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Notifiable Incident Reporting—Victoria

Certain types of incidents, known as Notifiable Incidents, require WorkSafe Victoria to be notified immediately (or as soon as becoming aware) of the event. There are significant penalties (potential prosecution and / or fine) for failing to do so.

On **1 July 2024**, new obligations were introduced that mean you will be required to notify WorkSafe Victoria if certain types of plant and equipment are involved in an incident.

PART 5 OF THE OCCUPATIONAL HEALTH AND SAFETY (OHS) ACT 2004

In summary, Part 5 of the Act requires:

- **immediate** notification of a notifiable incident to **WorkSafe on 132 360**;
- written notification within 48 hours; and
- preservation of the incident site until an inspector arrives or directs otherwise.

WHAT IS A NOTIFIABLE INCIDENT?

A Notifiable Incident is any incident at a workplace which results in **death or serious injury**. A 'serious injury' as defined in **Section 37(1)** of the Act includes (but not limited to):

- medical treatment **within 48 hours** of exposure to a substance
- immediate treatment as an in-patient in a hospital
- immediate medical treatment for:
 - amputation
 - serious head injury
 - serious eye injury
 - separation of skin from underlying tissue (for example de-gloving or scalping)
 - electric shock
 - spinal injury
 - loss of bodily function
 - serious lacerations

Medical treatment does not include procedures carried out for diagnostic purposes only.

EXPOSURE TO SERIOUS RISK

A Notifiable Incident also includes unintended events, that may not result in a reportable injury, but had the potential to cause serious harm to a person (s). These include:

- an uncontrolled escape, spillage or leakage of any substance (including dangerous goods)
- an implosion, explosion or fire
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, **any plant**
- the collapse or partial collapse of a building or structure



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CHANGES TO INCIDENT NOTIFICATION—PLANT AND EQUIPMENT

Beginning 1 July 2024, changes to **Regulation 74** of the **OHS Regulations (2017)** now require immediate notification to WorkSafe Victoria if there is an **incident of collapse, overturn, failure, malfunction or damage to plant and equipment** that exposes a person to **imminent or immediate serious risk** to their health or safety.

WHAT TYPES OF INCIDENTS ARE NOTIFIABLE FOR PLANT AND EQUIPMENT?

Previously, the requirement to report related only to plant and equipment that was required to be **licenced OR registered**.

The expanded scope and definition now also includes:

- Plant that **lifts** or **moves** persons or **materials**

The new definition for plant and equipment now includes forestry specific machines such as:

- Harvesters
- Forwarders
- Loaders
- Skidders

WHAT DOES THIS MEAN?

WorkSafe Victoria recommend that **any** incident involving **any** plant and equipment be assessed at the time of the incident to see whether it meets **any** of the criteria in s 37 of the OHS Act, not just those contained in s 37(2)(e). The changes to incident notification for plant and equipment do not vary the existing s 37 requirements.

The speed a machine is moving and the safety features fitted do not absolve incident notification if the criteria for notification are met under either s 37 or 37(2)(e).

Note: Forestry trucks are excluded as vehicles designed to be used primarily as a means of transport on public roads or rail, (even if the vehicle is being used at a workplace other than a public road or rail) still come under NHVR legislation.

FURTHER INFORMATION

Further information about the new requirements for plant and equipment notification is available here: [New requirements for plant and equipment incident notification | WorkSafe Victoria](#)

More information about the criteria for notifiable incidents under the OHS Act is available here: [Report an incident: Criteria for notifiable incidents | WorkSafe Victoria](#)

If you are unsure if the incident is notifiable, please call the WorkSafe Advisory service on **13 23 60**.