



# What to expect when a WorkSafe Tasmania inspector visits



## Meet our inspectors

WorkSafe Tasmania inspectors work with businesses to improve Tasmanian workplaces by:

- // developing and improving safe systems of work
- // preventing workers and others from being injured or becoming ill as a result of their work activities.

Our inspectors respond to incidents, help resolve workplace issues, and monitor and enforce compliance with:

- // Dangerous Goods (Road and Rail Transport) Act 2010
- // Explosives Act 2012
- // Long Service Leave Act 1976
- // Security-sensitive Dangerous Substances Act 2005
- // Work Health and Safety Act 2012
- // Workers Rehabilitation and Compensation Act 1988.

Learn more about what WorkSafe's inspectors do and how they can help you comply with these laws.



## Why inspectors visit workplaces

On average, there are around 375 workers permanently injured in Tasmania each year, and sadly, ten fatalities. And almost 8,800 workplace injuries happen, costing around \$5.65 million a year. This is just the financial cost — the impact of these deaths and injuries on workers and their families, work colleagues, friends and community can be devastating.

So our inspectors focus on reducing these tolls, and they do this through visiting workplaces and:

- ▮ providing information and advice on the laws
- ▮ assessing work health and safety (WHS) risks to workers and the public
- ▮ investigating workplace incidents
- ▮ investigating reports of unsafe or unhealthy conditions and dangerous work practices.

They also:

- ▮ resolve WHS issues
- ▮ resolve right of entry and workplace access disputes
- ▮ review disputed provisional improvement notices.

Inspectors also visit workplaces as part of national, statewide and regional audit campaigns.

## How inspectors can attend workplaces

Inspectors have specific legal powers under the Work Health and Safety Act 2012 to enter workplaces:

- ▮ with or without the consent of the person with management or control of the place
- ▮ without prior notice to any person unless the place is used only for residential purposes and does not involve the storage of dangerous goods, high risk plant or access to a workplace.

Inspectors carry out their role to minimise disruption to any workplace. However, whenever an incident occurs or dangerous work practices exist, they need to intervene to ensure people are safe.

Inspectors will only pre-arrange workplace visits if they're confident that advance notice will not jeopardise the intention of their visit.



## What happens during the inspection

Inspectors carry photo identification at all times and must clearly display this as soon as they enter your workplace.

Once they've entered your workplace, inspectors will immediately notify the Person Conducting a Business or Undertaking (PCBU) or the most senior management person on site and any relevant WHS representative for workers. They'll tell you:

- // the focus of their visit
- // the inspection process that will be followed.

Inspectors may:

- // inspect, examine, observe or search any part of the workplace (for example, the use of a machine or work processes)
- // take measurements, photographs or film things
- // conduct tests (for example, for presence of lead in paint) and take samples of things (for example, of substances used)
- // ask to see documents and get copies of them
- // make enquiries or conduct surveys to assess the degree of risk or standards of WHS
- // talk to managers, supervisors, workers and other people when an incident has occurred
- // enquire into circumstances and probable causes of an incident
- // require a person to give reasonable help
- // seize things as part of any investigation.

It is an offence to obstruct, threaten or interfere with a WorkSafe Tasmania inspector who is exercising their powers under the Work Health and Safety Act 2012.

People who aren't inspectors — for example, technical experts, interpreters or police officers — may accompany an inspector on their visits.



## **After the inspection**

At the end of their visit, inspectors will:

- ▮ summarise possible outcomes for the PCBU
- ▮ explain any action the PCBU needs to take
- ▮ explain any notices issued
- ▮ inform WHS representative/s for the PCBU of any outcomes.

Inspectors may provide the PCBU with an inspection report summarising their findings.

## **Enforcing the laws**

Breaches of the law include:

- ▮ doing something that places a person at risk of injury, illness or death
- ▮ not taking steps to avoid a risky situation from occurring
- ▮ not complying with regulatory requirements.

To deal with these, inspectors may use a range of compliance and enforcement measures:

- ▮ advice and information
- ▮ notices: improvement, prohibition and non-disturbance
- ▮ on-the-spot fines
- ▮ seizing things
- ▮ prosecutions
- ▮ enforceable undertakings.

For full details of these, go to the WorkSafe Tasmania website at [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au) and search for 'enforcing'.

The National Compliance and Enforcement Policy sets out the nationally agreed principles for monitoring and enforcing compliance with the Work Health and Safety Act 2012. You'll find this policy at Safe Work Australia's website at [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)





## If you disagree with an inspector's decision

Some decisions made by inspectors can be reviewed. These decisions include:

- /// issue of improvement, prohibition or non-disturbance notices and subsequent notices
- /// variation or cancellation of notices
- /// extension of time to comply with improvement notices
- /// matters for health and safety representatives, work groups, and health and safety committees.

Inspectors' decisions are initially subject to internal review by the Director of Industry Safety (within WorkSafe Tasmania). If you are dissatisfied with the internal review decision, you may apply for external review (via the Magistrates Court).

## Inspector conduct

We expect our inspectors to deliver high quality and professional services:

- /// treating people with respect, dignity, and sensitivity in all circumstances
- /// interacting with people in a timely and efficient manner
- /// remaining professional and consistent in all their dealings
- /// undertaking activities without favouritism or discrimination
- /// explaining all decisions.

Inspectors must conduct all activities according to the values in the code of conduct and principles of Tasmania's State Service Act 2000. You'll find this law at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

## **Complaints against inspectors**

If you're not happy with the service you've received from a WorkSafe inspector, or you can't reach a resolution of your workplace problem, you can speak with the team leader of your region's WorkSafe Tasmania office. Call 1300 366 322.

## **For more information**

For more detailed information about our inspectors and their full compliance and enforcement activities, go to the WorkSafe Tasmania website at [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au) and search for 'compliance'.

At [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au), you'll also find:

- ▮ information about the WHS laws
- ▮ practical guides for managing safety
- ▮ easy to follow codes of practice for managing tasks and hazards
- ▮ samples, templates and other practical tools for managing safety.

You can also arrange a free visit from one of our Work Health and Safety Advisors. They can help you implement solutions that are relevant, practical and affordable. Our Advisors help small to medium sized business (up to 200 workers). Their services are free and confidential and carry no threat of enforcement or fines.

Go to [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au) and search for 'request a visit'.



**1300 366 322**  
[www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au)

For more information contact

Phone: 1300 366 322 (within Tasmania)  
(03) 6166 4600 (outside Tasmania)

Fax: (03) 6173 0206

Email: [wstinfo@justice.tas.gov.au](mailto:wstinfo@justice.tas.gov.au)

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