



Internal review of decisions: Guidance for applicants

Internal Review is a mechanism which allows an eligible person to seek review of a range of decisions made by inspectors dealing with work, health and safety issues and by other officers in relation to licences, registrations and authorisations.

Eligibility and reviewable decisions

The decisions which can be internally reviewed are listed in the *Work Health and Safety Act 2012 (SA)* and the *Work Health and Safety Regulations 2012 (SA)*.

Only an 'eligible person' can apply for review of a decision. Eligible persons and reviewable decisions that are subject to internal review are listed in Attachment A. All internal review decisions are subject to external review by the South Australian Employment Tribunal (SAET).

There are also a number of reviewable decisions that can only be reviewed externally through the SAET, and are not subject to internal review. These are listed in Attachment B.

Attachment A: Reviewable Decisions through the Internal Review Process

Reviewable decisions under the *Work Health and Safety Act 2012 (SA)*

Section	Decision maker	Eligible person entitled to review	Internal review	External review
s.54(2) – decision following failure to commence negotiations	Inspector	<ol style="list-style-type: none"> 1. A worker whose interests are affected by the decision or his or her representative appointed for the purpose of section 52(1) (b). 2. A PCBU whose interests are affected by the decision. 3. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET
s.72(7) – decision in relation to training of HSR	Inspector	<ol style="list-style-type: none"> 1. A PCBU whose interests are affected by the decision. 2. A HSR whose interests are affected by the decision. 	Regulator	SAET
s.76(6) – decision relating to health and safety committee	Inspector	<ol style="list-style-type: none"> 1. A worker whose interests are affected by the decision. 2. A PCBU whose interests are affected by the decision. 3. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET
s.102 – decision on review of PIN	Inspector	<ol style="list-style-type: none"> 1. The person to whom the PIN was issued. 2. The HSR who issued the PIN. 3. A worker whose interests are affected by the decision. 4. A HSR who represents a worker whose interest are affected by the decision. 5. A PCBU whose interests are affected by the decision. 	Regulator	SAET
s.191 – issue of improvement notice	Inspector	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. A PCBU whose interests are affected by the decision. 3. A worker whose interests are affected by the decision. 4. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET
s.194 – extension of time for compliance with improvement notice	Inspector	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. A PCBU whose interests are affected by the decision. 3. A worker whose interests are affected by the decision. 4. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET

Section	Decision maker	Eligible person entitled to review	Internal review	External review
s.195 – issue of prohibition notice	Inspector	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. The person with management or control of the workplace, plant or substance. 3. A PCBU whose interests are affected by the decision. 4. A worker whose interests are affected by the decision. 5. A HSR who represents a worker whose interests are affected by the decision. 6. A HSR who gave a direction under s.85 to cease work, that is relevant to the prohibition notice. 	Regulator	SAET
s.198 – issue of a non-disturbance notice	Inspector	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. The person with management or control of the workplace. 3. A PCBU whose interests are affected by the decision. 4. A worker whose interests are affected by the decision. 5. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET
s.201 – issue of subsequent notice	Inspector	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. The person with management or control of the workplace. 3. A PCBU whose interests are affected by the decision. 4. A worker whose interests are affected by the decision. 5. A HSR who represents a worker whose interests are affected by the decision. 	Regulator	SAET
Prescribed by regulations	Prescribed by regulations	As prescribed by the regulations as eligible to apply for review of the reviewable decision.	Regulator or N/A	SAET

