

MODEL OPERATING PROCEDURE

INSPECTION REPORTS



NOTE: This MOP limited changes were made to this MOP on 7/4/2016 to ensure:

1. Current and correct hyperlinks and references to:
 - Teams or position
 - Templates or other documents
 - Delegations
 - Sections of the WHS Act or Regs
2. Correction of any grammatical or format errors.

A full review of this MOP will occur to reflect the new SWSA structure – post July 2016.

Principal Skills Support Officer
Corporate Services

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DEFINITIONS & TERMINOLOGY

Comprehensive Investigation	Means an investigation flagged as Proceed to Further Investigation during the Case Conference process or a matter SWSA Executive deems to be a Significant Incident
HSR	Means a health and safety representative elected pursuant to OHS or WHS legislation
InfoNET	Means the SWSA electronic information system of the same name
Inspector	Means <ul style="list-style-type: none"> • Inspector authorised under s. <i>Occupational Health Safety & Welfare Act 1986</i> • Authorised officer appointed under s.7 of the <i>Dangerous Substances Act 1979</i> • Inspector appointed under s.9 of the <i>Explosives Act 1936</i> • Inspector appointed under s.156 of the <i>WHS Act</i>
Inspection Work	Means a formal viewing of something carefully or critically and/or any subsequent action taken by you as a result of the inspection work such as issue directions and notices excluding the collection of evidence and taking of statements during a <i>comprehensive investigation</i> .
OHS	Means Occupational Health Safety & Welfare
PCBU	Means <ul style="list-style-type: none"> • a <i>person conducting a business or undertaking</i> as defined in s.5 of the <i>WHS Act</i>, and • <i>Employer</i> as defined by s.4 the <i>Occupational Health Safety & Welfare Act 1986</i>, and • An employer commonly known as or called a <i>sub-contractor</i> on say, a building site, and • A person/entity that <i>designs, manufactures, owns, erects, installs supplies imports plant, structures or substances at or used at a workplace</i> as defined in s.4 of the <i>Occupational Health Safety & Welfare Act 1986</i>, and • <i>Licence Holder</i> as defined by s.2 of the <i>Dangerous Substances Act 1979</i>, and • A <i>person who keeps, handles, conveys, uses or disposes of a dangerous substance</i> as defined by s.2 of the <i>Dangerous Substances Act 1979</i>, and • A person in control of a <i>magazine, licensed magazine or factory, port, ship or vehicle</i> as defined by s.4 of the <i>Explosives Act 1936</i>

DEFINITIONS & TERMINOLOGY continued	
PMCW	Means <ul style="list-style-type: none"> • Means a person with management or control of a workplace as defined in s.20(1) of the <i>WHS Act</i>, and • An <i>Occupier</i> as defined by s.4 of the <i>Occupational Health Safety & Welfare Act 1986</i>, and • A person, not being a PCBU who is in control of <i>plant, structures or substances at or used at a workplace</i> as defined in s.4 of the <i>Occupational Health Safety & Welfare Act 1986</i>, and • The person in control of <i>premises</i> as defined by s.2 of the <i>Dangerous Substances Act 1979</i>, and • a <i>principal contractor</i> as defined in Regulation 293 of the <i>WHS Regulations</i>
WHS	Means Work Health & Safety, however until the <i>WHS Act</i> commences and for the purposes of this procedure, WHS means Occupational Health Safety & Welfare
WHS Act	Means the <i>Work Health & Safety Act</i> when that Act commences, however until that time means the <i>Occupational Health Safety & Welfare Act 1986</i>
Workplace	Means <ul style="list-style-type: none"> • <i>Workplace</i> or a <i>South Australian Ship</i> as defined in s.4 of the <i>Occupational Health Safety & Welfare Act 1986</i> • <i>Plant, craft or premises</i> as defined in s.2 of the <i>Dangerous Substances Act 1979</i> • <i>Boat, factory, licensed magazine, licensed premises, port, ship or vehicle</i> as defined in s.4 of the <i>Explosives Act 1936</i> • <i>Machinery or a mine</i> as defined in s.4 of the <i>Mines & Works Inspection Act 1920</i> • <i>Workplace</i> as defined in s.8 of the <i>WHS Act</i>

1. PURPOSE

This procedure provides direction and guidance to inspectors on the preparation and issuing of Inspection Reports after concluding an inspection at a workplace.

