

Getting to know NT WorkSafe Inspectors



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Contact details	NT WorkSafe
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Acronyms	Full form
ES Act	<i>Electrical Safety Act (2022)</i>
NTWS	NT WorkSafe
WHS	Work Health and Safety
WHS Act	<i>Work Health and Safety (National Uniform Legislation) 2011</i>

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1. Get to know NT WorkSafe Inspectors

Inspectors have a key role in keeping people in the NT safe. They inform, check, and hold accountable, the people and organisations with a legal responsibility for a range of health and safety matters under legislation administered by NT WorkSafe. Most of their work is in workplaces, but if they are dealing with electrical matters or dangerous goods they could work in any relevant place.

2. Inspector teams

NT WorkSafe has three differently focussed inspector teams.

- **Work Health and Safety Assurance** aims to provide education, guidance, advice and assistance on work health and safety related issues through safety campaigns and other proactive activities.
- **Regulatory Compliance** responds to notified incidents and safety concerns reported by members of the public.
- **Technical Services** deals with work health and safety issues in the mining and petroleum industries, and electrical safety. Inspectors in this team have specialist trade or technical backgrounds. For example, Electrical inspectors are all qualified electrical workers.

While inspectors are assigned to one team, they may perform work in other teams, depending on demand, staffing capacity and resources.

3. The legal basis for inspection work

NT WorkSafe inspectors are appointed under the *Work Health and Safety (National Uniform Legislation) Act 2011* (WHS Act) and work to enforce the WHS Act and related regulations. Together the WHS Act and regulations are referred to as 'the WHS laws'.

Every inspector appointed under the WHS Act is also an inspector under the *Return to Work Act*. However inspectors may also be appointed under one or more of the other Acts administered by NT WorkSafe.

- *Dangerous Goods Act* and regulations
- *Transport of Dangerous Goods by Road and Rail Act* and regulations
- *Electrical Safety Act 2022 2024* (ES Act) and regulations. Together these are called 'the ES laws'

The appointment gives them legal functions under each Act and the powers necessary to achieve those functions. You can ask an inspector to show you the back of their ID card which lists the Acts that they are appointed under and any conditions under which they must operate.

4. The powers and functions of inspectors

The functions of inspectors appointed under the WHS Act include:

- Providing advice and information about compliance with work health and safety law
- Monitoring compliance with the laws.

- Assisting in the resolution of workplace work health and safety issues, issues related to access to a workplace by an assistant to a health and safety representative (HSR) or issues related to right of entry by an NT entry permit holder.
- Requiring compliance by issuing enforcement notices.

That could be:

- an improvement notice to make changes to become compliant with the law
- a prohibition notice to stop an activity which is putting people in danger until the matters creating risk have been remedied
- a non-disturbance notice to keep a place in the same condition while an inspector completes their inquiries.
- Reviewing disputed provisional improvement notices issued by an HSR.
- Investigating contraventions of the WHS Act.

5. Inspectors appointed under the WHS Act have the power to enter any place they suspect is a workplace, or, for a safety matter involving dangerous goods, any place. They do not have to give notice before they enter a place, but as soon as possible after entry, they will make efforts to let the people in charge know about their entry. They will specifically try to contact the person conducting a business or undertaking (PCBU) and the person with management or control (PWMC). They may however deal with an urgent safety matter before making contact.

Once they have used their power of entry, inspectors have the powers to inspect things in that place (including documents), conduct inquiries (which usually means asking questions, but could mean taking a statement), take measurements or samples, make recordings. You can read the details of these general powers in Sections 160 to 177 of the WHS Act.

5.1 Other parts of the WHS laws give them the power to:

- Take an assistant into a place (this may be an interpreter, or a technical expert for some process or machinery).
- Require someone to give their name and address, and if needed show their ID, if the inspector believes that they are committing an offence, suspects they have committed an offence, or believe they can assist with the investigation of an offence under the WHS Act.
- Require someone to give information or documents.

This is more than 'asking' and is usually only applied when someone has not willingly provided requested documents or information. The person being required to provide documents or information will be given a written letter specifying what is required and some information about what requiring means.

- Issue an infringement notice (which means a fine) for a specified range of offences.
- Seize things which may be either dangerous or required as evidence.
- Obtain things by search warrant, including from a place which is not a workplace.

