

	<b>WORKSAFE INSPECTORS, WHS ENTRY PERMIT HOLDERS AND ARREOs</b>	<b>Document No:</b>	<b>WHS-PRO-039</b>
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		<b>Approved By:</b>	<b>G. Mowbray</b>
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## 1. Purpose

This procedure outlines the process for dealing with Worksafe Inspectors, Work Health and Safety (WHS) Entry Permit holders and Authorised Representatives of Registered Employee Organisations (ARREOs).

## 2. Scope

This procedure applies to all ACBC workplaces.

## 3. Related Documents

### [ACBC Work Health & Safety Policy](#)

Australian Capital Territory : Work Health and Safety Act 2011

New South Wales : Work Health and Safety Act 2011

Northern Territory : Work Health and Safety (National Uniform Legislation) Act 2011

Queensland : Work Health and Safety Act 2011

South Australia : Work Health and Safety Act 2012

Tasmania : Work Health and Safety Act 2012

Victoria : Occupational Health and Safety Act 2004

Western Australia : Occupational Safety and Health Act 1984

[WHS-PRO-019: Notification of Incidents to Workplace Authorities](#)

## 4. Definitions

### **Worksafe Inspector**

A Worksafe Inspector is an employee of the Worksafe or Safework Authority in a State or Territory who has been appointed to be an inspector for the purposes of the Work Health and Safety Act, in accordance with Work Health and Safety legislation in that jurisdiction. For ease of reference we will use the term "Worksafe Inspector" to mean a Worksafe Inspector or a Safework Inspector.

### **Work Health and Safety (WHS) Entry Permit Holder**

A WHS Entry Permit Holder is a union official or other person who complies with WHS Entry Permit Holder requirements in that jurisdiction and has been granted a WHS Entry Permit by the Worksafe or Safework Authority in that jurisdiction. This applies to all states and territories other than Victoria and Western Australia. The entry permit is valid for 3 years, but expires when the holder ceases to be an officer or an employee of the organisation, or when the organisation ceases to be registered.

### **Authorised Representative of a Registered Employee Organisation (ARREO)**

An ARREO is an authorised representative of a registered employee organisation who holds an entry permit in accordance with the OHS Act in Victoria. An entry permit is valid for 3 years, but expires when the ARREO ceases to be an officer or an employee of the organisation, or when the organisation ceases to be registered.

### **PCBU**

For ACBC Agencies, the Person Conducting a Business or Undertaking (PCBU) is the Committee of The Australian Episcopal Conference of the Roman Catholic Church, which acts as the agent of the Australian Catholic Bishops Conference pursuant to the Deed of Agent's Appointment dated 15 July 1992.

**Note:** In jurisdictions which have not enacted the Model WHS Act, "PCBU" should be read as "employer".

**Agency Head**

The Agency Head is the person who has the responsibility for the overall management of the workplace.

**Person in charge**

The person in charge of a workplace is a senior employee who is in charge of the workplace in the absence of the Agency Head

**HSR**

A Health and Safety Representative nominated and elected by employees at a workplace in accordance with the relevant State or Territory legislation.

**5. Responsibilities****PCBU, Agency Head, person in charge**

The PCBU, Agency Head, person in charge should:

- follow this procedure
- cooperate with Worksafe Inspectors and WHS Entry Permit Holders/ARREOs
- inform the HSR (if there is one) of any visits by a Worksafe Inspector/WHS Entry Permit Holders/ARREOs
- inform the Employment Relations Advisor, Office for Employment Relations of inspections by Worksafe Inspectors/WHS Entry Permit Holders/ARREOs
- if required, seek advice from the Employment Relations Advisor, Office for Employment Relations in dealing with Worksafe Inspectors/WHS Entry Permit Holders/ARREOs

**HSRs**

HSRs (if there are any) must cooperate with Worksafe Inspectors/WHS Entry Permit Holders/ARREOs.

**Workers**

Workers must cooperate with Worksafe Inspectors/WHS Entry Permit Holders/ARREOs.

**Employment Relations Advisor, Office for Employment Relations**

The Employment Relations Advisor will:

- provide ACBC Agencies with advice on how to assist Worksafe Inspectors/WHS Entry Permit Holders/ARREOs
- advise ACBC Agencies on ways to address any actions recommended by Worksafe Inspectors/WHS Entry Permit Holders/ARREOs.

**6. Worksafe Inspectors**

The primary role of a Worksafe Inspector is to ensure that workplaces comply with health and safety legislation. They do this by:

- providing advice and information;
- inspecting workplaces; and
- enforcing the law (WHS legislation).

**7. Worksafe Inspections**

Worksafe Inspections are conducted:

- after a notifiable incident. If necessary, Worksafe Inspectors will direct that the incident scene be left undisturbed until their arrival.
- in response to reports of unsafe work conditions to make decisions about:
  - disputed Provisional Improvement Notices (PIN) issued by a HSR

- unresolved matters from HSR negotiations
- disputed work stoppages due to alleged immediate threats to health and safety
- issues which could not be resolved through the Issue Resolution Procedure

Worksafe Inspectors can also be asked to assist with election of a HSR or to resolve disputes about the exercise of powers by WHS Entry Permit Holders or Authorised Representatives of Registered Employee Organisations (ARREOs), where these disputes relate to WHS legislation.

