

Workplace Health and Safety Queensland

What to expect when an inspector calls

A guide for obligation holders under the *Workplace Health and Safety Act 1995*



Queensland the Smart State



This information is intended for those in business who have obligations under the *Workplace Health and Safety Act 1995* (the Act). Employers, self-employed people and those in control of workplaces fall into this group. The aim of this brochure is to help employers and others understand what they may expect when a workplace health and safety inspector visits their workplace.

Introduction

Improving workplace health and safety in workplaces reduces the human and financial cost of workplace injury and disease.

Workers, their families, employers and the community benefit from improved workplace health and safety.

The aim of the *Workplace Health and Safety Act 1995* is to prevent death, injury or illness caused by a workplace, relevant workplace area, work activities, plant or substances for use at a workplace.

Workplace Health and Safety Queensland (WHSQ) operates according to an Enforcement Framework which may be found on the WHSQ website at www.deir.qld.gov.au.

What powers do inspectors have?

All WHSQ inspectors carry photo identification and will identify themselves upon entering a place. The inspector can also provide a business card with their contact details. An inspector has the power to:

- investigate, observe and search any premises they have reason to believe is a place of work (e.g. observe the use of a machine; observe the work processes)
- conduct interviews and make inquiries of managers, supervisors, workers and other people (e.g. take a statement from a worker who has witnessed an incident)
- inspect, measure, test, record, photograph or film, or take samples from any part of the workplace or anything at the workplace
- gather information, examine and copy documents (e.g. training records, employee records, manufacturer's instructions)
- make enquiries or conduct surveys to assess the degree of risk at the workplace or the standards of health and safety existing at a workplace
- inquire into the circumstances and probable causes of workplace incidents

- seize evidence of an offence against the Act or seize an object (e.g. a defective power tool involved in an incident), part of a workplace or workplace
- take any person, equipment or materials into the workplace to assist the inspector to exercise a power
- require a person to give reasonable help.

It is an offence to obstruct, threaten or interfere with an inspector who is exercising their powers under the Act.

Why will an inspector visit?

The main role of an inspector involves monitoring compliance with workplace health and safety laws. It is also part of an inspector's role to provide information and advice on the laws.

Inspectors visit for a variety of reasons including:

- to investigate workplace incidents
- to investigate reports of unsafe or unhealthy conditions and dangerous work practices
- to assess workplace health and safety risks to workers and members of the public
- to conduct workplace health and safety inspections and investigations
- to provide information and advice on the legislation.

Advance notice is not usually provided prior to a visit by an inspector. This is to ensure that the intention of the visit is not jeopardized.

What happens on-site?

- On entering a workplace an inspector will notify the employer (or the most senior management person at the site).
- The employer must then notify any elected workplace health and safety representatives in the workplace.
- The inspector will take all reasonable steps to notify the health and safety representative (if any) on arrival and to ascertain any relevant information.
- The representative should also be informed of the outcome of the visit.

Depending on the circumstances, the inspector may give advice, conduct an investigation or take enforcement action.

While conducting enforcement action under the *Workplace Health and Safety Act 1995*, the inspector may:

- give verbal directions
- issue improvement notices, prohibition notices, or infringement notices (on-the-spot fines) – further information on notices can be found at www.deir.qld.gov.au

- exercise any authorised powers
- cancel or suspend licenses, approvals, certifications and authorisations.

In conducting a visit, inspectors may take with them others who are not inspectors, including technical experts, interpreters or police officers.

In order to deliver high quality, professional service, inspectors are expected to:

- treat obligation holders and other people with respect, dignity and sensitivity in all circumstances
- deal with obligation holders and other people in a timely and efficient manner
- be professional and consistent in all of their dealings
- show no favour or discrimination
- conduct their activities according to the Department of Employment and Industrial Relations' Code of Conduct
- explain all decisions.

