
 [worksafe.qld.gov.au/laws-and-compliance/compliance-and-enforcement/workplace-inspections/requesting-assistance-from-an-inspector](https://www.worksafe.qld.gov.au/laws-and-compliance/compliance-and-enforcement/workplace-inspections/requesting-assistance-from-an-inspector)

Under the *Work Health and Safety Act 2011* (the WHS Act) certain people at workplaces may request the regulator to appoint an inspector to attend their workplace:

- to make a decision on an issue
- help in resolving an issue.

Note: Reasonable efforts must have been made to resolve the issue internally prior to making the request for an inspector to be appointed.

These requests under the WHS Act can only be made by parties to the issue. Parties to an issue are defined as follows:

- The person conducting the business or undertaking (PCBU) or the person's representative.
- If the issue involves more than one business or undertaking, the PCBU or the person's representative.
- If the worker or workers affected by the issue are in a work group, the health and safety representative (HSR) for that work group or his or her representative.
- If the worker or workers affected by the issue are not in a work group, the worker or workers or their representative.

A PCBU must ensure that the person's representative (if any) is not a HSR, is an appropriate level of seniority, and is sufficiently competent to act as the person's representative.

Phone 1300 362 128 to request the assistance of an inspector with any of these issues or disputes.

Issues an inspector can decide

Inspectors have a range of powers when appointed to assist with an issue. In some circumstances the inspector has the power to make a decision to resolve the issue in others the inspector may only assist in the resolution through consultation and mediation.

Work groups (single business)

If there is a failure of negotiations concerning an agreement or a variation to an agreement for work group(s) within a single business or undertaking, an inspector can be appointed to make a decision on the agreement. An inspector can only assist in resolving issues involving multiple businesses or undertakings.

An inspector may decide:

- the number and composition of work groups
- the number of health and safety representatives and deputy health and safety representatives to be elected
- the workplace(s) to which the work group(s) will apply
- the business or undertaking to which the work group(s) will apply
- anything which is the subject of the proposed variation
- that the work group should not be formed
- that the agreement should not be varied.

If the request is being made by a person authorised to represent a worker, or group of workers, verbal or written confirmation of the authorisation will be required.

Health and safety representatives (HSR)

If agreement cannot be reached between the PCBU and the HSR within three months, an inspector can be appointed to decide the matter.

An inspector may decide:

- the course the HSR should attend
- issues related to paid time off work to attend the course
- payment of course fees and any other reasonable costs associated with attendance at the course
- the time period since the HSR requested training
- if the HSR training has been requested by persons entitled to request the training – confirmation details will be required.

Health and safety committees

If agreement cannot be reached regarding the constitution of a health and safety committee within a reasonable time an inspector may be appointed to decide the constitution of the committee or that the committee should not be established.

An inspector may also be appointed to decide any matters related to the constitution of committees under repealed legislation which have not been adjusted to comply with the WHS Act.

Provisional improvement notices (PIN)

Within 7 days of a PIN being issued, the person to whom it was issued or the PCBU at the workplace, if the person is a worker, may ask for an inspector to review the notice. The operation of the PIN is stayed until the inspector makes a decision on the review. An inspector can review a PIN even if the period for compliance with the notice has expired.

The inspector will review the PIN and will enquire into the circumstances of the PIN. The inspector will either:

- confirm the PIN
- confirm the PIN with changes
- cancel the PIN

A copy of the decision will be given to the person who requested the review and HSR who issued the notice.

The person requesting the review of the PIN will need to provide information confirming that:

- the PIN is within the 7 day period after it was issued
- the HSR, who issued the PIN, is duly elected under the WHS Act
- the health and safety representative has completed PIN training.

Issues an inspector can assist in resolving

People assisting a HSR

If a PCBU refuses access to a workplace to a person assisting a HSR, the HSR may request that an inspector be appointed to assist in resolving the matter. Confirmation that the request is being made by a HSR and details of the 'reasonable efforts' made to resolve the issue will be required.

An unresolved health and safety issue

If a matter about work, health and safety arises at a workplace or from the conduct of a business or undertaking and the matter is not resolved after discussion between the parties to the issue, an inspector may be appointed to attend the workplace to assist in resolving the issue. The parties must first make reasonable efforts to achieve a timely, final and effective resolution of the issue by discussion and the use of an agreed issue resolution procedure. Details of the 'reasonable efforts' that have been made to resolve the matter will be required when making a request that an inspector is appointed.

Work cessation

The HSR, the PCBU, or a worker may ask for an inspector to be appointed to assist in resolving an issue in relation to the cessation of work. Confirmation will be required that the PCBU has been informed of the work cessation and that the HSR has been elected and has completed training which entitles him or her to direct work to cease.

Right of entry and workplace access

If a dispute arises about right of entry by a work health and safety entry permit holder, any party to the dispute can ask for an inspector to be appointed to assist in resolving the dispute.

Work groups (multiple businesses)

If there is a failure of negotiations concerning an agreement or a variation to an agreement for work group(s) within multiple businesses or undertakings, an inspector can be appointed to assist with negotiations. If only one business or undertaking is involved, an inspector can make a decision on arrangements.

If the request is being made by a person authorised to represent a worker, or group of workers, verbal or written confirmation of the authorisation is required.

Requesting assistance

To request the assistance of an inspector with any of these issues or disputes, phone 1300 362 128.

When making a request for assistance, you will be asked to provide the following details:

- your role in relation to the issue
- contact details of the parties making the request
- details of the business or undertaking associated with the issue, including the ABN if available
- information about the issue or dispute.

