

## WHAT TO DO WHEN THE INSPECTOR CALLS

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# KNOCK KNOCK. WHO'S THERE?

STATUTORY INVESTIGATORS - some broad examples

- ▶ Safety (Eg WorkSafe, Coroner, or industry specific)
- ▶ Police (criminal, Coronial)
- ▶ Professional registration/Commercial (Eg AHPRA, Victorian Building Authority, Legal Services Board, ASIC)
- ▶ Public sector integrity (Eg IBAC, Ombudsman)

# COME IN (OR NOT)

## WHAT ARE THEIR POWERS?

- ▶ Start with the Act. But what about the common law?
- ▶ Entry, search and seizure
- ▶ Right to silence/privilege against self-incrimination
- *Australian Communications and Media Authority v Today FM* [2015] HCA 7
- *ICAC v Margaret Cunneen & Ors* [2015] HCA 14
- *Hird v Australian Sports Anti-Doping Authority* [2015] FCACFC 7
- *R & Anor v IBAC* [2016] HCA 8

# SMILE FOR THE CAMERA

WHAT CAN THEY DO TO ME?  
QUITE A LOT...

- ▶ Criminal consequences
- ▶ Significant fines and civil penalties
- ▶ Suspension, disqualification, etc
- ▶ Public hearings
- ▶ Reputational damage

# IT'S A FAIR COP (BUT SOCIETY'S TO BLAME)

## THE IMPORTANCE OF BEING OBJECTIVE

- ▶ Take independent advice
- ▶ Even better, be prepared
  - ✓ Response protocol
  - ✓ Education & training
  - ✓ Contact list
  - ✓ Manage the flow of information
  - ✓ Check insurance cover: *Hird v Chubb* [2016] VSC 174
- ▶ But still take advice