



ACT WorkCover

INFRINGEMENT NOTICE
Occupational Health & Safety Act 1989, s.75C

Approved form 2002/1 made under the *Occupational Health and Safety Act 1989*

Version 3/01/02

Number 0001

Form 1

Date of service: _____ 200 .
(full name of month)

To _____ of _____
(this is the name of the person on whom the Notice is served) (Street or Unit number)

(Street) (Suburb)

in the Australian Capital Territory, _____ A.C.N. or
(Post Code) A.B.N. _____

I, _____ being authorised person occupying
(name of the officer making the decision)
position no: _____

permitted to issue Infringement Notice for the purposes of the *Occupational Health and Safety Act 1989*, have reasonable grounds to believe that at approximately _____ am/pm 200 ,
at _____ you contravened section _____ of the
(insert the name of the place here)

Occupational Health & Safety Act 1989 in that _____
(insert here the short description of the offence, listed in column 2 of the Table contained in Chapter 2 and describe briefly what the person did, for example, failed to provide to a workplace health and safety committee a copy of a prohibition Notice, drawn from the information contained in the notes provided by the Inspector)

Accordingly, I issue you with an Infringement Notice under the *Occupational Health and Safety Act 1989*, division 5A.3.

An amount of \$ _____ is payable to the OHS Commissioner within 28 days of the
(insert here the amount of the penalty)
date of this Notice, or such other time as the OHS Commissioner allows (please refer to page 2 for ACT WorkCover address.)

Issued to _____	Position _____	(this is information about the person penalised)	
Recipient's signature _____	Phone () _____	Facsimile () _____	
Inspector's signature _____	Date _____	Time _____	AM/PM
This is relevant if an Infringement Notice is served personally on the person the subject of the Notice			

This is important notice:
This document is in triplicate: **White copy**- for ACT WorkCover Inspector; **Yellow copy**- for an OHS person in the workplace; **Green copy**- for person in control.

ACT WorkCover is collecting the information on this form where an inspector believes on reasonable grounds that under the *Occupational Health & Safety Act 1989* (the *Act*) the responsible person contravened a provision of the *Act* to which this Infringement Notice Scheme apply. The information provided will assist in making a decision whether or not prosecution should ensue. The information provided is not usually disclosed to other persons or organisations. However, should the responsible person or the employer be prosecuted the information may be disclosed to the Director of Public Prosecutions.

IMPORTANT INFORMATION ABOUT YOUR RIGHTS

When is the penalty payable?

The penalty is payable within 28 days from the date of the notice.

Can I apply for additional time to pay?

You can apply for additional time to pay the penalty within 28 days of the date of the notice. You must write to the Occupational Health and Safety Commissioner, and you must say how much extra time you want. If the Occupational Health and Safety Commissioner decides not to grant you that extra time, you will receive a statement setting out the reasons why.

If you are not granted the extra time you sought, the penalty remains payable within 28 days from the date of the notice, or 7 days after you were told that you would not be given the extra time to pay, whichever is the later.

Can I dispute liability for the offence without going to court?

The *Occupational Health and Safety Act 1989* sets up a way in which you can dispute liability for an offence.

You can either:

- (a) dispute liability for the offence; or
- (b) seek extra time to dispute liability for the offence

within 28 days of the date of the notice.

If you are seeking extra time to dispute liability, you must write to the Occupational Health and Safety Commissioner, and you must say how much extra time you want. If the Occupational Health and Safety Commissioner decides not to grant you that extra time, you will receive a statement setting out the reasons why.

If you dispute liability for the offence, you must write to the Occupational Health and Safety Commissioner, and you must set out the grounds for disputing liability. This submission should be sent to the Occupational Health and Safety Commissioner within:

- (a) 28 days of the date of the infringement notice; or
- (b) if the Occupational Health and Safety Commissioner allows you extra time to dispute liability - that extra time; or
- (c) if the Occupational Health and Safety Commissioner does not allow you extra time to dispute liability - 28 days of the date of the infringement notice, or 7 days after you are told about the refusal, whichever is the later.

Can I dispute liability for the offence in the Magistrates Court?

If you wish the matter may be referred to the Magistrates Court. However, if you do that, and the Court finds against you, then, you could be:

- (a) convicted of the offence; and
- (b) ordered to pay a penalty, plus court costs; and
- (c) subject to other court orders.

What happens if the penalty is paid within 28 days of the date of the notice (or any extra time given by the Occupational Health and Safety Commissioner)?

If the penalty is paid, then:

- (a) your liability for the offence is discharged; and
- (b) you will not be prosecuted for the offence in court; and
- (c) you will not be taken to have been convicted of the offence.

What happens if I do not pay the penalty?

If you do not pay the penalty within 28 days of the notice (or any extra time given to the Occupational Health and Safety Commissioner), you may be sent a reminder notice. If a reminder notice is sent then in addition to the penalty, you have to pay \$34.00 being the cost of serving you a reminder notice.

Alternatively, the matter could be referred to the Magistrates Court.

If the matter is referred to the Magistrates Court, you could be:

- (a) convicted of the offence; and
- (b) ordered to pay a penalty, plus court costs; and
- (c) subject to other court orders.

Note: The Occupational Health and Safety Commissioner has the right to withdraw any infringement notice either before or after a penalty is paid.

Any communications in relation to this infringement notice should be addressed to:

The Occupational Health and Safety Commissioner

ACT WorkCover

Level 4, 197 London Circuit

CANBERRA ACT 2601

Telephone (02) 6205 0200

Facsimile (02) 6205 0797