



## SAFEWORK NSW INSPECTORS – HELPING YOU KEEP YOUR WORKPLACE SAFE

As the state's workplace health and safety (WHS) regulator, SafeWork NSW works with the NSW business community to help improve workplace health and safety. We aim to ensure our regulatory approaches promote a competitive, confident and protected NSW. Our responsibilities include issuing licences and registration for potentially dangerous work, investigating workplace incidents and where necessary, enforcing WHS, workers compensation and explosives laws in NSW.

### What is the role of a SafeWork inspector?

Visits by SafeWork inspectors to workplaces could be in response to an incident, complaint or request for advice, or as part of a targeted injury prevention program.

During these visits, inspectors may:

- provide information and advice on the requirements of WHS or workers compensation law
- explain the range of SafeWork products and services available to your business
- provide practical advice on how to eliminate or reduce the risk of injury and illness
- investigate and/or verify compliance with legislative obligations
- Issue notices or other instructions to secure compliance with legislation.

### What happens when an inspector visits a workplace?

When a SafeWork inspector visits a workplace where a health and safety, workers compensation or return to work issue has been raised, they will evaluate the situation prior to making a decision on what, if any, action should be taken. The evaluation takes into account a number of factors including the:

- nature and seriousness of the issue
- outcome of any previous interactions with SafeWork
- commitment and capability of the workplace to implement systems that ensure effective and continuous improvement to WHS.

While the inspector will always aim to educate and provide advice, there are circumstances when they may:

- issue an Improvement Notice directing a person or organisation to undertake corrective action for an identified risk
- issue a Prohibition Notice directing the cessation of any activity that creates an immediate risk to the health or safety of workers or visitors to the workplace
- issue an Employers Improvement Notice directing a person or organisation to undertake corrective action in relation to a workers compensation or return to work matter.
- issue a Direction under Explosives legislation where a related risk is identified

- issue a Penalty Notice (an on-the-spot fine) for an identified breach of the legislation
- initiate and conduct investigations to identify causes of incidents, injuries and illnesses. An Investigation Notice may be issued to secure an incident scene, seize evidence, provide documents and/or answer questions in writing.

Inspections may be conducted in the company of a worker, manager or Health and Safety Representative (HSR) from the business. The inspector may talk to a range of people, gathering as much information as possible about the workplace in order to provide relevant advice and take the most appropriate action to reduce the potential for harm.

SafeWork inspectors will identify themselves when visiting a workplace and can produce formal identification on request.

## What is expected of you?

We realise that you have a job to do and our inspectors aim to cause as little disruption as possible. In the process of fulfilling their obligations, however, visits by inspectors can create interruptions to your workplace, and can take place with little or no notice. To help the inspection process it is requested that you:

- be honest, courteous and provide information as requested
- provide necessary access to the workplace
- provide reasonable help to assist the inspector in their work
- not conceal the existence of a location, person, plant, substance or thing.

Please be aware that it is an offence to hinder, obstruct, assault, threaten, intimidate or impersonate an inspector or a person assisting an inspector. Doing so may lead to a full investigation, which could result in a fine or prosecution.

### Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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## What powers do SafeWork inspectors have?

Inspectors have certain powers to secure work health and safety outcomes when visiting a workplace. They may:

- enter any premises they have reason to believe is a place of work
- conduct interviews and make inquiries, in private if necessary
- take photographs, recordings, measurements and samples
- gather, examine and copy documents
- secure or seize evidence.

In carrying out their duties, inspectors may request the assistance of other technical or scientific experts. They may also request the assistance of police officers if required.

## Can an inspector's decisions be reviewed?

Yes. Some decisions made by inspectors may be formally reviewed.

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For more information visit [safework.nsw.gov.au](http://safework.nsw.gov.au) or call us on 13 10 50.

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