Reviewable decisions under the *Work Health and Safety Regulations 2012 (SA)*

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
High risk work licences				
89—Refusal to grant licence	Regulator	Applicant	Yes	SAET
91—Refusal to grant licence	Regulator	Applicant	Yes	SAET
91A – Imposition of condition when granting licence	Regulator	Applicant	Yes	SAET
91A – Imposition of condition when renewing licence	Regulator	Applicant	Yes	SAET
98—Refusal to issue replacement licence document	Regulator	Licence Holder	Yes	SAET
104—Refusal to renew licence	Regulator	Applicant	Yes	SAET
106—Suspension of licence	Regulator	Licence holder	Yes	SAET
106—Cancellation of licence	Regulator	Licence holder	Yes	SAET
106— Disqualification of licence holder from applying for another licence.	Regulator	Licence holder	Yes	SAET
106 – Variation of licence conditions	Regulator	Licence holder	Yes	SAET
Accreditation of assessors				
118—Refusal to grant accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET
120—Refusal to grant accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET
121 - Imposition of a condition when granting accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET
121—Imposition of a condition when renewing accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET
127—Refusal to issue replacement accreditation document	Regulator	Accredited assessor An RTO that engages the accredited assessor	Yes	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
132—Refusal to renew accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET
133—Suspension of accreditation	Regulator	Accredited assessor An RTO that engages the accredited assessor	Yes	SAET
133—Cancellation of accreditation	Regulator	Accredited assessor An RTO that engages the accredited assessor	Yes	SAET
133— Disqualification of assessor from applying for a further accreditation	Regulator	Accredited assessor An RTO that engages the accredited assessor	Yes	SAET
Registration of plant designs				
256—Refusal to register plant design	Regulator	Applicant	Yes	SAET
257 – Refusal to register plant design	Regulator	Applicant	Yes	SAET
258—Imposition of a condition when granting registration of plant design	Regulator	Applicant	Yes	SAET
Registration of plant				
269—Refusal to register item of plant	Regulator	Applicant The person with management or control of the item of plant	Yes	SAET
270—Refusal to register item of plant	Regulator	Applicant The person with management or control of the item of plant	Yes	SAET
271—Imposition of a condition when granting registration of item of plant	Regulator	Applicant The person with management or control of the item of plant	Yes	SAET
271 – Imposition of a condition when renewing registration of item of plant	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET
279—Refusal to renew registration of item of plant	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET
283—Amendment of registration, on regulator’s initiative	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
284—Refusal to amend registration on application (or a decision to make a different amendment)	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET
288—Refusal to issue replacement registration document	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET
288B – Decision to cancel registration	Regulator	Registration holder The person with management or control of the item of plant	Yes	SAET
General construction induction training				
322—Refusal to issue or replace general construction induction training card	Regulator	Applicant	Yes	SAET
322 – Refusal to issue replacement general construction induction training card	Regulator	Card Holder	Yes	SAET
323 - Cancellation of general construction induction training card	Regulator	Card holder	Yes	SAET
Hazardous chemicals and lead				
384—Refusal to grant authorisation to use, handle or store a prohibited or restricted carcinogen	Regulator	Applicant	Yes	SAET
386—Cancellation of authorisation to use, handle or store a prohibited or restricted carcinogen	Regulator	Authorisation holder	Yes	SAET
393—Deciding a process to be a lead process	Regulator	A person conducting a business or undertaking that carries out the lead process A worker whose interests are affected by the decision	Yes	SAET
407—Determining a different frequency for biological monitoring of workers at a workplace, or a class of workers, carrying out lead risk work	Regulator	A person conducting a business or undertaking that carries out lead risk work A worker whose interests are affected by the decision	Yes	SAET
Asbestos removal licences and asbestos assessor licences				
497—Refusal to grant licence	Regulator	Applicant	Yes	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
501—Refusal to grant licence	Regulator	Applicant	Yes	SAET
502—Imposition of a condition when granting licence	Regulator	Applicant	Yes	SAET
502—Imposition of a condition when renewing licence	Regulator	Applicant	Yes	SAET
508—Amendment of licence, on regulator’s initiative	Regulator	Licence holder	Yes	SAET
509—Refusal to amend licence on application (or a decision to make a different amendment)	Regulator	Licence holder	Yes	SAET
513—Refusal to issue replacement licence document	Regulator	Licence holder	Yes	SAET
517—Refusal to renew licence	Regulator	Applicant	Yes	SAET
520—Suspension of licence	Regulator	Licence holder	Yes	SAET
520—Cancellation of licence	Regulator	Licence holder	Yes	SAET
520— Disqualification of licence holder from applying for another licence	Regulator	Licence holder	Yes	SAET