It is important that this procedure be read in conjunction with:

- the [InfoNET training bulletin: How the Inspections Report Works](#)
- the [inspection report frequently asked questions \(FAQ\)](#)
- [Selection list- InfoNET](#)

The training bulletin and FAQ's are continuously improved and contain up to date information on the technical aspects relative to inspection reports.

Note: If any situation arises that cannot be answered by considering the information within this SOP or by reading the FAQ's, please refer to your team's principal inspector or manager. If the matter remains unresolved, contact Principal Skills Support Officer- Resources in the Corporate Services Team as procedural improvement may be required.

2. POLICY SECTION

Inspection reports provide SWSA and the relevant PCBU, PMCW and for WHS matters, the HSR with a summary record of conducted inspections.

For PCBUs, PMCWs and HSRs, the inspection report:

- provides some detail in writing of what the inspector saw, did, proposes to do and communicated to them during an inspection
- ensures workplace parties can provide an accurate record of an inspection to their senior management, Board and work group members, enabling required action to be taken; and
- provides a factual basis on which workplace parties can assess their review rights.

For inspectors and SWSA, an inspection report:

- enables the inspector's statutory actions, decisions and associated reasons to be recorded and communicated to workplace parties;
- adds to the profile of the workplace which can be accessed and referred to when needing to see the prior history of the regulator's interventions there;
- can be referred to (together with notes taken at the time) when an inspector needs to refresh his/her memory (such as at a coronial inquest or during proceedings in a court or tribunal);
- demonstrates what was/was not done at the time of an inspection should there be any review of inspector decisions or complaint about inspector conduct; and
- demonstrates a standard of professionalism transparency and accountability in relation to inspection work.

Sections 164(2) of the WHS Act and 38(10) of the *Occupational Health Safety and Welfare Act 1986* specifically provide for the PCBU, PMCW and HSRs to be notified about inspection results once an inspector has exercised their power to enter the workplace. Furthermore, SafeWork SA Executive has determined an inspection report will also be issued when an inspection is conducted for the purposes of administering other nominated legislation that SafeWork SA (SWSA) is responsible for.

The nominated legislation is:

- *Dangerous Substances Act 1979*
- *Explosives Act 1936*
- *Work Health & Safety Act (2012) SA*

3. PROCEDURE

3.1 Inspection report form

The Australian WHS regulators have agreed on the standard content of an Inspection Report. SWSA has developed an automated InfoNET based form based on the nationally agreed content. The InfoNET based inspection report self populates as much data as possible from InfoNET.

Please refer to the [InfoNET training bulletin: How the Inspections Report Works](#) on how to complete the inspection report.

The finished inspection report form is in Adobe PDF non-editable form to ensure reasonable security of the document for electronic transmission and long term referencing.

3.2 General procedures

1. Having exercised the power of entry at a workplace, inspectors are to prepare and issue an Inspection Report
2. Inspection Reports will be issued at the conclusion of, or within 2 business days following the inspection. Should further inspections occur at a workplace within 48 hours of an initial inspection, it is satisfactory for one (1) inspection report to be completed summarising all inspection activities undertaken
3. A copy of the Inspection Report is to be given to the relevant PCBU, PMCW, and relevant HSR
4. Giving of Inspection Reports personally to the relevant parties is ideal and preferred (if circumstances allow), so that details can be explained, clarified or elaborated on. In particular, separate giving to HSR(s) is desirable to acknowledge the crucial role of HSR(s) in workplace health and safety arrangements. Alternatively, the Inspection Report may be sent by mail, facsimile or email to each of the relevant workplace parties
5. Where two or more inspectors are involved in an inspection, only one Inspection Report is required – not one for each inspector. The report will include a collation summary record of

the actions taken by all inspectors present. The Inspection Report should be prepared and issued by the nominated lead inspector

6. Unless a file is a fully electronic InfoNET file, a hard copy of any inspection report shall be included in the investigation hard file
7. Irrespective of the number of matters to be dealt with, only one Inspection Report is required for each inspection (other than where multiple duty holders are dealt with – see item 3.5 and appendix 2 of this procedure).

