offence.

Where any work or activity is regulated by an EPL, notification of a pollution incident must be made by the licensee. Thus, where the alliance/contractor holds the EPL for the project, notification shall be made by the alliance/contractor.

For any work or activity that is not regulated by an EPL, notification of pollution incidents to EPA shall be made by I&S, unless the alliance/contractor is instructed otherwise by I&S. This includes pollution incidents that occur as a result of pre-construction activities which may be undertaken prior to an EPL being required for a project. Pre-construction activities are determined by the planning approval and may include, for example, geotechnical investigations, surveys or fencing.

6.5. Incident investigations

Incident investigation should be completed for all environmental incidents logged in the INX system. The scope of the investigation is determined by the moderator of the incident in the INX system.

6.5.1. Incident investigation

Incident investigation is to be completed using the Investigation tab in the INX system, with reference to any investigation reports, attached using the document tab. The Investigation tab includes four sections.

1. Sequence of events

This section is to record the sequence of events that led to the incident.

2. Findings

Given the sequence of events, what are the key findings of the investigation (i.e. what are the main causes of the incident).

3. Management methods

Used to record the management methods to be changed and/or implemented to avoid the incident reoccurring.

4. Key learnings

What can we learn from this investigation into the incident? Are there any elements of this incident investigation that can be or need to be shared with other projects or the wider I&S as a Lessons Learned process, environmental alert or similar?

Further guidance is provided in [Guide to Environmental Incident and Non-compliance Reporting – using the INX System – 9TP-SD-005](#)

6.5.2. Root cause analysis

Root cause analysis must be undertaken for incidents with a risk rating of high and above, and for other lower risk incidents where determined by the incident moderator. The Root Cause Analysis Checklist is presented in Appendix 1 and is located as a template checklist in the Procedures section of the INX system.

The Root Cause Analysis Checklist is designed to assist in the identification of the causal factors that contributed to the incident and provides the information to be included in the Findings section of the Investigation tab.

When this template is completed it must be attached to the Document tab of the INX system.

Further guidance is provided in [Guide to Environmental Incident and Non-compliance Reporting - using the INX System – 9TP-SD-005](#).

6.6. Relationship to I&S Crisis Management Procedure

- Incidents which are likely to cause major damage to the environment will be managed in accordance with the [Significant Incident Management Procedure - I&S Delivered Infrastructure & Fleet Projects 1TP-PR-008](#). Determination of whether the environmental incident requires the activation of a crisis management team will be made by I&S in accordance with the assessment process and activation/escalation triggers identified in Sections 6.1-6.3 of the Crisis Management procedure.

7. Related documents and references

Related documents and references

[Environmental Management System Manual – 1TP-ST-052](#)

[Environmental Site Inspection Report Template – 9TP-FT-307](#)

[Environmental Incident/Non-compliance Report – 9TP-FT-101](#)

[Guide to Environmental Incident and Non-compliance Reporting – using the INX System – 9TP-SD-005](#)

[Safety and Environmental Incident Report 90-FT-002](#)

[Significant Incident Management Procedure - I&S Delivered Infrastructure & Fleet Projects 1TP-PR-008](#)

[Environmental Legislation Summary – 2TP-SD-090](#)