Attachment B: Reviewable Decisions that can only be Reviewed Externally through the South Australian Employment Tribunal (SAET)

Work Health and Safety Act 2012 (SA)

Section	Decision maker	Eligible person entitled to review	Internal review	External review
s.179 – decision to forfeit a thing	Regulator	The person entitled to the thing.	N/A	SAET
s.180 – decision on return of seized thing	Regulator	The person entitled to the thing.	N/A	SAET
s.207 – decision of regulator to vary or cancel notice	Regulator	<ol style="list-style-type: none"> 1. The person to whom the notice was issued. 2. The person with management or control of the workplace. 3. A PCBU whose interests are affected by the decision. 4. A worker whose interests are affected by the decision. 5. A HSR who represents a worker whose interest are affected by the decision. 6. In the case of a prohibition notice, a HSR whose direction under s.85 to cease work gave rise to the notice. 	N/A	SAET

Work Health and Safety Regulations 2012 (SA)

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
Major hazard facilities				
<i>Determination of facility to be major hazard facility</i>				
541—Determination of facility to be a major hazard facility, on making inquiry	Regulator	Operator of facility	N/A	SAET
541— Decision not to determine proposed facility to be a major hazard facility	Regulator	Operator of facility	N/A	SAET
542—Determination of major hazard facility	Regulator	Operator of facility	N/A	SAET
543—Determination of suitability of operator	Regulator	Operator of facility	N/A	SAET
544—Imposition of a condition on a determination of a major hazard facility	Regulator	Operator of facility	N/A	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
<i>Licensing of major hazard facility</i>				
580—Refusal to grant licence	Regulator	Operator of facility	N/A	SAET
584—Imposition of a condition when granting licence	Regulator	Operator of facility	N/A	SAET
584—Imposition of a condition when renewing licence	Regulator	Operator of facility	N/A	SAET
589—Amendment of licence, on regulator’s initiative	Regulator	Operator of facility	N/A	SAET
590—Refusal to amend licence, on application (or a decision to make a different amendment)	Regulator	Operator of facility	N/A	SAET
594—Refusal to issue replacement licence document	Regulator	Operator of facility	N/A	SAET
598—Refusal to renew licence	Regulator	Operator of facility	N/A	SAET
600—Refusal to transfer licence, on application	Regulator	Operator of facility Proposed operator of facility	N/A	SAET
601—Refusal to cancel licence, on application	Regulator	Operator of facility	N/A	SAET
602—Suspension of licence	Regulator	Operator of facility	N/A	SAET
602—Cancellation of licence	Regulator	Operator of facility	N/A	SAET
602— Disqualification of licence holder from applying for another licence	Regulator	Operator of facility	N/A	SAET
Exemptions				
684—Refusal to exempt person (or a class of persons) from compliance with any provision of this regulation	Regulator	Applicant	N/A	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
686—Refusal to exempt person from requirement to hold a high risk work licence	Regulator	Applicant	N/A	SAET
688—Refusal to exempt operator of MHF from compliance with any provision of this regulation, on application	Regulator	Operator of facility	N/A	SAET
691—Imposing condition on an exemption granted on application under part 11.2	Regulator	Applicant	N/A	SAET
696—Refusal to grant exemption	Regulator	Applicant	N/A	SAET
697—Amendment of an exemption granted on application under Chapter 11 Part 2	Regulator	Applicant	N/A	SAET
697—Cancellation of an exemption granted on application under Chapter 11 Part 2	Regulator	Applicant	N/A	SAET