



Managing WorkSafe Notices Procedure

1. Purpose

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 [Work Health and Safety Act 2020](#) (the Act) 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 Health and Safety Representative (HSR).

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

2. Procedure

2.1 Functions and Powers of an Inspector (s. 160-162, 171, 172)

Inspectors have general functions and powers to:

- provide information and advice about compliance with the Act and regulations
- help resolve Work Health and Safety (WHS) issues at workplaces
- review disputed PINs
- require compliance with the Act by issuing notices
- investigate contraventions and assist to prosecute offences
- investigate and report on matters relating to WHS, including particular types of hazards and matters relating to particular industries or particular businesses or undertakings.

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 and functions of HSRs (s. 68-69)

The powers and functions of HSRs are to:

- represent their work group members in matters relating to work health and safety at the workplace
- monitor risk control measures put into place at the workplace to protect their work group members
- investigate complaints from their work group members relating to work health and safety
- inquire into anything that appears to be a risk to the health or safety of work group members.

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

2.3 Structure of a Notice

A 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 Executive Director (or delegate) of the receipt of the notice
- scan the front of each notice individually and use the notice number to identify the scanned filename
- forward the scanned copies of the notices as soon as is practicable to the following officers:
 - Regional Work Health Safety Security Manager (RWHSSM)
 - WHS Consultant
 - other stakeholders as may be necessary.
- 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 Executive 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, HSR, 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. Roles and Responsibilities

The **Regional Work Health Safety Security Manager** is to:

- oversee legislative requirements and guide close out process escalating to Executive as appropriate
- support WHS Consultant in managing the process in complying with industry regulations
- consult and collaborate with Central Office and Regional WHS, developing safety alerts and communication shared risk across regions.

The **Regional Work Health Safety Consultant** 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 a 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 RWHSSM detailing any new notices that have been received in the prior month and any active actions
- record the details of any notices issued by WorkSafe in the [WorkSafe DMIRS Notices](#) register on Records Manager.

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

4. Monitoring and Evaluation

4.1 Monitoring

Monitoring of compliance to this policy is to be undertaken by the Central Office WHS team to ensure all regions continue to maintain a record of the details of any notices issued by WorkSafe in the [WorkSafe DMIRS Notices](#) register on Records Manager

4.2 Evaluation

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

The Regional WHS Consultant 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 WHS Manager (or their delegate) will provide regular reports on the status of notices within WACHS Record Manager escalating to the Director Work Health Safety Wellbeing for tabling at Executive Meetings.

5. Compliance

This procedure is a mandatory requirement under the *Work Health and Safety Act 2020*.

Failure to comply with this procedure may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to Section 26 of the [Health Services Act 2016](#) 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 and procedures is mandatory.

6. References

[Work Health and Safety Act 2020](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147282.html) (s. 68-69, 160-162, 171 and 172)
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7. Definitions

Term	Definition
Improvement Notice	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.
Non-disturbance Notice	A non-disturbance notice is a written notice issued by an inspector to a person who manages or controls a workplace. The aim is to preserve a site where a 'notifiable incident' has occurred or, in certain instances, prevent disturbance of a particular site (including the operation of plant).
Prohibition Notice	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.
Provisional Notice	A provisional notice is similar to an improvement notice, except it is issued by a HSR.
Responsible Person	In the context of this procedure means: <ul style="list-style-type: none"> the line manager the person in control of the workplace, where this is not the line manager.
Satisfactory Evidence	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.

8. Document summary

Coverage	WACHS wide
Audience	WHS and applicable Managers
Records Management	Non Clinical: Corporate Recordkeeping Compliance Policy
Related Legislation	Health Services Act 2016 Work Health and Safety Act 2020
Related Mandatory Policies / Frameworks	<ul style="list-style-type: none"> • MP 0180/23 - Work Health and Safety Management Policy • Work Health and Safety Framework
Related WACHS Policy Documents	<ul style="list-style-type: none"> • Managing WorkSafe Site Visits Procedure
Other Related Documents	<ul style="list-style-type: none"> • WorkSafe DMIRS Notices register on Records Manager
Related Forms	Nil
Related Training Packages	Nil
Aboriginal Health Impact Statement Declaration (ISD)	ISD Record ID: 2714
National Safety and Quality Health Service (NSQHS) Standards	Nil
Aged Care Quality Agency Accreditation Standards	Nil
National Standards for Mental Health	Nil

9. Document Control

Version	Published date	Current from	Summary of changes
3.01	4 December 2023	11 December 2018	Minor review including: <ul style="list-style-type: none"> transferred to new template legislative updates in line with the <i>Work Health and Safety Act 2020</i> general review

10. Approval

Policy Owner	Executive Director People Capability Culture
Co-approver	Nil
Contact	Director Work Health Safety Wellbeing
Business Unit	Work Health and Safety
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