

Legislation

Workplace Health and Safety Act 2007

Review and appeal >

This information bulletin provides guidance on how to apply for Internal Review under Section 87, [Workplace Health and Safety Act 2007](#).

How to apply for a review of a decision

An application to review a decision by NT WorkSafe or a Workplace Safety Officer must be made in writing using the [Internal Review Application Form – FM150](#).

An applicant must apply for internal review within 14 days after the decision was made. However, if appropriate, the Internal Review Committee may allow a longer period.

Before You Begin

Before you begin to fill out FM150 – Internal Review Application Form, you need to answer the following questions:

- Is the decision of NT WorkSafe or the Workplace Safety Officer reviewable?
- Am I eligible to seek review of this decision?

Detailed answers to these questions can be found in Appendix 1 at the back of this bulletin, which lists the reviewable decisions and gives guidance as to who may be an eligible person to seek review. If the answer to both questions is 'yes', then proceed to fill out the application.

Further details on the process for internal review may be found in Section 87 of the *Workplace Health and Safety Act 2007*. To obtain the Application for Internal Review form contact NT WorkSafe on 1800 019 115 or go to www.worksafe.nt.gov.au.

Please note that:

- You can seek independent advice to complete your application;
- While an 'eligible person' can be assisted in making an application, the application must be made in the name of the 'eligible person'; and
- The information you are asked to provide may vary according to the decision(s) to be reviewed.

If you are unsure how to complete any section of the application form for internal review, contact the Internal Review Committee at NT WorkSafe. However, the Internal Review Committee can only guide you on the type of general information that is required for an application and can not provide you with specific advice about your application.

Completing the Application

Applicant details

Please provide contact details to ensure you can be reached by telephone and where mail will be promptly delivered to you.

If you are completing the approved internal review application form on someone else's behalf you must provide information about yourself as well as the applicant (e.g. 'relationship to applicant').

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Information about the decision

It is important that you include as much information as possible to support your application. You should provide details of any attachments to your application form.

Please give as much detail as possible about the visit to your workplace by the Workplace Safety Officer (if applicable) to assist Internal Review to properly identify the visit to which you are referring. Where possible, provide the date(s) that the Workplace Safety Officer attended your workplace and the reference number(s) of any Visit Report provided or Notices issued.

The information you provide may vary according to the decision being reviewed. For example:

1. To change the compliance date on an Improvement Notice you should include the following:
 - Reasons why you believe you will not be able to comply with the current compliance date (include copies of any supporting documentation);
 - A nominated alternative compliance date;
 - Details of any interim controls that you have implemented or could implement to reduce the risk to health and safety until you can meet compliance with the Improvement Notice;
 - A copy of the Improvement Notice to which your request relates; and
 - Any other information you would like the Internal Review Committee to consider.
2. To set aside or vary a reviewable decision, you should include the following information:
 - Reasons why you believe the reviewable decision should be varied or set aside;
 - If you think another decision should have been made, the decision that should have been made;
 - Copies of any Notices or Visit Reports to which your request relates; and
 - Any other information you would like the Internal Review Committee to consider.
3. To review a determination of work groups, you must refer to which particular matter(s) required by Regulation 35B(2) of the Workplace Health and Safety Regulations 2008 our request for review relates. You should attach a separate page to the application form setting out the following in as much detail as you can:
 - The location of each relevant workplace;
 - The number of workers who will form the work group or work groups (the number and grouping of employees who perform the same or similar types of work or who work under the same or similar arrangements);
 - Whether other languages are spoken by the workers;
 - Any overtime or shift work arrangements that apply to the workers;
 - The capacity in which workers are engaged to perform work;
 - The nature of each type of work performed by the workers;
 - The areas at the workplace where each type of work is performed;
 - The nature and particular risks involved in each type of work;
 - The nature of particular hazards at each relevant workplace.
4. To review a failure by a Workplace Safety Officer to make a decision, you should include the following information:
 - Reasons why you believe the Workplace Safety Officer should have made a decision to issue a Notice or made another reviewable decision;
 - State what decision you believe the Workplace Safety Officer should have made;
 - The risk to health or safety;

- The circumstances in which the matter of the subject of the reviewable decision was considered, e.g. if a Workplace Safety Officer discussed a breach of health and safety legislation at your workplace but took no action to address the breach, you will need to provide details about the discussion;
- Copies of any Notices or Visit Reports to which your application relates; and
- Any other information you would like the Internal Review Committee to consider.

These examples are not exhaustive.

Declaration

This section must be completed by all applicants for every category of internal review application.

Withdrawing an application

If you decide that you do not wish to continue with your internal review application before a decision is made, please contact Internal Review and request that your application be withdrawn.

Contact us

Send your application form to:

Internal Review

(Private and Confidential)

GPO Box 1722

Darwin NT 0801

Telephone: 1800 019 115

Facsimile: (08) 8999 5141

Email: internal.review@nt.gov.au

Website: www.worksafe.nt.gov.au

Appendix 1

Reviewable Decisions – *Workplace Health and Safety Act 2007*

The following decisions are 'reviewable decisions' under the *Workplace Health and Safety Act 2007*.

A decision by the Authority to disclose confidential information (Section 19);

A decision by the Authority to establish a workgroup (Section 34);

A decision by the Authority to disqualify a person from holding office as a health and safety representative (Section 37);

A decision by the Authority to remove an authorised union OH&S representative from office for breach of a condition of appointment or to disqualify a person from holding office as an authorised union OH&S representative (Section 52);

A decision by the Authority determining a dispute about the powers of an authorised union OH&S representative (Section 53);

A decision by a workplace safety officer to take possession of an object or material under section 70(1)(g);

A decision by a workplace safety officer to issue an enforcement Notice;

A refusal by a workplace safety officer to withdraw a Prohibition Notice;

A decision by the Authority determining a dispute about whether a serious and immediate risk to the health or safety of a worker exists (Section 77).

A person is eligible to seek review of a decision if they are affected by the decision.

This would include, but is not necessarily limited to: an employer who is affected by the decision, a person who received a notice, a health and safety representative (HSR) who represents a person affected by the decision, a health and safety representative (HSR) who issued a Notice of Safety Hazard or directed a worker to stop work.