

98. Industrial Inspectors

- (1) Industrial Inspectors may be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* to perform the functions conferred on them by this Act or any other written law.
- (2) Subject to this Act, an Industrial Inspector shall perform such duties and shall make such investigations and reports in relation to the observance of the provisions of this Act and of any instrument to which this section applies as the Minister directs.
- (3) An Industrial Inspector may, for the purposes of carrying out his functions under this Act —
 - (a) enter any building, structure, conveyance or place of any kind whatsoever wherein or in respect of which there are reasonable grounds to suspect that any industry is being or has been carried on or any work is being done or has been done or commenced or any matter or thing is taking or has taken place (in this subsection called an industrial location) for the purpose of ascertaining whether or not the provisions of this Act or of any instrument to which this section applies are being or have been observed;
 - (b) inspect and view any work, material, machinery, appliance, article, record, matter or thing whatsoever which is in an industrial location;
 - (c) take with him into an industrial location any person he may require to provide assistance which he considers to be necessary;
 - (d) question, either alone or in the presence of some other person, with respect to anything to which this Act relates any person he finds in an industrial location and, if he thinks fit, require written answers to be given;
 - (e) by notice in writing or orally require a person having the control of, or access to, a record, whether kept in an industrial location entered by him under this subsection or elsewhere, to produce, exhibit, send or deliver that record for his examination in accordance with that requirement;
 - (f) examine, and seize or retain or take extracts from or copies of, any record produced, exhibited, sent or delivered for his inspection in compliance with a requirement made under this subsection;
 - (g) if he has reasonable cause to apprehend any obstruction in the carrying out of those functions, call to his assistance any member of the Police Force; and
 - (h) exercise any power, other than a power referred to in paragraph (a), (b), (c), (d), (e), (f) or (g), conferred on him by this Act or by any direction given thereunder.
- (4) When an Industrial Inspector uses the assistance of an interpreter, any question, inquiry or requirement put or made to a person by the interpreter on behalf of the Industrial Inspector shall for all purposes be deemed to be put or made to the person by the Industrial Inspector, and any answer or other statement given or made by the person to the interpreter shall for all purposes be deemed to be given or made to the Industrial Inspector.

- (5) A person who acts as an interpreter for an Industrial Inspector shall not, otherwise than for the purposes of this Act and to assist an Industrial Inspector in the performance of his duties under this Act, disclose to any person any information that he acquires in the performance of his duty as such an interpreter.

Penalty: \$1 000.

- (6) In this section —

“conveyance” means vehicle, vessel, hovercraft, aircraft or other means of transportation made, adapted or used or intended to be used for the carriage of persons or goods;

“instrument to which this section applies” means —

- (a) an award;
 - (b) an industrial agreement;
 - (c) an order made by the Commission; and
 - (d) an employer-employee agreement or contract of employment to the extent, and only to the extent, that a condition is implied in that agreement or contract by section 5 of the MCE Act.
- (7) A reference to this Act in subsection (2), (3) or (5) includes a reference to another written law referred to in subsection (1).

[Section 98 amended by No. 121 of 1982 s. 32; No. 32 of 1994 s. 14; No. 79 of 1995 s. 38; No. 20 of 2002 s. 147; No. 14 of 2005 s. 9.]