



# Managing WorkSafe Notices Procedure

## 1. Guiding Principles

The WA Country Health Service (WACHS) aims to resolve all safety and health issues quickly and effectively in accordance with statutory obligations imposed by the **Occupational Safety and Health Act 1984** and has developed this procedure to enable prompt effective action in the event a WorkSafe notice is issued by a WorkSafe inspector or a Provisional Improvement Notice (PIN) is issued by a qualified Safety and Health Representative (SHR).

This procedure is to be read in conjunction with the WACHS [Managing WorkSafe Site Visits Procedure](#).

## 2. Procedure

### 2.1 Powers of an Inspector

Where an inspector is of the opinion that any person:

- is contravening any provision of the Act, or
- has contravened a provision of the Act in circumstances that make it likely that the contravention will continue or be repeated

the inspector, under powers granted by the Act, may issue the person a notice requiring them to remedy the contravention or likely contravention (the 'breach').

### 2.2 Powers of a Safety and Health Representative (SHR)

Where a qualified SHR is of the opinion that any person:

- is contravening any provision of the Act, or
- has contravened a provision of the Act in circumstances that make it likely that the contravention will continue or be repeated, and
- the SHR has, as required by Section 51AD consulted with the person that is to be issued the notice and another SHR, the qualified SHR, under powers granted by Sections 51AC of the Act, may issue the person a provisional improvement notice requiring the person to remedy the contravention or likely contravention.

The SHR may only issue a PIN in respect of the workplace or group of employees within a workplace for which the SHR was elected.

### 2.3 Structure of a Notice

An notice issued under the Act, must state that the inspector is of the opinion that the person:

- is contravening any provision of the Act
- has contravened a provision of the Act in circumstances that make it likely that the contravention will continue or be repeated

- state reasonable grounds for forming that opinion
- specify the provision of the Act in respect of which that opinion is held
- specify the time before the person is required to remedy the breach, and
- contain a brief summary of how the right, to have the notice reviewed, can be exercised.

The notice will normally be addressed to the WA Country Health Service, detailing the name of the site in breach of the Act.

### 2.4 Procedure for Managing Notices

The responsible person is to:

- formally receive any notice issued by a WorkSafe inspector
- advise the Regional Director/delegate of the receipt of the notice
- scan the front of each notice individually and use the notice number to identify the scanned file-name
- forward the scanned copies of the notices as soon as is practicable to the following officers:
  - Regional OSH Coordinator
  - Work Health and Safety Manager
  - Other stakeholders as may be necessary – for example, Maintenance Officer.

Ensure that a notice remains on display in a prominent place at the workplace until the breach is remedied.

Manage all corrective actions to remedy the breach within the timeframe specified in the notice, giving appropriate consideration to the cost effectiveness of any proposed corrective actions against the principle of reducing risk as low as is practicable.

Forward a briefing note to the Regional Director (or delegate) for authorisation of any request for a review of a notice or for extension of time to comply with a breach identified in a notice before the due date for compliance.

Undertake such liaison as may be necessary with WorkSafe, SHR, the maintenance officer, safety and health committees or any other officer.

Notify WorkSafe before the specified date for compliance, using the compliance slip at the foot of the notice, when the notice has been completed.

## 3. Definitions

<b>Improvement Notice</b>	Is a written direction issued by a WorkSafe inspector requiring a person to fix something which is believed to not be in compliance with the Act or Regulations.
<b>Prohibition Notice</b>	A prohibition notice will be issued where the inspector is of the opinion that there is a risk of imminent and serious injury or harm to the health of a person. This is a written direction that prohibits the relevant activity from continuing.

<b>Provisional Notice</b>	A provisional notice is similar to an improvement notice, except it is issued by a SHR.
<b>Responsible Person</b>	In the context of this procedure means: - the line manager - the person in control of the workplace, where this is not the line manager.
<b>Satisfactory evidence</b>	Satisfactory evidence should be structured according to the hierarchy of control and will usually consist of some form of written documentation such as a procedure, training record, sign or similar or an image confirming the corrective action has been applied.

#### 4. Roles and Responsibilities

**All Staff** are required to work within policies and guidelines to make sure that WACHS is a safe, equitable and positive place to be.

**The OSH Coordinator** is to:

- § ensure the details of all notices advised by the responsible person are entered into the safety database, currently OSH@Work
- § record resolution of an notice in the safety database when the responsible person advises them that the breach has been remedied
- § on the first working day of each month, provide a summary report to the Principal OSH Consultant detailing any new notices that have been received in the prior month and any active actions.

**The Maintenance Officer** is to:

- § consult and advise about the cost effectiveness and feasibility of any proposed corrective actions before the notice expiry date
- § commission or undertake corrective actions where an engineering solution or control is required
- § provide updates to the responsible person in regard to notices requiring an engineering solution or control.

#### 5. Compliance

This procedure is a mandatory requirement under the *Occupational Safety and Health Act 1984*.

Failure to comply with this procedure may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Employment Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (HSA) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies is mandatory.

## 6. Records Management

All WACHS corporate records must be stored in the approved Electronic Documents and Records Management System.

[Records Management Policy](#)

## 7. Evaluation

Each region is to maintain a record of the details of any notices issued by a WorkSafe inspector.

The Regional OSH Coordinator is to provide a monthly report to the Work Health and Safety Manager or their delegate, advising:

- Region/site
- Notice number
- Date issued
- Description of breach
- Details of actions
- Responsible person
- Related documents
- Date completed.

The Work Health and Safety Manager (or their delegate) will provide regular reports on the status of notices within WACHS.

## 8. Legislation

[Occupational Safety and Health Act 1984](#)

## 9. Related Policy Documents

WACHS [Managing WorkSafe Site Visits Procedure](#)

**This document can be made available in alternative formats  
on request for a person with a disability**

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<b>Directorate:</b>	Business Services	<b>EDRMS Record #</b>	ED-CO-14-91120
<b>Version:</b>	3.00	<b>Date Published:</b>	03/01/2019

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