Offshore *Petroleum and Greenhouse Gas Storage Act 2006*

**Notice Number:** {insert number unique to HSR}

**PROVISIONAL OHS IMPROVEMENT NOTICE**

To: {insert name of responsible person within the meaning of subclause 38 (2) of Schedule 3 to the Act}

I, {insert name of health and safety representative issuing the notice}, selected as the health and safety representative under clause 25 or 26 of Schedule 3 to the Act for {insert description of the designated workgroup} after consultation in accordance with subclause 38 (1) of Schedule 3 to the Act, believe that the following provision of an OHS listed law is being contravened, or has been contravened and is likely to be contravened again:

The contravention is {insert a brief description}

The contravention is occurring at {insert location}

The reasons for my opinion are as follows:

{insert reason for opinion}

In accordance with paragraph 38 (5) (b) of Schedule 3 to the Act, action necessary to prevent the contravention, or the likely contravention, of the provision referred to above must be taken before:

{insert number of days that is: (a) not less than 7 days after the day when the notice is issued; and (b) reasonable in the opinion of the health and safety representative}.

In accordance with subclause 38 (6) of Schedule 3 to the Act, I specify the following action to be taken:

{insert details of the action(s) to be taken, if applicable}

|  |
| --- |
| Dated: {insert date} |
| {signature} |
| Health and safety representative |

**NOTES:**

1. Under subclause 39 (1) of Schedule 3 to the Act, a person to whom a provisional OHS improvement notice is given may, within 7 days, request NOPSEMA or a NOPSEMA inspector to conduct an OHS inspection into the subject matter of the notice.

2. Subclause 39 (5) of Schedule 3 to the Act requires a responsible person to whom a provisional OHS improvement notice is given:

* + to notify each group member affected by the notice of the fact that the notice has been issued; and
  + to display a copy of the notice at or near each workplace at which work that is the subject of the notice is being performed.

3. Under subclause 39 (6) of Schedule 3 to the Act, a provisional OHS improvement notice ceases to have effect when:

* + it is cancelled by the health and safety representative or a NOPSEMA inspector; and
  + the responsible person takes the action specified in the notice, or if no action is specified, takes the action that is necessary to prevent the contravention, or likely contravention, with which the notice is concerned.

4. Subclause 39 (7) of Schedule 3 to the Act requires the responsible person:

* + to ensure, as far as possible, that a provisional OHS improvement notice is complied with; and
  + to inform the health and safety representative who issued the notice of the action taken to comply with the notice.

5. Under item 1 of clause 80A(1) of Schedule 3 to the Act, if a NOPSEMA inspector has confirmed or varied a provisional OHS improvement notice:

* + a person to whom the provisional OHS improvement notice was issued under subclause 38(2);
  + the operator of the facility;
  + a titleholder, if the notice relates to the titleholder’s well-related obligations;
  + an employer, if affected by the decision;
  + a relevant health and safety representative;
  + a relevant workforce representative, if requested by a member of the workforce affected by the decision;
  + a person who owns any workplace, plant substance or thing to which the decision relates,

may in writing appeal against the decision to the reviewing authority.

6. Under Item 2 of subclause 80A(1) of Schedule 3 to the Act, if a NOPSEMA inspector has cancelled a provisional OHS improvement notice:

* + a relevant health and safety representative;
  + a relevant workforce representative, if requested by a member of the workforce affected by the decision.

may in writing appeal against the decision to the reviewing authority