Importantly, an inspector can only issue an enforcement or infringement notice when they have 'formed a reasonable belief' that someone has contravened the WHS laws. This means that they believe that, through their inquiries, they have obtained evidence which demonstrates that the law has been broken.

6. The functions of inspectors appointed under the ES Act include:

- Providing information and advice about compliance with NT's electrical laws.
- Promoting electrical safety.
- Monitoring and enforcing compliance, which includes conducting inspections and issuing notices.
- Investigating contraventions.

The ES Act gives an electrical inspector the power to enter any place that they suspect:

- has electrical equipment
- is under the control of a person with an electrical safety duty
- has electrical work underway or had electrical work done in the past
- has had a serious or dangerous electrical event.
 - A **serious electrical event** can include an electric shock which kills someone or requires someone to be treated by a health practitioner, or a high voltage shock (whether or not someone is treated for an injury).
 - A **dangerous electrical event** doesn't need someone to be hurt from contact with electricity. It can be dangerous electrical equipment which creates a risk of someone being hurt, a situation where someone could have been hurt if they had been at a particular place at a particular time, or a situation where electricity has caused significant property damage.

6.1 Electrical inspectors do not need the consent of the owner or occupier to enter a place, and they may use reasonable force to gain access or perform any of their functions in that place. This includes where the place is on Aboriginal land (even when the inspector does not hold a permit to enter and remain on Aboriginal land).

However, inspectors work under strict guidelines for access to residential premises and they will make reasonable efforts to contact the owner or occupier before entering and arrange for the occupant to be present at the time of entry. They will not wait to arrange a visit if they need to enter to address a serious risk to safety.

Once they have used their power of entry, electrical inspectors have the power to inspect things in that place (especially examine electrical equipment and anything related to electrical safety), conduct inquiries, take copies of documents, take measurements, take samples of a substance or thing, take videos or make recordings, take in any equipment they need to do their work, seize electrical equipment or things that they believe are connected with an offence under the ES Act. You can read the details of these general powers in Section 159 of the ES Act.

6.2 Other areas of the ES laws give inspectors the powers to:

- Require someone at the place to answer to questions, produce a thing, or give the inspector reasonable assistance.
- The inspector will give the 'requirement' in writing unless circumstances mean they need immediate access. It will be accompanied by some explanations and warnings as required by the legislation. The inspector may agree to answers being in private, if requested and appropriate.
- Require someone to give their name and address if the inspector believes the person committed, is committing or is about to commit an offence against the ES Act.
- Disconnect or seize electrical equipment that poses an electrical risk where disconnection or seizure is urgently required to minimise risk of harm.
- Seize a thing which is evidence of an offence against the ES Act where it is necessary to prevent the things being hidden, lost, destroyed or used to continue or repeat the offence.
- Issue an infringement notice when they believe a person has committed an infringement notice offence.

7. How do inspectors work?

Managers generally assign cases to inspectors. Cases are either proactive or reactive.

- Proactive cases include planned activities which align with NT WorkSafe's Strategic Directions or random checks of submitted compliance documents (such as the electrical Certificate of Compliance or plant item registration).
- Reactive cases respond to notified incidents, notified electrical events and safety concerns reported to NT WorkSafe by members of the public. These cases tend to have higher urgency than proactive cases.

7.1 When an inspector receives a case which involves an incident/event or safety concern, they will usually:

1. Review the information provided by the notifier and assess the urgency of the matter.
This can include identifying the parties involved in the case (including duty holders and the persons to whom they owe a duty), nature of the incident or safety concern, and any potential breaches of the legislation. They may contact any of the parties involved to obtain further information.
2. If needed, and time allows, conduct research into:
 - a. related NT WorkSafe records on the named people or organisations, including any prior compliance actions or similar reported concerns or incidents
 - b. available guidance material on the safety matters raised, equipment reported, or processes involved.
3. Decide if a site visit is necessary and feasible.
If appropriate (or necessary), the inspector may contact people to inquire into the case by telephone, video conference or online meeting rather than, or in addition to, visiting the site.

