

### INDEX

DOCUMENT CONTROL SHEET	1
REVIEW	1
Document Details	1
Change History	1
Contact Person	1
PURPOSE	2
Overview	2
BACKGROUND	2
Legislation	2
Reviewable Decisions	3
Eligibility for Internal Review	4
PROCEDURE	4
Receipt of Applications	4
General Decision Making Principles - Overview	5
Preliminary Issues Arising in Applications	5
Lodgement	5
Late Lodgement	6
Applications from Multiple Eligible Persons	6
Invalid Applications	6
Investigating and Considering an Internal Review	7
Information to be considered by Internal Reviewer	7
Information Provided by the Applicant	8
Additional Information	8
Site Visits	8
General Decision Making Principles	9
Consistency	9
Factors to be considered when making a Decision	9
Evidence, Facts and Findings	9
Natural Justice	9
Bias and Conflict of Interest	10
Independence of Decision Making	10
Reasons for Decision	10
Content and Structure of Reasons for Decision	10
Stays of Reviewable Decisions	11
Automatic Stays	11
Stay of Operation of Prohibition or Non-Disturbance Notice	11
Justification for Granting a Stay	11
Duration of a Stay	12

Reasons for Decision	12
Expiation Notice Review	12
External Review	12
Publishing Information about Internal Review Decisions	12
<b>FURTHER INFORMATION</b>	<b>13</b>
Attachment A: Reviewable Decisions through the Internal Review Process	13
Reviewable decisions under the <i>Work Health and Safety Act 2012 (SA)</i>	13
Reviewable decisions under the <i>Work Health and Safety Regulations 2012 (SA)</i>	15
Attachment B: Reviewable Decisions that can only be Reviewed Externally through the South Australian Employment Tribunal (SAET)	20
<i>Work Health and Safety Act 2012 (SA)</i>	20
<i>Work Health and Safety Regulations 2012 (SA)</i>	20
Attachment C: The Objectives of Merits Review	23
Internal Review Process	24
Internal Review Process:	24

# DOCUMENT CONTROL SHEET

## REVIEW

This SOP must be modified as soon as practicable after any changes in legislation, practice, procedures and/or organisational structure make it no longer current. If no such changes occur, it must be reviewed 3 years from the date of issue.

## Document Details

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## Change History

Previous		Change from previous version	Author
Version	Issue Date		
1	January 2013	NA	Investigation and Legal Team
2	January 2018	Current process	Policy and Governance

## Contact Person

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<b>Position</b>	Principal Skills Support Officer – Resources, Corporate Services
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## Endorsed

[REDACTED]  
Executive Director  
SafeWork SA  
9 /2 /2018

## PURPOSE

### Overview

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.

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

The WHS Act and WHS Regulations do not contain specific criteria for review, or prescribe the way in which a review is to be conducted. These procedures provide guidance as to how the Internal Reviewer will conduct reviews and make his or her decisions.

The Internal Review process which is independent of SafeWork SA's operations area aims to give confidence to all parties in the robustness, consistency and independence of review mechanisms. To ensure an authoritative and transparent process, the person who made the reviewable decision cannot review that decision. Dealing with real or perceived conflict of interest (or bias) is also covered in these procedures.

Reviews are conducted by an Internal Reviewer appointed by the Regulator.

Internal Reviewers aim to be consistent in their approach. They will follow best practice in decision making to ensure that their decision is correct in law and the facts are established based on evidence. All decisions must provide for natural justice (or procedural fairness) to all the parties, and deal with any real or perceived conflict of interest or bias. Internal Reviewers must act independently and exercise their own judgment while having regard to the legislation, the regulator's policies and procedures and where relevant, accepted technical standards or guidance material. They must provide written reasons for their decisions within a strict timeframe.

## BACKGROUND

### Legislation

The WHS Act provides for Internal Review of a range of decisions made by and on behalf of the regulator. In some jurisdictions there may be other legislation which provides for the processing of Internal Reviews.