3.3 Inspection report content

Inspection report input fields on InfoNET have pre-determined fields which are self-explanatory. The inspection report should directly relate to any *inspection work* conducted.

Inspectors will ensure inspection reports provide the receiver with succinct information on:

- who the inspector spoke to during the inspection work, and
- what the inspector(s) inspected or observed with one or more of their five (5) senses at the location, and
- what matters assisted the inspector form their opinion or reasonable belief about something that was the subject of inspection work, and
- what the inspector did do or proposes to do about what was inspected.

3.4 Privacy requirements

1. Inspection Reports shall not contain any personal details of individuals other than the names of the persons who receive the inspection report, i.e. the representative of the PCBU/PMCW, and for WHS inspections, the HSR
2. The identity of persons whose complaint/request has triggered an inspection must not be included in the 'purposes(s) of an inspection' field of the Inspection Report or elsewhere in the report. It is sufficient to identify the purpose in quite generic terms [e.g. "to enquire into an alleged issue relating to (INSERT TOPIC)].
3. For WHS/OHS matters, privacy provisions of relevant legislation is not breached when an inspector provides a PMCW (Principal) with an overview of inspection activities undertaken of PCBU's (subcontractors) that are operating within the confines of the PMCW's workplace.
4. Inspectors will remind HSR's the use of an inspection report to provide information to a Union or Union Representative is a breach of the WHS/OHS legislative privacy provisions, and penalties apply for breaching those provisions.

3.5 Inspection Report and Worksite Visit InfoNET Recording

SafeWork SA is unique to other Australian States and Territories in that it uses data captured on InfoNET to report against various targets and key performance indicators. It is important that inspection reports and worksite visits are recorded correctly to ensure data is reported correctly.

Appendices 1 and 2 of this procedure outline the general process of how inspectors should record inspection report/worksite visit interventions on InfoNET.

- Appendix 1 is for a simple single PMCW/PCBU
- Appendix 2 is for a single PMCW with multiple PCBU's on the same site.

Note: Wherever the process charts at appendices 1 & 2 say record an inspection report or worksite visit on a particular InfoNET file, this also means that other actions such as evidence collection, advice information provision etc relative to the particular inspection will be recorded on the same file number.

3.6 When is an inspection report not required?

Inspection Reports are not required:

- for non-inspection work activity such as obtaining statements and collecting documents whilst conducting a comprehensive investigation.
- when another form of report is issued to the relevant person(s), e.g.:
 - Mines inspection book entry
 - A Feedback Report & Employer Compliance Improvement Plan issued to a client participating in any SWSA convened intervention strategies
 - Any completed post-audit HWSA or SWSA endorsed audit tools that were provided to the client; or
- when the provision of a report would not be practical or necessary, e.g.:
 - short-duration visits for provision of advice/support or collecting & providing documents, and
 - multiple workplace visits/inspections after a district emergency situation has occurred, e.g. fires, floods etc, and
 - roadside dangerous goods transport interventions, and
 - any other circumstance as nominated by a team manager.

3.7 WHS specific procedures

The inspection report has a specific place to record any decisions of an inspector provided for in Part 5 of the WHS Act. Part 5 of the WHS Act relates to activities relative to HSR's. Inspectors do not need to input any data in this area unless a WHS Act Part 5 decision is made.

4. FURTHER INFORMATION

- the [InfoNET training bulletin: How the Inspections Report Works](#)
- the [inspection report frequently asked questions \(FAQ\)](#)
- [Selection list- InfoNET](#)

The training bulletin and FAQ's are continuously improved and contain up to date information on the technical aspects relative to inspection reports.

5. REVIEW

This SOP must be reviewed two (2) years after the date of issue. However, this document must be immediately modified if practices and/or procedures change.