7.2 When a site visit is required

1. An inspector will attend a workplace, without prior notice, and usually with another inspector.
If the site is not a workplace, then a WHS inspector would contact the owner or occupier of the property before attending to explain why they need to attend and arrange a time to attend. This may be needed, for example, for a case which involves a private residence.
2. On arrival, the inspector will:
 - Identify themselves and show their inspector ID card to confirm that they are from NT WorkSafe.
 - Ask to speak to the PCBU and/or person in charge of the place such as an owner or occupier.
 - Advise that they are using body worn camera and that their interactions and attendance will be recorded.
 - When in a workplace, ask for any relevant health and safety representatives to accompany their inspection.
3. During their time on site the inspector may:
 - Inspect the site, or anything in it, which may be related to the incident or safety concern
 - Speak with injured persons, workers (or their representatives) or witnesses, and representatives of the PCBU.
 - Request information and/or documents from the PCBU or workers on site (or require information or documents through a section 171 written notice).
 - Provide advice or information, or direct duty holders to sources of guidance on specific matters.
 - Lift the required site preservation after a notifiable incident or verbally issue a non-disturbance notice to preserve the site for a longer period of time to allow their inquiries or further investigation to conclude.
 - Verbally prohibit dangerous activities taking place or about to take place.
 - Advise of any improvement notices they intend to issue and explain the basis for that enforcement decision. They will also discuss with duty holders the specific improvement actions that would be reasonably practicable in the context, and the timeframes needed to achieve those.
 - Advise of how this visit may be followed up, including any subsequent monitoring visits. This may foreshadow additional research by the inspector.

7.3 What happens after a site visit

1. After the site visit a WHS inspector will issue (usually by email) any required reports or written notices. This may include:
 - An interaction report to the PCBU at a workplace, with a copy to any HSR present.
 - A written notice for any verbally issued Prohibition notice or Electrical safety direction.
 - Any foreshadowed Improvement notice.

- Electronic copies of, links to, or references for, guidance material mentioned during the visit or identified in post visit research.
2. If matters are not resolved through the site visit, inspectors may in the course of further enquiries:
- Continue to speak with witnesses, workers and PCBU representatives or take statements.
 - Issue or arrange for one or more notices to obtain information or documents, such as
 - section 155 Work Health and Safety Regulator notice to provide information or documents (WHS Act)
 - section 10 Notices (ES Act) requiring the recipient to provide information and documents as listed in the Notice.
- These notices also set out warnings and information that legislation requires to be included such as the consequences of complying or failing to comply.
- Communicate with the recipients of any enforcement notices, or section 155 (WHS Act) or section 10 (ES Act) notices, to assist and / or remind them of the requirement to comply and the date that compliance is required.
 - Repeat contact and communications with parties involved and requests for information and documents.
 - Conduct follow up visits to the site of the incident or safety concern
 - Issue further enforcement notices or infringement notices to respond to identified breaches.
3. Once all required actions have been completed by the inspector, and they have confirmed compliance with any notices served, the inspector can close the case.

This is communicated to the parties involved in the case, including but not limited to the relevant PCBU, officers and workers.

8. Escalating serious matters

An inspector can recommend that serious matters be investigated with a view to prosecution or some other regulator sanction. This means the case will be taken over by the Investigations and Prosecution unit.

To make the recommendation the inspector must believe that:

- a. there has been a serious breach of the legislation or a breach that relates to an overall work health and safety concern or campaign focus of NTWS, and
- b. the breach should not or cannot be dealt with by way of an infringement notice, and / or
- c. further enquiries should be made into the conduct of the parties or the circumstances of the breach.

If the same duty holder, shows a pattern of repeated offences which have been addressed by information and advice plus improvement notices or infringement notices, then issuing further notices is unlikely to change their practices, and may be a reason to consider prosecution. You can read more about investigations and prosecutions on the NT WorkSafe website.

9. Inspector notices

Most NT WorkSafe notices are issued under either the WHS Act or the ES Act. The table below identifies the notices that may be issued under these Acts and their purposes.

WHS Act	ES Act	Purpose
Non-Disturbance Notice	Non-Disturbance Notice	Preserve a site where an incident or electrical safety event occurred or where a safety concern exists
Improvement Notice	Improvement Notice	Issued to require recipient to remedy contravention or to prevent likely contravention with legislation requirements
Prohibition Notice - Usually issued at first attendance due to serious risk involved	-	Prohibit an activity which is or may create a serious risk to health or safety of a person emanating from an immediate or imminent exposure to a hazard.
-	Electrical Safety Direction	Stop an activity that is causing an electrical risk, stop using or allowing use of unsafe electrical equipment, disconnect electrical equipment from its electrical supply, take action to prevent, mitigate or remedy an electrical risk
Section 155 Notice Section 171 Notice	Section 10 Notice	Requires recipient to provide information, documents or other evidence to an inspector or the regulator
Infringement Notice	Infringement Notice	Fines a person for contravening a law

Enforcement and infringement notices are issued only to the duty holder who has contravened the law.