EPA 'Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*

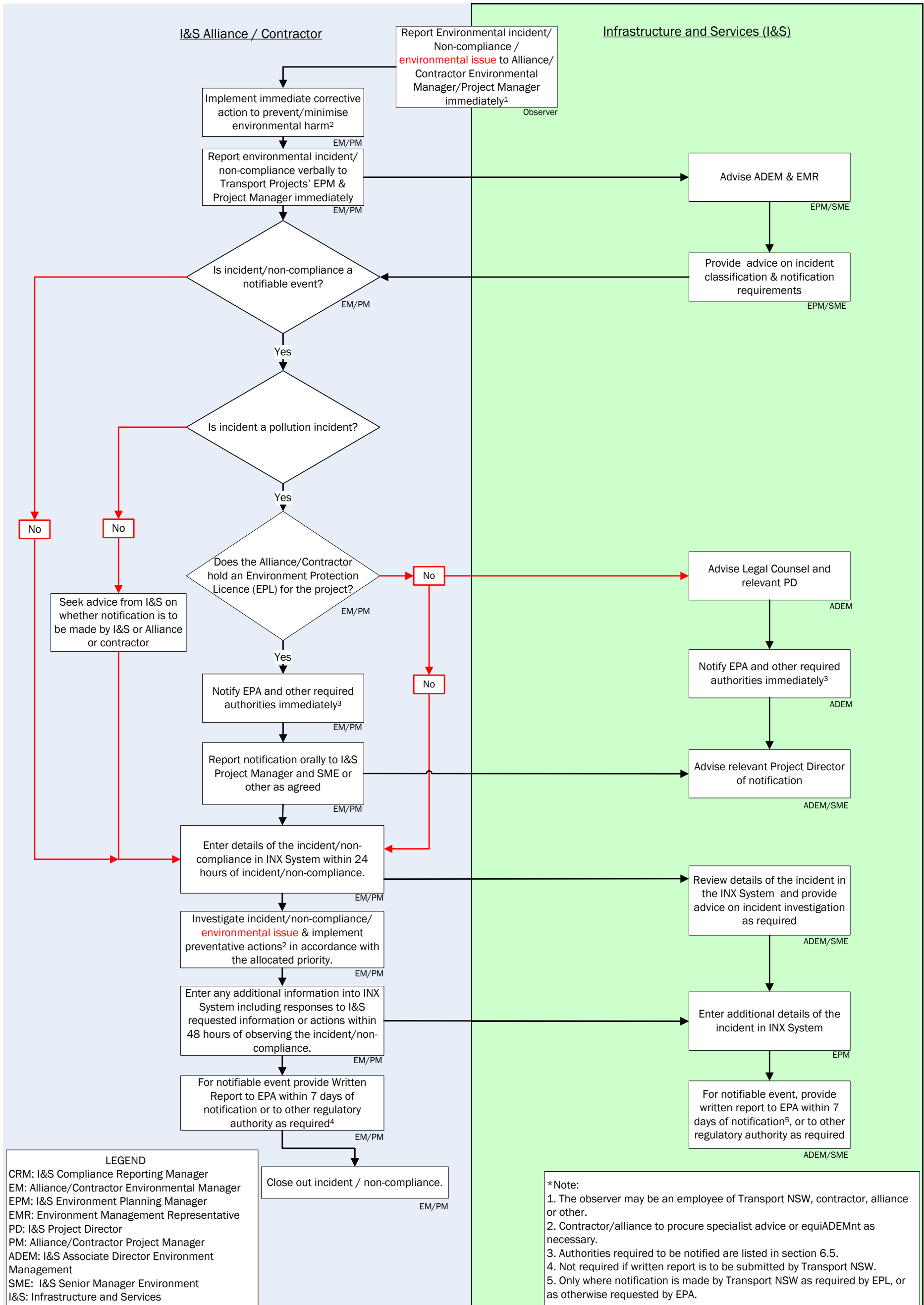


Figure 1 Environmental incident/non-compliance reporting procedure

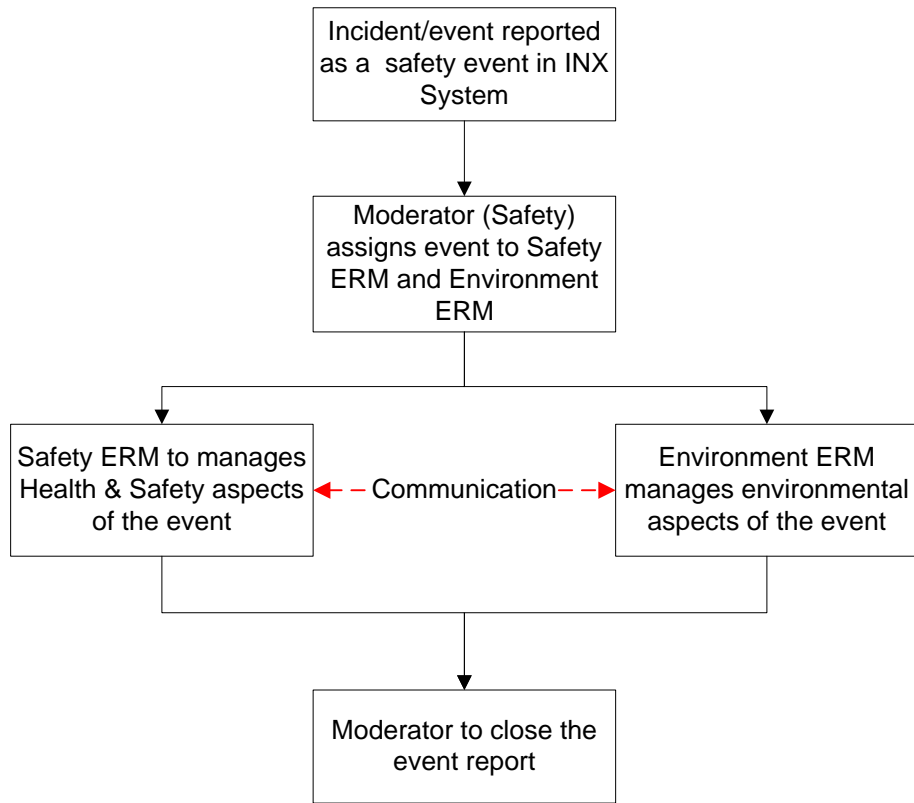


Figure 2 Reporting asbestos find process

Appendix 1 Root Cause Analysis Checklist

Environmental factors / work site description (Tick all that apply)					
A description of the immediate and surrounding environment that are contributing factors to the incident or event					
Sensitive receptors / receiver	<input type="checkbox"/>	High winds	<input type="checkbox"/>	Vibration	<input type="checkbox"/>
Lighting/ light levels	<input type="checkbox"/>	Snow / Ice	<input type="checkbox"/>	Noise	<input type="checkbox"/>
Surface water / storm water or natural drainage	<input type="checkbox"/>	Rain	<input type="checkbox"/>	Vegetation or ecology	<input type="checkbox"/>
Groundwater	<input type="checkbox"/>	Heat/humidity	<input type="checkbox"/>	Fauna or fauna habitat	<input type="checkbox"/>
Geology and soils	<input type="checkbox"/>	Slippery surface	<input type="checkbox"/>	Trip hazard	<input type="checkbox"/>
Access and transport	<input type="checkbox"/>	Signage	<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>
Specifically describe how the factor contributed to the occurrence.					
Equipment / tools (Tick all that apply)					
Identify what equipment was being used and how it contributed to the incident occurrence					
Type of equipment 1 (Specify make and model)	<input type="checkbox"/>	Type of equipment 2 (Specify make and model)	<input type="checkbox"/>	Type of equipment 3 (Specify make and model)	<input type="checkbox"/>
Equipment malfunction	<input type="checkbox"/>	Inappropriate equipment	<input type="checkbox"/>	Pre-operation checks	<input type="checkbox"/>
Faulty equipment	<input type="checkbox"/>	Maintenance schedule	<input type="checkbox"/>	Incorrect use	<input type="checkbox"/>
Instruction/training on use on equipment	<input type="checkbox"/>	Safety device bypassed / lack of guarding	<input type="checkbox"/>	Unsafe equipment use	<input type="checkbox"/>
Operated beyond specifications	<input type="checkbox"/>	Difficult to use	<input type="checkbox"/>	Not trained on equipment	<input type="checkbox"/>
Inappropriate / inadequate storage or stowage	<input type="checkbox"/>	Design / controls site layout problem	<input type="checkbox"/>	Operator not familiar with equipment	<input type="checkbox"/>
Other (specify)					