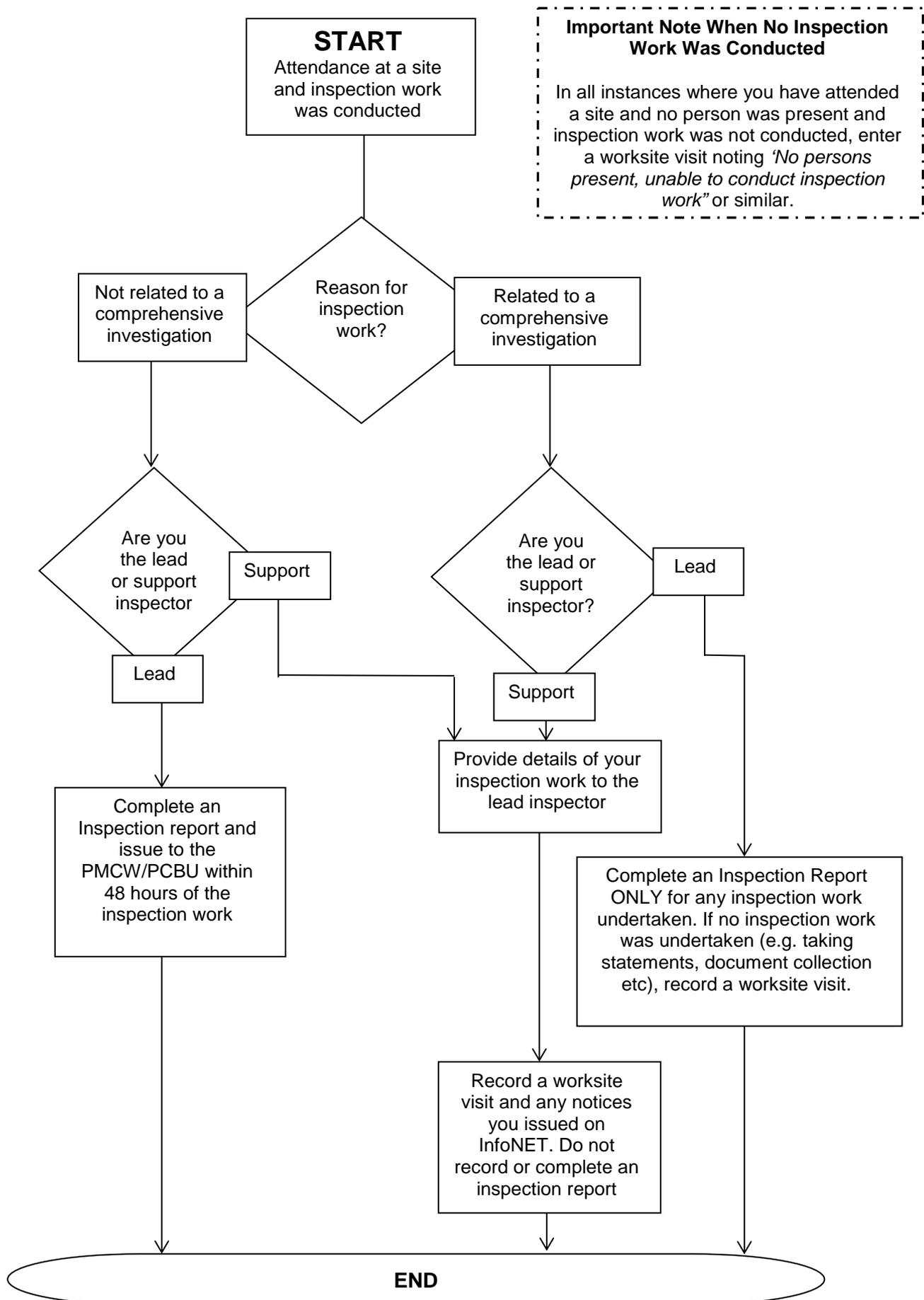
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6. APPENDIX 1 – PROCESS CHART: INSPECTION REPORT / WORKSITE VISIT AND INFONET – SAME PMCW/PCBU



Important Note When No Inspection Work Was Conducted

In all instances where you have attended a site and no person was present and inspection work was not conducted, enter a worksite visit noting *'No persons present, unable to conduct inspection work'* or similar.

7. APPENDIX 2 - PROCESS CHART: INSPECTION REPORT / WORKSITE VISIT AND INFONET – PMCW WITH MULTIPLE PCBU’S

