



Government of Western Australia  
Department of Mines and Petroleum  
Resources Safety

MINES SAFETY AND INSPECTION ACT  
– WHAT EMPLOYEES AND EMPLOYERS  
NEED TO KNOW

## Issue of provisional improvement notices by safety and health representatives

### What is a PIN?

A provisional improvement notice (PIN) is a notice served on someone who is believed to be committing a breach of the *Mines Safety and Inspection Act 1994* or regulations.

### Who can issue a PIN and where?

Only elected safety and health representatives who have completed the training required to become a qualified safety and health representative may issue PINs.

PINs are issued at the mine where the safety and health representative works (or if elected by a group, at a mine where any member works) when he or she believes that there is a breach of the *Mines Safety and Inspection Act 1994* or regulations that has not been resolved through consultation.

### What consultation is required before issue of a PIN?

Before issuing a PIN, the safety and health representative must consult with those involved about the matter that is considered to breach the Act and regulations, and, if practicable, with any other safety and health representative for that mine.

Consultation can provide an opportunity for the alleged breach to be addressed without the need to issue a PIN.

The notice must state the qualified representative's opinion that a person is either

contravening the Act or has contravened it in circumstances that make it likely the contravention will continue or be repeated.

Reasonable grounds for the opinion must be provided. The PIN should also contain the date before which the person must remedy the situation (must allow at least seven days) and mention the right to have the notice reviewed by a mines inspector.

In addition, the PIN may include measures to be taken to remedy the contravention.

A pro forma PIN is available from Resources Safety's website in the safety and health representatives section.

If the initial notice is given to another employee, the safety and health representative must, as soon as practicable, also give a copy to the mine manager, who must give a copy to the principal employer.

Copies must also be displayed at the mine and securely fixed in the mine record book.

### What must the employer do if someone is issued with a PIN?

The principal employer and manager must take all reasonable steps to ensure the person issued with the notice complies with it.

The person issued with a PIN, the mine manager or the principal employer can ask for an inspector to review the notice.

This request must be received by Resources Safety no later than

the day specified in the notice for remedy of the situation. The PIN is suspended while the review takes place.

As soon as practicable, an inspector must go to the mine, inquire into the circumstances, and then either confirm the notice, with or without modification, or cancel the notice. If confirmed, the notice is taken over by the inspector.

Advice that the action required by the PIN has been satisfactorily completed is to be noted in the mine record book and displayed on the relevant noticeboard.

### What if a person misuses the power to issue PINs?

If a person misuses the power to issue PINs, he or she can be disqualified from being a safety and health representative.

### Want to know more?

For information on safety and health in the mining industry, look at the Resources Safety website at [www.dmp.wa.gov.au/ResourcesSafety](http://www.dmp.wa.gov.au/ResourcesSafety)

The *Mines Safety and Inspection Act 1994* and Mines Safety and Inspection Regulations 1995 are available from the State Law Publisher's website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

The information in this brochure is intended as a general guide only. The relevant Acts and regulations should be consulted for detailed information, or contact your regional inspectorate.

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