

Subdivision 4 Specific powers on entry

171 Power to require production of documents and answers to questions

- (1) An inspector who enters a workplace under this division may—
 - (a) require a person to tell the inspector who has custody or access to, a document; or

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- (b) require a person who has custody of, or access to, a document to produce that document to the inspector while the inspector is at that workplace or within a stated period; or
 - (c) require a person at the workplace to answer any questions put by the inspector.
- (2) A requirement under subsection (1)(b) must be made by written notice unless the circumstances require the inspector to have immediate access to the document.
- (3) An interview conducted by an inspector under subsection (1)(c) must be conducted in private if—
- (a) the inspector considers it appropriate; or
 - (b) the person being interviewed so requests.
- (4) Subsection (3) does not limit the operation of section 166 or prevent a representative of the person being interviewed from being present at the interview.
- (5) Subsection (3) may be invoked during an interview by—
- (a) the inspector; or
 - (b) the person being interviewed;
- in which case the subsection applies to the remainder of the interview.
- (6) A person must not, without reasonable excuse, refuse or fail to comply with a requirement under this section.

Maximum penalty—100 penalty units.

Note—

See sections 172 and 173 in relation to self-incrimination and section 269 in relation to legal professional privilege.

- (7) Subsection (6) places an evidential burden on the accused to show a reasonable excuse.

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