Part 12 of the WHS Act enables an eligible person to apply to the regulator for Internal Review of certain reviewable decisions. Section 223 of the WHS Act identifies which inspector and regulator decisions are 'reviewable decisions' and who is an 'eligible person' in relation to each reviewable decision.

Section 224(1) of the WHS Act provides that an eligible person may apply for Internal Review of a reviewable decision that is not a decision made by the regulator or a delegate of the regulator.

This means that Internal Review is only available for identified reviewable decisions made by inspectors. (External review only is available for reviewable decisions made by the regulator or a delegate of the regulator.)

Chapter 11, Part 1 of the WHS Regulations also provides for Internal Review of specific decisions under the WHS Regulations.

### Reviewable Decisions

Reviewable decisions are prescribed in the WHS Act and the WHS Regulations. Specific reviewable decisions made under the WHS Act that can be the subject of Internal Review are set out in section 223(1) and cover decisions made by an **inspector** in relation to:

- whether a PCBU has taken all reasonable steps to commence negotiations with workers to determine a work group – section 54(2);
- whether a work group should be determined – section 54(2);
- whether an agreement concerning the determination of work groups should be varied – section 54(2);
- the course to be undertaken by a health and safety representative – section 72(7)(2);
- the establishment and / or constitution of a health and safety committee – section 76(6);
- confirming, varying or cancelling a provisional improvement notice – section 102;
- the issue of an improvement notice – section 191;
- an extension of time for the compliance period of an improvement notice – section 194;
- the issue of a prohibition notice – section 195 ; and
- the issue of a non-disturbance notice and subsequent non-disturbance notices – sections 198 and 201.

Specific reviewable decisions made under the WHS Act that can only be the subject of external review are also set out in section 223(1) of the WHS Act and cover decisions made by the regulator in relation to:

- forfeiture of seized things – section 179 (but not the decision to seize things);
- the retention of a seized thing or conditions imposed on the return of a seized thing – section 180; and
- varying or cancelling a notice – section 207.

Regulation 676 of the WHS Regulations identifies decisions made by the regulator under the regulations which can be the subject of Internal Review. They are:

- making an order, determination, decision, declaration, demand or requirement;
- giving a direction, approval, consent or permission;
- issuing an authorisation;
- suspending an order, determination, decision, direction, approval, consent, permission or an authorisation;
- revoking an order, determination, decision, direction, approval, consent, permission or an authorisation;
- imposing a condition;
- retaining an article;
- doing any other act or thing; and
- refusing to make an order, determination or decision; give a direction, approval, consent or permission; issue an authorisation; deliver up an article; or do any other act or thing.

Important exceptions to the application of these provisions are the decisions made in relation to Major Hazard Facilities (Chapter 9) and exemptions (Chapter 11 Part 2) as defined in regulation 677 of the WHS Regulations.

Applications for the review of these decisions are to be made directly to the South Australian Employment Tribunal and are not subject to the Internal Review provisions included in these procedures, although each jurisdiction may have other legislation relating to review of decisions which must be considered.

### Eligibility for Internal Review

Section 223(1) of the WHS Act and regulation 676 of the WHS Regulations prescribe who is an 'eligible person' for each reviewable decision.

Only an 'eligible person' can apply for review of a decision. Eligible persons are listed in the legislation (also refer to [Attachment A](#)), and are specific to the provision of the Act or the Regulation that is reviewable.

These include the person to whom the notice or licence was issued, the person with management or control of the workplace, and persons whose interests are affected by the decision, such as a person conducting a business or undertaking, a worker, a health and safety representative or a person affected by a decision involving registrations, assessors or training. When applying for a review, an applicant will be required to identify which category of eligible person they are.

## PROCEDURE

### Receipt of Applications

An application for Internal Review must be made in the manner and form required by the regulator. Each application should be in writing on the Internal Review Application form provided by the regulator.