Specifically describe how the factor contributed to the occurrence					
Communication and training (Tick all that apply)					
Identify what training, information and communication occurred or did not occur that contributed to the incident					
Appropriate formal training	<input type="checkbox"/>	Refresher training	<input type="checkbox"/>	Pre start briefing or tool box talk	<input type="checkbox"/>
Shift debriefing / handover	<input type="checkbox"/>	Risks and hazards identified / communicated	<input type="checkbox"/>	Induction	<input type="checkbox"/>
Confusing message	<input type="checkbox"/>	Incomplete message	<input type="checkbox"/>	Hand signals	<input type="checkbox"/>
Language barrier	<input type="checkbox"/>	Accent difficulties	<input type="checkbox"/>	No communication	<input type="checkbox"/>
Communication method / type	<input type="checkbox"/>	Speech issues	<input type="checkbox"/>		<input type="checkbox"/>
Other (specify)					
Specifically describe how the checked factor contributed to the occurrence					
Procedures / task instructions (Tick all that apply)					
What procedures applied to the task, were they appropriate and were they understood and followed?					
Procedure not correct for task or non existent	<input type="checkbox"/>	Procedure not documented	<input type="checkbox"/>	Procedure not communicated	<input type="checkbox"/>
Deviated from procedure	<input type="checkbox"/>	Procedure not trained	<input type="checkbox"/>	Procedure or training not reinforced	<input type="checkbox"/>
Not familiar with procedure	<input type="checkbox"/>	Procedure / Task too difficult	<input type="checkbox"/>	New procedure or task or recent task change	<input type="checkbox"/>
Failed to plan for task	<input type="checkbox"/>		<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>
Specifically describe how the checked factor contributed to the occurrence (point form) (mandatory if box ticked)					

Individual factors (Tick all that apply)					
Fatigue	<input type="checkbox"/>	Stress	<input type="checkbox"/>	Peer pressure	<input type="checkbox"/>
Body size or strength	<input type="checkbox"/>	Personal event	<input type="checkbox"/>	Workplace distraction / interruption	<input type="checkbox"/>
Memory lapse (forgot)	<input type="checkbox"/>	Situational awareness (failed to identify hazard or risk)	<input type="checkbox"/>	Time constraints	<input type="checkbox"/>
Failure to adhere to policies or procedures	<input type="checkbox"/>	Job / task experience	<input type="checkbox"/>	Physical health / medical condition (hearing / sight / other)	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>				
Specifically describe how the checked factor contributed to the occurrence (point form) (mandatory if box ticked)					
Leadership / supervision (Tick all that apply)					
Identify what leadership or supervision factors were relevant or contributed to the incident occurrence					
Planning / organisation of task	<input type="checkbox"/>	Prioritisation of task	<input type="checkbox"/>	Delegation of task	<input type="checkbox"/>
Unrealistic attitude or expectation	<input type="checkbox"/>	Amount or availability of supervision	<input type="checkbox"/>	Responsibility not assigned to task	<input type="checkbox"/>
Communication of requirements	<input type="checkbox"/>	Coordination of task	<input type="checkbox"/>	Workload management	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>				
Specifically describe how the checked factor contributed to the occurrence					
Organisational/culture factors (Tick all that apply)					
Identify if any organisational / organisation cultural factors were relevant o the incident.					
Provision of resources – people	<input type="checkbox"/>	Provision of resources – other	<input type="checkbox"/>	Corporate change or restructure	<input type="checkbox"/>
Previous corrective / preventive actions or other audit findings	<input type="checkbox"/>	Normal or accepted practice	<input type="checkbox"/>	Complacency with work processes	<input type="checkbox"/>
Other I&S policies or directives (specify)	<input type="checkbox"/>	Conflicting policies or procedures	<input type="checkbox"/>	Risk / hazards not properly identified	<input type="checkbox"/>
Financial constraints	<input type="checkbox"/>				

Specifically describe how the checked factor contributed to the occurrence