

43. Powers

- (1) An inspector may, for the purposes of this Act —
 - (a) at all reasonable times of the day or night, enter, inspect and examine any workplace;
 - (b) enter any workplace at any other time that the performance of his functions under this Act requires such entry;
 - (c) when entering any workplace, take with him such equipment and materials as he considers appropriate;
 - (d) conduct such examination and inquiry as he considers necessary to ascertain whether there has been compliance with this Act;
 - (e) examine any plant, substance or other thing whatsoever at the workplace;
 - (f) take and remove samples of any substance or thing, without paying for it;
 - (g) take possession of any plant or thing for further examination or testing or for use as evidence;
 - (h) take photographs and measurements, and make sketches and recordings;
 - (i) require the production of, examine, and take copies or extracts of, any document;
 - (j) require that the workplace, or any part of it, be left undisturbed for as long as is specified in the requirement;
 - (k) interview, either in private or otherwise, as he considers appropriate, any person whom he finds at a workplace or whom he has reasonable grounds to believe is, or was at any time during the preceding 2 years, an employee working at a workplace;
 - (l) require any person whom he interviews under paragraph (k) to answer any questions put to him and, if the inspector considers it appropriate, to verify any such answer by statutory declaration;
 - (m) require any person to state his name and address;
 - (n) require the employer or any person who works at a workplace to render such assistance to the inspector as the inspector considers necessary for the performance of his functions under this Act;
 - (o) exercise such other powers as may be conferred on him by the regulations or as may be necessary for the performance of his functions under this Act.
- (2) In exercising any of his powers under this Act an inspector may be accompanied by any other person whose assistance the inspector considers necessary, and that person may do such things as are necessary to assist the inspector in the performance of his functions, and any thing so done shall be deemed to have been done by the inspector.
- (3) In carrying out the functions of an inspector under this Act, an inspector shall act in such a manner as to avoid unduly or unreasonably interfering with any work or work process or affecting adversely a covert operation within the meaning of section 4A(1).

[Section 43 inserted by No. 43 of 1987 s.13; amended by No. 30 of 1995 s.32; No. 54 of 2002 s. 7.]