If the form is incomplete, further information may be sought, the application may be returned to the applicant to be completed or, if necessary, the applicant may be provided with assistance to complete the form.

The statutory timeframe for the review to be conducted commences once a completed, valid application is received by the regulator. (If an incomplete application is initially received, this will be taken into account when considering whether lodgement of a complete application outside the statutory timeframe is to be accepted. Refer to 'Late Lodgement' of these guidelines.)

The application will be checked to ensure it contains details of:

- decision to be reviewed;
- category of eligible person;
- date of application;
- applicant's details, including name of individual or full legal name of company (and ABN), contact's name, address and phone details;
- date of original decision;
- name of inspector or other decision maker, if relevant;
- date of inspector's visit, if relevant;
- number of notice or inspection report, if relevant;
- change to decision being sought;
- reason for change being sought;
- any stay request for prohibition or non-disturbance notice, if relevant, and measures to be taken to reduce risk to health and safety; and
- signed declaration, unless the application has been emailed.

If an Internal Review application is valid and has been correctly completed, it will be receipt dated and acknowledged.

The Internal Reviewer will also be notified, as will the original decision maker.

## General Decision Making Principles - Overview

When the Internal Reviewer is doing a merits review of a decision, essentially they must 'stand in the shoes' of the original decision maker and re-exercise the functions of the decision maker.

The Internal Reviewer needs to take into account not only material available to the original decision maker at the time the original decision was made, but any new, relevant information that becomes available during the review. The Internal Reviewer must decide, in light of that material, what decision is the correct and appropriate one. Refer to [Attachment C](#), "*The objectives of merits review*".

In conducting a review, the Internal Reviewer is not bound by legal technicalities or the rules of evidence. There is no statutory requirement for a hearing or a face to face meeting with an applicant, but if an Internal Reviewer considers a meeting would assist them in his or her decision making, he or she can arrange one if it can be done within the statutory timeframe for the decision making. The rules of natural justice will be observed.

As Internal Review is the statutory right of an eligible person, an application for review can be withdrawn by the eligible person at any time up to the time a decision is made.

## Preliminary Issues Arising in Applications

### Lodgement

Applications made under the WHS Act, other than for improvement notices, must be lodged within 14 days after the day on which the reviewable decision came to the notice of an eligible person, or such longer period as the regulator allows – section 224(3)(b) of the WHS Act.

An application relating to an improvement notice should be lodged before the compliance date on the notice or within 14 days after the day on which an eligible person became aware of the notice, whichever is the earlier – section 224(3)(a) of the WHS Act.

Majority of applications made under the WHS Regulations must be lodged within 28 days after the day on which the decision first came to the eligible person's notice or such longer period as the regulator allows.

Under regulation 678(2) of the WHS Regulations, an eligible person in relation to a reviewable decision under:

- regulation 89(5) – licensing of high risk work
- regulation 118(5) – accreditation of assessors
- regulation 256(5) – registration process for plant designs
- regulation 269(5) – registration process for an item of plant
- regulation 497(5) – licensing of asbestos removalists and asbestos assessors

may apply to the regulator for an Internal Review of a decision within 28 days after the day on which the 120 day period referred to in that provision; or any longer time the regulator allows.

## Late Lodgement

Section 224(1)(b) of the WHS Act and regulation 678 of the WHS Regulations enable the regulator to accept a late application. These provisions recognise that a failure to lodge an application within the specified time does not automatically exclude a person from Internal Review and gives the regulator discretion to decide whether to accept an application outside that time. An Internal Reviewer will generally be authorised by the regulator to exercise this discretion on its behalf.

In deciding whether to accept an application lodged after the prescribed period, an Internal Reviewer must consider all the circumstances of the particular application. Relevant circumstances may include:

- the date on which the reviewable decision first came to the attention of the eligible person;
- the explanation for late lodgement;
- the length of time by which the statutory time for lodgement is exceeded;
- when the applicant first decided to challenge the decision;
- the reason for the application;
- factors outside the control of the applicant;
- any steps taken to pursue Internal Review within the statutory time for lodgement;
- whether the review application for an Improvement Notice was made before or after the compliance date in the notice; and
- whether any prejudice, disadvantage or injustice will be caused to any person if the regulator exercises its discretion to allow late lodgement.

