

WORKSAFE — WORKPLACE INSPECTORS

5960. Hon Alison Xamon to the Minister for Commerce

I refer to WorkSafe inspections and investigations of workplaces and/or accidents, and I ask —

- (1) Who is responsible for overseeing workplace compliance with any WorkSafe enforcement action?
- (2) After an enforcement action is issued, does the initial workplace inspector continue to have carriage of a WorkSafe investigation?
- (3) If no to (2), who is the responsibility for monitoring workplace compliance transferred to?
- (4) What follow up action is taken where a WorkSafe inspector issues a —
 - (a) verbal direction;
 - (b) improvement notice; or
 - (c) prohibition notice?
- (5) What is the required timeframe for follow up action where a WorkSafe inspector issues a —
 - (a) verbal direction;
 - (b) improvement notice; or
 - (c) prohibition notice?
- (6) For what period will a WorkSafe inspector remain responsible for monitoring workplace compliance with any issued enforcement action?
- (7) In respect of the 2010–11 financial year, did WorkSafe Inspectors take follow up action for the —
 - (a) 10,419 improvement notices issued; and
 - (b) 602 prohibition notices issued?
- (8) If yes to (7) —
 - (a) what was the nature of the follow up action;
 - (b) who carried out this follow up action; and
 - (c) what was the average time between the issuance of the enforcement action and the follow up action?
- (9) If no to (7), why not?
- (10) In respect of the 2009–10 financial year, did WorkSafe Inspectors take follow up action for the
 - (a) 10,648 improvement notices issued; and
 - (b) 705 prohibition notices issued?
- (11) If yes to (10) —
 - (a) what was the nature of the follow up action;
 - (b) who carried out this follow up action; and
 - (c) what was the average time between the issuance of the enforcement action and the follow up action?
- (12) If no to (10), why not?
- (13) In respect of the 2008–09 financial year, did WorkSafe Inspectors take follow up action for the —
 - (a) 9,852 improvement notices issued; and
 - (b) 722 prohibition notices issued?
- (14) If yes to (13) —
 - (a) what was the nature of the follow up action;
 - (b) who carried out this follow up action; and
 - (c) what was the average time between the issuance of the enforcement action and the follow up action?
- (15) If no to (13), why not?

- (16) In respect of the 2007–08 financial year, did WorkSafe Inspectors take follow up action for the —
- (a) 9,726 improvement notices issued; and
 - (b) 675 prohibition notices issued?
- (17) If yes to (16) —
- (a) what was the nature of the follow up action;
 - (b) who carried out this follow up action; and
 - (c) what was the average time between the issuance of the enforcement action and the follow up action?
- (18) If no to (16), why not?

Hon SIMON O'BRIEN replied:

- (1) Where a person at a workplace receives a verbal direction or improvement notice or prohibition notice from a WorkSafe inspector, that person is responsible for ensuring compliance with the matters.
- (2) Yes, unless the inspector leaves the agency or is otherwise unavailable. In such circumstances, another inspector would carry out the follow up action.
- (3) Not applicable.
- (4) (a) As a verbal direction is required to be complied with before the inspector leaves the workplace, no follow up action is required.
- (b) Each improvement notice includes a due date and has a tear-off compliance slip at the foot of the notice. The person receiving the improvement notice is required to sign and return the slip to WorkSafe by the due date as confirmation of compliance with the requirements of the improvement notice. A percentage of improvement notices where the compliance slips have been completed and returned are randomly selected by WorkSafe's computerised system for compliance verification by a WorkSafe inspector.
- In each case where compliance slips have not been returned, up to three follow up letters are sent. If there is no response after the third letter, action is taken by the inspector who issued the notice.
- (c) A prohibition notice prohibits the carrying on of any activity identified by the inspector. As the inspector takes steps to ensure that the prohibited activity has ceased at the time the notice is issued, no follow up action is required.
- (5) (a) Compliance with a verbal direction is required before the inspector leaves the workplace.
- (b) For each of the improvement notices randomly selected for audit referred to at 4(b) above where compliance slips have been returned, WorkSafe's computerised system generates a 'request to attend'. The 'request to attend' is sent to the inspector who conducted the inspection or investigation. The inspector then has 10 days in which to consider any action in relation to the improvement notice.
- In each case where compliance slips have not been returned, a reminder letter is sent within a week of the compliance date specified in the notice. If the compliance slip has still not been received two weeks later, a second letter is sent out by the relevant WorkSafe director. If the compliance slip has still not been received two weeks after the second letter, a third and final letter is sent out. One day after the third and final letter has been issued, WorkSafe's computerised system generates a 'request to attend' and sends it to the inspector who issued the notice(s). The inspector then has 5 days in which to consider any action in relation to the improvement notice.
- (c) In the case of prohibition notices, the inspector takes steps at the time the notice is issued to ensure that the prohibited activity ceases.
- (6) Until compliance with the matters identified in the verbal direction or notices or audits are finalised.
- (7) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
- (8) (a) See the answers at 4(b) and (c) and 5(b) and (c).
- (b) The inspector issuing the improvement notice, unless that inspector had left the agency or was otherwise unavailable. In such circumstances, another inspector would have carried out the follow up action.

- (c) See the answers at 4(b) and (c) and 5(b) and (c). WorkSafe does not record the average time between the issuance of the enforcement action and the follow-up action.
- (9) Not applicable.
- (10) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
- (11) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
(c) See the answer at 8(c).
- (12) Not applicable.
- (13) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
- (14) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
(c) See the answer at 8(c).
- (15) Not applicable.
- (16) (a)–(b) See the answers at 4(b) and (c) and 5(b) and (c).
- (17) (a)–(b) See the answer at 4(b) and (c) and 5(b) and (c).
(c) See the answer at 8(c).
- (18) Not applicable.