

49. Inspectors may issue prohibition notices

- (1) Where an inspector is of the opinion that an activity is occurring or may occur at a workplace which activity involves or will involve a risk of imminent and serious injury to, or imminent and serious harm to the health of, any person, the inspector may issue to a person who is or will be carrying on the activity, or a person who has or may be reasonably presumed to have control over the activity, a prohibition notice prohibiting the carrying on of the activity until an inspector is satisfied that the matters which give or will give rise to the risk are remedied.
- (2) An inspector who issues a prohibition notice shall remain at the workplace until the employer has been advised of the notice and, where the notice is in respect of an activity that is occurring, the prohibited activity has ceased.
- (3) A prohibition notice shall —
 - (a) state that the inspector is of the opinion that in the workplace there is occurring or may occur an activity which involves or will involve a risk of imminent and serious injury to, or imminent and serious harm to the health of, a person;
 - (b) state reasonable grounds for forming that opinion;
 - (c) specify the activity which in the inspector's opinion involves or will involve the risk and the matters which give or will give rise to the risk;
 - (d) where in the inspector's opinion the activity involves a contravention or likely contravention of any provision of this Act, specify that provision and state the reasons for that opinion; and
 - (e) contain a brief summary of how the right to have the notice reviewed, given by sections 51 and 51A, may be exercised.
- (4) A person, other than the employer, to whom a prohibition notice is issued shall forthwith give the notice, or a copy of it, to the employer, and where —
 - (a) under subsection (1), a prohibition notice is issued to an employer; or
 - (b) under this subsection a prohibition notice, or a copy thereof, is given to an employer,

the employer shall cause the notice, or a copy of it, to be displayed in a prominent place at or near any workplace affected by the notice.
- (4a) A person shall not remove a prohibition notice displayed under subsection (4) before the requirements of that prohibition notice, taking into account any modifications made under section 51 (5), have been satisfied or the prohibition notice has ceased to have effect.
- (4b) If a prohibition notice is issued to a self-employed person in respect of a contravention of section 21, that person shall comply with subsection (4) as if the person were an employer.
- (5) Subject to sections 51 and 51A, a person to whom a prohibition notice is issued who does not comply with the prohibition notice commits an offence.
- (6) A person who contravenes subsection (4), (4a) or (4b) commits an offence.

[Section 49 inserted by No. 43 of 1987 s.13; amended by No. 30 of 1995 s.36.]