



SafeWork NSW IMPROVEMENT NOTICE

Ref No: 7-368811-1 **COPY OF ORIGINAL**
Notice No: 7-368811-1

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice 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 notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:
 Legal name of person / business or undertaking: Sydney Local Health District
 ABN: 17520269052 ACN:
 Trading as:
 Address: LEVEL 4, BUILDING 89, ROYAL PRINCE ALFRED HOSPITAL, CAMPERDOWN NSW, 2050

Details of contravention:
 Site location: [REDACTED] BALMAIN, NSW, 2041

I, Ian Firth reasonably believe on 29/11/2019 that you are contravening a provision of the *Work Health and Safety Regulation 2017*, clause 38.

Brief description of how the provision is being or has been contravened:
 Due to notified fatal incident involving [REDACTED] Balmain on 28/11/2019, the PCBU is required to review and as necessary revise control measures in regard to mitigating the risk of violence and aggression towards workers, so far as reasonably practicable, during home visits to mental health patients.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

1. In consultation with all stakeholders eg HSR's and workers, review all current control measures utilised to mitigate the risk of violence and aggression to workers during mental health home visits.

Recommendations (if any): *(It is not an offence not to comply with these recommendations)*

You may wish to consider: Preventing and responding to work-related violence guide, and, Model code of practice: How to manage work health and safety risks.

Issuing Inspector:

Signature of inspector _____
 29/11/2019 _____
 Date issued _____
 Inspector's work address _____
 Inspector's contact number _____

This contravention must be remedied before: **20/03/2020**

Service method: E-Mail
 Mr Tim Sinclair _____
 Notice given to _____
 Relationship to person to whom notice is issued _____

Copy of Notice given to _____
 Relationship to person to whom notice is issued _____

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form, and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011. SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.