

DEFAULT NOTICE

This Default Notice is issued in accordance with Section 35(3) of the South Australian *Occupational Health, Safety and Welfare Act 1986*.

Failure to comply with its requirements carries a maximum penalty of \$40 000.

I, _____ being the elected health and safety representative for the
[Health and Safety Representative name] _____ work group

having taken reasonable steps to consult with the employer, am of the opinion that the matter has not been satisfactorily resolved and believe that:

_____ [whoever is contravening the Act - can be the firm, the employer, CEO or an individual]

is contravening/has contravened (and is likely to repeat that contravention), the *Occupational Health, Safety and Welfare Act 1986* at:
[delete whichever is not applicable]

_____ [name and address of workplace]

The grounds for my opinion are: _____

_____ is responsible for remedying
[NAME OF PERSON ADDRESSED: name of company, employer, CEO or nominated responsible officer]

This contravention by _____ am/pm on ____ / ____ / ____
[Date]

Signed _____ Date ____ / ____ / ____
[Health and Safety Representative] (Date of issue)

Instructions for using this Notice:

Upon completion, this Notice should be handed to the person addressed or to the employer or their representative (e.g. supervisor, safety officer) who shall ensure that it is given to the employer who is responsible for placing copies of it in prominent locations about the affected workplace and informing affected workers of its content. Health and safety representatives should retain their own copies of Default Notices they issue.

SafeWork SA should be contacted by the health and safety representative if the Notice is not complied with by the specified date and by the employer if they wish to appeal against the Notice being issued.

Copies of Default Notices must be retained for 3 years.

More information about Default Notices is contained within Safeguard 'Resolution of health and safety issues', which is available from SafeWork SA (see over).

IMPORTANT INFORMATION ABOUT DEFAULT NOTICES

Request for attendance by an Inspector

An inspector may be requested to attend at the workplace if:

- (a) a person to whom a Default Notice is addressed (or where that person is an employee, that person's employer) considers that a Default Notice need not have been issued or is, for some other reason, inappropriate; or
- (b) a HSR:
 - (i) considers that there has been an unreasonable delay in taking action under Section 35(8) of the *OHSW Act 1986*; or
 - (ii) is dissatisfied with the action taken under that subsection in response to the Notice.

An inspector may:

- (a) confirm the Notice; or
- (b) confirm the Notice with such modifications as the inspector thinks fit; or
- (c) cancel the Notice.

Cancellation of Notice

A Default Notice may be cancelled:

- (a) at any time, by the HSR who issued the Notice; or
- (b) if the HSR is absent from the workplace and cannot reasonably be contacted, by a health and safety committee that has responsibilities in relation to the matter; or
- (c) by an inspector.

SafeWork SA Offices are located at:	Street Address	Phone	Fax
Construction Team	Level 3, 1 Richmond Road, Keswick	(08) 8303 0412	(08) 8303 0423
Manufacturing Team	Level 3, 1 Richmond Road, Keswick	(08) 8303 0468	(08) 8303 0423
Primary and Community Team	Level 3, 1 Richmond Road, Keswick	(08) 8303 0258	(08) 8303 0423
Retail and Transport Team	Level 3, 1 Richmond Road, Keswick	(08) 8303 0433	(08) 8303 0423
Berri PO BOX 346, BERRI SA 5343	30 Kay Avenue, Berri	(08) 8595 2199	(08) 8595 2190
Mount Gambier PO BOX 871, MOUNT GAMBIER SA 5290	Level 1, 11 Helen Street, Mount Gambier	(08) 8735 1199	(08) 8735 1195
Port Lincoln PO BOX 2862, PORT LINCOLN SA 5606	73-75 Tasman Terrace, Port Lincoln	(08) 8688 3057	(08) 8688 3058
Port Pirie PO BOX 462, PORT PIRIE SA 5540	Level 1, 104 Florence Street, Port Pirie	(08) 8638 4777	(08) 8638 4785
Whyalla PO BOX 696, WHYALLA SA 5600	15-17 Horwood Street, Whyalla	(08) 8648 8714	(08) 8648 8722
Emergency After Hours Number		1800 777 209	
Internet Address	www.safework.sa.gov.au		