When taking enforcement action the inspector will explain:

- the reason for taking the action
- the evidence on which they have based their decision
- what you should do to comply

- where you can get some guidance on how to comply
- the date before which you should comply.

If you are not completely clear about the explanation, please ask the inspector to clarify these issues.

What if you disagree with a decision made by an inspector?

If your interests are affected by a decision made by an inspector, such as the decision to issue an improvement notice or a prohibition notice, you have the right to seek a review of the decision.

The appeal process is explained on the reverse side of all enforcement notices and involves the following steps:

- An application for review of a decision must be submitted on the approved form within a certain period (approved forms are available from all WHSQ offices and at www.deir.qld.gov.au).
- In most cases the application should be submitted within 14 days after the day you receive notice of the inspector's decision.
- If the application is for the review of a decision to forfeit a thing, the application

must be submitted within 28 days after the day you receive notice of the original decision.

- Ensure you submit enough information within the application form to enable a decision to be made.

The Department of Employment and Industrial Relations will give you written notice of the review decision within 14 days of making the decision. You also have the right to make an appeal against an original decision or a review decision in the Industrial Court. More information on the appeals process is available in sections 148 – 157 of the *Workplace Health and Safety Act 1995*.

How to raise your concerns about the service provided by us

If you cannot reach a resolution of the problem with the person you are dealing with, you can raise the issue by contacting, in the first instance, the Regional Manager (see contact details and office locations on the back of this booklet). The Regional Manager will investigate your concerns promptly and tell you what will be done about them. More information about complaints can be found at www.deir.qld.gov.au.

How to find out more about health and safety laws and how they are enforced

These and other documents are available on the Workplace Health and Safety Queensland website at www.deir.qld.gov.au or by telephoning 1300 369 915 or visiting any district office.

Disclaimer

The information provided in this publication is distributed by the Queensland Government as an information source only. The information is provided solely on the basis that readers will be responsible for making their own assessment of the matters discussed herein and are advised to verify all relevant representations, statements and information.

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Contact details and office locations

Workplace Health and Safety Queensland

Ph: 1300 369 915 Website: www.deir.qld.gov.au

Offices are open from 9am to 4:45pm Monday to Friday.

Location	Street address	Location	Street address
Ayr	193 Queen Street Ayr Qld 4807	Logan	Level 1, Wembley Place 91 Wembley Road Logan Central Qld 4114
Brisbane North	Level 4, Lutwyche Shopping Centre 543 Lutwyche Road Lutwyche Qld 4030	Mackay	Floor 1, Post Office Square, Cnr Gordon and Sydney Streets Mackay Qld 4740
Brisbane South	Level 2, Block C 643 Kessels Road Mt Gravatt Qld 4122	Maryborough	319–325 Kent Street Maryborough Qld 4650
Bundaberg	16 Quay Street Bundaberg Qld 4670	Mount Isa	75 Camooweal Street Mount Isa Qld 4825
Cairns	10–12 McLeod Street Cairns Qld 4870	Nambour	Floor 1, Centenary Square Building 52–64 Currie Street Nambour Qld 4560
Emerald	Shop 6, Clerana Centre Cnr Anakie and Clermont Streets Emerald Qld 4720	Roma	116 McDowall Street Roma Qld 4455
Gladstone	Level 2 Government Building, Cnr Oaka Lane and Roseberry Street Gladstone Qld 4680	Rockhampton	Level 2, State Government Building 209 Bolsover Street Rockhampton Qld 4700
Gold Coast	Level 1, 10 Cloyne Rd, Southport Qld 4215	Thursday Island	98 Aplin Road Thursday Island Qld 4875
Innisfail	12 Fitzgerald Esplanade Innisfail Qld 4860	Toowoomba	Level 1, James Cook Centre, Cnr Herries and Ruthven Streets Toowoomba Qld 4350
Ipswich	Level 1, Ipswich Courthouse, Cnr East and Limestone Streets Ipswich Qld 4305		