Notices to require documents or information may be issued to any person (including a body corporate) who the inspector believes has access to the necessary documents or information.

9.1 Why do inspectors give an infringement notice?

An infringement notice is basically a fine for not being compliant with a specific law at a particular point in time, and it can only be used for a limited set of contraventions under each Act. Infringement offences are identified in the WHS Regulations Schedule 19 and in the ES Regulations Schedule 6

An infringement notice is most commonly given when:

- The person being issued with the infringement notice has been issued with one or more improvement notices at a different times for the same or a related offence, and the inspector can demonstrate that they have been provided with information to address it. An inspector may identify a history of previous notices by looking into NT WorkSafe's records of past compliance actions.

- The contravention is related to a safety matter which is a current campaign focus and for which public guidance has been issued.
- The person has not been receptive regarding possible improvement actions or timeline for an improvement notice, or has failed to comply with an issued improvement notice by the specified deadline. (Failure to comply with an improvement notice is an infringement offence.)

We sometimes get asked why an inspector doesn't give an improvement notice before issuing an infringement notice. In most situations they do give an improvement notice before escalating to an infringement notice, but sometimes the improvement notice was given weeks, months or years before. The aim of an improvement notice is to make the changes that will bring something that does not comply with the law into a state of compliance with the law. If someone contravenes the law again in the same way, it shows they have not learnt from the initial notice and so a penalty is warranted.

Sometimes, however, an inspector identifies a serious contravention, which warrants an infringement notice without a prior improvement notice. This might be because the contravention was in the past and the circumstances mean it is unlikely to happen again: an inspector is not able to issue an improvement notice to address something that won't happen again.

When an inspector issues an infringement notice, and the contravention still needs to be remedied, they may choose to issue an improvement notice at the same time.

There is no internal review process for an inspector's decision to issue an infringement notice. If someone who receives an infringement notice disagrees with that inspector decision they can elect to have the matter heard in court rather than paying the penalty.

10. How to deal with issues that arise

Sometimes things don't work smoothly. Inspectors who are working with you will listen to any concerns that you have and provide you with further information to clarify the matter or let you know what further actions you could take. You can also follow up directly with NT WorkSafe – see our [Contacts page](#).

Inspectors will treat you with courtesy and respect, even when there are disagreements, and a good outcome is more likely to be achieved if everyone in the discussion can do the same.

Note that we expect our inspectors to stay safe and they may choose to leave a site where they are receiving verbal abuse or there is a physical threat to their personal safety. Further action may be taken as it is an offence under some Acts to:

- intentionally hinder or obstruct inspectors who are performing functions or using the powers they have under the Act
- assault, threaten or intimidate an inspector or an assistant accompanying them.

10.1 If an inspector damages something.

- Inspectors, and any assistant accompanying them, will make every effort to minimise any chance of damaging something during their site visit. If they do damage something, and it's not just trivial damage, they will notify you in writing as soon as they can, by leaving a note in a visible and reasonably secure place near where the damage occurred. You may contact NT WorkSafe to clarify if you are entitled to compensation.
- **If you disagree with an inspector decision** such as issuing or not issuing an enforcement notice, or the details of what a notice is directing you to do, you can ask for an internal review. The laws allow for a specified range of inspector and regulator decisions to be reviewed, and if needed, changed. Find out more about the [Internal Review Process](#) or [apply for an internal review](#) online.
- **suggest improvements to our processes or publications** you can let us know the details by using the Complaint process.

10.2 If an inspector has behaved unprofessionally or inappropriately used their powers.

Inspectors are expected to behave professionally within the terms of the NT Public Sector Code of Conduct and some specific clauses of the legislation they are appointed under.

Some examples of matters that could be complained of include:

- An inspector did not produce their identity card when asked, failed to provide a receipt for a seized item, or failed to notify of damage they caused.
- An inspector inappropriately disclosed a document or information that they obtained in the course of their inspection work, or used information gained for another purpose.
- An inspector has a conflict of interest and should not deal with a specific matter, place or person.
- The way an inspector interacted or behaved at a specific time and place was unprofessional.

Details of any unprofessional or inappropriate behaviour should be reported through the Complaint Process.