

Provisional improvement notice (PIN)

This PIN is issued under section 90 of the *Work Health and Safety (WHS) Act*. This PIN requires the duty holder to whom it is issued to remedy a contravention, prevent a likely contravention from occurring or remedy the things or operations causing the contravention or likely contravention of the Act or Regulations. Section 97 requires that the person to whom a PIN is issued must, as soon as possible, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the PIN.

See reverse of this form for information on things that must be done or taken into account before a PIN is issued by a HSR.

1. HEALTH AND SAFETY REPRESENTATIVE (HSR)

First name

Last name

Contact number

Work group represented

2. PIN ISSUED TO

Name of duty holder (ie name of organisation or individual natural person as relevant)

Address

State

Postcode

3. PIN GIVEN TO (If the PIN is given to someone on behalf of the duty holder)

First name

Last name

Position

Contact number

4. I HAVE CONSULTED WITH THE DUTY HOLDER PRIOR TO ISSUING THIS PIN (section 90(3) of the WHS Act)

Yes No

5. DETAILS OF CONTRAVENTION

Space needs to be isolated from

I, reasonably believe on / / at :

insert Health and Safety Representative name

insert date

insert time

that you are contravening a provision or have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated of the:

Work Health and Safety Act, section

Work Health and Safety Regulation, regulation

Brief description of how the provision is being or has been contravened

Note: The HSR may, but is not required to, specify measures that they believe should be taken to remedy or prevent the contravention or likely contravention or matters or activities causing the contravention or likely contravention

6. COMPLIANCE

Date PIN issued

 / /

Date compliance with PIN required

 / /

(Minimum of 8 days after date PIN issued)

Signature of HSR

GENERAL INFORMATION ABOUT PINS

1. A health and safety representative (HSR) may issue a PIN if they reasonably believe, on reasonable grounds, that a provision of the Work Health and Safety Act (WHS Act) or any regulation:
 - is being contravened; or
 - has been contravened in circumstances that make it likely that the contravention will continue or be repeated.
2. A PIN is issued to the relevant duty holder to remedy a contravention of the Act or Regulations. The duty holder may be an individual natural person or an organisation such as a company or public authority. The duty holder doesn't necessarily have to be in the workplace where the HSR works – for example, they could be a designer of plant, buildings and structures; or a manufacturer or supplier of plant or substances. However, the contravention must relate to the work group the HSR represents.
3. A HSR can issue a PIN to the relevant duty holder by one of the methods listed in section 209 of the WHS Act. For example:
 - delivering it personally to the duty holder, or
 - leaving it for the duty holder at the workplace to which the PIN relates with a person who is in management or control of that workplace (for example, leaving it with the area manager).If the above methods of delivery are not possible the HSR can send it by post, fax or electronic transmission to the home or business address of the duty holder or leave it for the duty holder at their home or business with a person over 16 years who lives or works there.
4. The HSR must consult with the duty holder about remedying the contravention prior to issuing the PIN.
5. A HSR cannot issue a PIN unless the HSR has completed an approved initial HSR training course or completed that training when acting as a HSR for another workgroup or completed training equivalent to HSR training under the WHS Act.
6. A HSR cannot issue a PIN in relation to a matter if an inspector has already issued (or decided not to issue) an improvement notice or prohibition notice in relation to the same matter (see section 90(5) of the WHS Act).
7. The duty holder to whom the PIN is issued is responsible for fixing the identified contravention by the date written in 'Date compliance with this PIN is required'. It is an offence under section 99 of the WHS Act for the person not to comply with the PIN by the 'Date compliance with the PIN is required' – penalties apply.
8. If the PIN recipient wishes to dispute the PIN, they can contact the regulator and request an inspector to review the PIN – this must be done within seven days of the 'Date of issue' of the PIN. The inspector will review and inquire into the circumstances that are the subject of the PIN and can do this even after the compliance date for the PIN has expired. An inspector can confirm, confirm with changes or cancel the PIN. A copy of a decision by an inspector must be given to the applicant for the PIN review and the HSR who issued the PIN. If the PIN is confirmed (with or without changes), the PIN is taken to be an improvement notice issued by the inspector.
9. For urgent issues that are an immediate threat to the health and safety of any person, a PIN may not be an appropriate means to address the situation. Refer to section 85 of the WHS Act regarding the right of a HSR to direct that unsafe work cease.
10. If there is more than one contravention, a separate PIN for each contravention must be written.
11. If the PIN contains formal irregularities, defects or fails to use the correct name of the person to whom the PIN is issued, the PIN may still be valid. The PIN will not be valid, however, if the formal irregularity or defect causes or is likely to cause substantial injustice to the PIN recipient or if the PIN fails to sufficiently identify the PIN recipient (see section 98 of the WHS Act.)
12. A reasonable time should be allowed between the 'Date PIN issued' and the 'Date compliance with PIN required', to enable compliance to be achieved. However, the date for compliance must be at least eight days after the date of issue.
13. The HSR should retain a copy of the completed PIN for their records.
14. If the issue has not been remedied by the 'Date compliance with PIN required' and an inspector has not already attended, the regulator should be contacted. If the HSR is a union member, the HSR can also advise their union.
15. The PIN recipient must as soon as practicable, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace that is affected by the PIN.
16. A person must not intentionally remove, destroy, damage or deface a PIN that is displayed during the period the PIN is in force.
17. A failure to do any of the things referred to in points 15 and 16 is a contravention of the WHS Act and penalties apply.
18. If the person to whom the PIN is issued disagrees with the PIN or believes they will have difficulty complying with it, they should discuss this with the HSR who issued the PIN. They may also request an inspector to attend (see point 8 above).