

# Occupational Health and Safety Act 2004

## Provisional Improvement Notice

Employer		Health and Safety Representative	
Name/Company Name		First name	Last name
Street no.	Street name	Name of Designated Work Group	
Suburb	Postcode	Union	

Served to –		Compliance date	
First name	Last name	Date issued	
Position		<b>Must at least eight Days After the issue date</b>	

In accordance with Section 60 of the Occupational Health and Safety Act 2004, I, the Health and Safety Representative named above, am of the opinion that you, the Employer/Person named above:

(a) are contravening a provision of the Occupational Health and Safety Act 2004 and/or regulations;  
or  
(b) have contravened a provision of the Occupational Health and Safety Act 2004 and/or regulations in circumstances that make it likely that the contravention will continue or be repeated.

**The Provision of the Occupational Health and Safety Act 2004 or Regulations or I believe has been contravened is:**

**The reason for my opinion is:**

**In accordance with Section 61 of the Occupational Health and Safety Act 2004, the measures I believe you should take to remedy the contravention are:**

Signature of Health and Safety Representative	Signature of person serviced to
Union:	Date received:

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### Notes for use by Health and Safety Representative:

1. Complete this form if you believe that a provision of the Act or any regulation:
  - is being contravened; or
  - has been contravened; or
  - it is likely that the contravention will continue or be repeated.
2. Resolution of the issue by **consultation** must be attempted before issuing a Provisional Improvement Notice. See Section 60(1) (2) of the OHS Act 2004.
3. A Provisional Improvement Notice should address one contravention only.
4. A reasonable time should be allowed between the Issue Date and the Compliance Date to enable compliance to be achieved. However the **Compliance Date must be at least eight days after the Issue Date**. See Section 60(3)(C) of the OHS Act 2004.
5. The issue of a Provisional Improvement Notice is **not** the appropriate means to address a situation of **immediate risk**. See Section 60(3) and (c) of the OHS Act 2004.
6. This form should be handed to your supervisor or relevant management representative. It should be signed by that person only to acknowledge its receipt. Such a signature does not signify agreement with the notice. The PIN is valid without the signature of the employer (in the event of refusal to sign).
7. Retain a copy of the completed form for your records, and send a copy to your union.
8. If the issue has not been remedied by the compliance date and an Inspector has not already attended, WorkSafe should be contacted. You should also advise your union.
9. A PIN is still valid if there is a formal irregularity in the notice section 65

**Note for Employer:** Section 62(1) of the OHS Act 2004 provides that non-compliance with a Provisional Improvement Notice constitutes an offence. Section 63(1) and (2) and (3) provides that **within eight days** of the issue date of the Notice the person to whom the Notice is served may require an Inspector to attend and Investigate the Notice [effectively an appeal] – the Inspector will affirm, modify or cancel the Notice.