## 8. Worksafe Inspection Process

The inspection process is as follows:

1. Worksafe Inspectors are not required to notify workplaces of their intention to visit or inspect. They can do so with or without the consent of the person in charge of the workplace. However, they are required to inform the Agency Head or the person in charge, and the HSR (if there is one) of their presence at a workplace.
2. A Worksafe Inspector must show you their identification card which should have the Worksafe logo, the name of the inspector, a colour photograph and signature, and a commencement and expiry date on the back.
3. Worksafe Inspectors have the authority to:
  - issue an Improvement Notice (IN)
  - issue a Prohibition Notice (PN)
  - issue a Non-disturbance Notice
  - require a person to give their name and residential address
  - conduct interviews and make enquiries
  - take photographs, recordings and measurements
  - take possession of items for examination, testing or for use as evidence
  - take samples of substances or objects
  - require production of or examine and copy documents
4. At the end of the visit, or as soon as possible after leaving the workplace, the Worksafe Inspector will give an Entry Report to the Agency Head or the person in charge, and the HSR (if there is one).

## 9. What you should do if a Worksafe Inspector visits

1. Ask to see the Worksafe Inspector's identification card if it hasn't already been shown.
2. Inform your Agency Head and HSR (if there is one).
3. Inform the Employment Relations Advisor, Office for Employment Relations.
4. Cooperate with the Inspector and answer any questions regarding your own work.
5. Keep in mind that it is a serious offence, under WHS legislation, to:
  - refuse access to a Worksafe Inspector or anyone assisting a Worksafe Inspector
  - intentionally hinder or obstruct, or induce others to hinder or obstruct inspectors in the course of their duties
  - intentionally conceal from the Inspector the location or existence of a person, plant, substance or thing
  - refuse to provide assistance to an Inspector or to prevent others from assisting
  - assault, intimidate or threaten, or attempt to assault, intimidate or threaten an Inspector or person assisting an Inspector

## 10. Enforcement Action

If the Worksafe Inspector determines that WHS laws have been broken, or that there is an immediate risk to health and safety, the inspector may:

- issue an Improvement Notice (IN), which is a written direction requiring a person to remedy a contravention of the law within a specified time
- issue a Prohibition Notice (PN), which is a written direction prohibiting any activity that will, or is likely to, involve an immediate risk to the health and safety of a person
- issue a Non-disturbance Notice, which is a written direction preserving the site at which a notifiable incident has occurred for a specified period, or to prevent the disturbance of a particular site in other circumstances for a specified period

The Inspector may recommend a complete investigation by Worksafe to determine whether the contravention of WHS legislation warrants prosecution or other punitive action, even if Notices have been issued.

#### **11. When can a WHS Entry Permit Holder or ARREO enter a Workplace?**

A WHS Entry Permit Holder or ARREO can enter a workplace to:

- inspect any work system, plant, substance, structure or other thing relevant to a suspected contravention of WHS legislation
- consult with relevant workers and the relevant PCBU in relation to a suspected contravention of the WHS Act
- advise and / or consult with relevant workers
- assist a HSR if requested
- assist in resolving issues as part of the issue resolution process
- assist with conducting an election of a HSR.

#### **12. Notice Requirements**

A WHS Entry Permit Holder/ARREO is not required to give prior notice if entering to investigate a suspected contravention of the WHS legislation.

If the entry relates to other WHS issues, such as consultation and advice, a WHS Entry Permit Holder/ARREO must give a written notice of entry to the relevant PCBU during usual working hours and at least 24 hours but not more than 14 days before entry.

The WHS Entry Permit Holder must have a valid permit and photo identification available for inspection upon request by any person when exercising a right of entry to a workplace.

#### **13. What to do if a WHS Entry Permit Holder/ARREO visits**

1. Inform your Agency Head or person in charge and HSR (if there is one).
2. Inform the Employment Relations Advisor, Office for Employment Relations.
3. The Agency Head or person in charge should ask to see the entry permit.
4. The Agency Head or person in charge should ask about the purpose of the visit.
5. Ask to see the Notice of Suspected Contravention (if applicable).
6. Assist the WHS Entry Permit Holder with inquiries into a suspected contravention of WHS legislation, or to inspect records or documents directly related to a suspected contravention.
7. If after entry, a WHS Entry Permit Holder/ARREO finds there are no relevant workers at the workplace, or that the relevant workers at the workplace do not want to engage in WHS discussions with them, the WHS Entry Permit Holder/ARREO must leave.
8. Keep in mind that it is an offence to:
  - refuse a WHS Entry Permit Holder/ARREO entry to a workplace
  - intentionally hinder, obstruct, intimidate or threaten a WHS Entry Permit Holder/ARREO or induce or attempt to induce any other person to do so.

#### **14. Records**

Notice of Entry  
Worksafe Inspection Reports

#### **15. Further Information**

The Worksafe authority in your state has further information and sample documents.

Australian Capital Territory: [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

New South Wales: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

Northern Territory: [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)

Queensland: [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)

South Australia: [www.safework.sa.gov.au](http://www.safework.sa.gov.au)

Tasmania: [www.worksafe.tas.gov.au](http://www.worksafe.tas.gov.au)

Victoria: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

Western Australia: <https://www.commerce.wa.gov.au/worksafe>