In determining whether or not to accept lodgement of the application outside the statutory timeframe, the Internal Reviewer may take into account the view of the original decision maker. If appropriate, the Internal Reviewer may also take into account the views of any relevant workplace party affected by late lodgement, for example a health and safety representative.

If the Internal Reviewer's decision is to reject a late application, the applicant will be provided with written reasons for the decision. Written reasons for acceptance of a late lodgement will be included with the final decision.

## Applications from Multiple Eligible Persons

Sometimes, more than one 'eligible person' may apply for Internal Review of the same decision. Where possible, those applications will be considered by the same Internal Reviewer.

If an Internal Review application from one eligible person has already been decided, a valid application from another eligible person for Internal Review on the same original decision will be accepted. The Internal Reviewer will need to take into account the nature of the application and the review decision that has already been made.

Where a valid application is refused, an eligible person will be advised of his or her right to seek an External Review by the South Australian Employment Tribunal.

## Invalid Applications

If an application is invalid, it cannot be determined by the Internal Review process. The applicant will be advised with an explanation as to why this is the case. An application can be invalid for a number of reasons which include:

- the applicant is not an eligible person;
- the application seeks review of a decision which is not reviewable;
- the applicant's application has been determined previously (ie: they can only lodge one application);

- it is a complaint about the behaviour of the decision-maker.

Failure to provide sufficient information does not of itself make the application invalid and an Internal Reviewer would generally be expected to assist the applicant by informing them of the kind of information they need to provide.

A request to have a decision set aside or varied because the applicant has since complied with the requirements of the reviewable decision (eg. an applicant has complied with an improvement notice) is not a reason for the decision to be varied or set aside. In such cases, the decision will be confirmed (unless of course in the process of review it is revealed that the original decision was for some *other* reason incorrect). The Internal Reviewer will advise the applicant that compliance is not by itself grounds for review.

In cases where an applicant seeks review of a non-reviewable decision or, for example, the applicant raises a complaint about the behaviour of the decision-maker, the Internal Reviewer will advise the applicant and provide information on the options available for follow up of those issues through other avenues.

### **Investigating and Considering an Internal Review**

The Internal Reviewer is required to take into account all relevant information and material available and decide if the decision under review is the correct and appropriate one and should be confirmed. If not, they must set aside the decision and substitute another decision, or vary the decision so that the correct and appropriate decision is made.

#### **Information to be considered by Internal Reviewer**

The Internal Reviewer will have regard to all relevant and available information and decide what weight to attribute to such information when reaching a decision. The Internal Reviewer can consider:

- information provided in the application and any supporting documentation provided by the applicant;
- information that was available to the original decision maker;
- any further information provided by the original decision maker when they are advised of the Internal Review application; and
- any additional relevant information provided to or obtained by the Internal Reviewer.

In addition to the applicant's information, the Internal Reviewer can use information held by the regulator. This includes the original application in relation to the decision, inspection reports, notices and photographs, and the notes of the original decision maker. The Internal Reviewer can also seek further information direct from the original decision maker. This information allows the reviewer to identify:

- reasons the decision maker made the decision;
- previous decisions that are relevant and why they are relevant;
- description of any conditions or operating environment;
- description of any risks identified in relation to the decision;
- the particular factual circumstances in which the reviewable decision was made (e.g. was there material available that was not originally considered and if so why not, time restrictions, level of risk etc.); and
- any other relevant information (e.g. Codes of Practice, Australian Standards or other guidance material).

## Information Provided by the Applicant

The Internal Reviewer will consider any information provided by or on behalf of the applicant. If the Internal Reviewer seeks further information from the applicant, the 14 day period for the review's completion stops – section 226(3) of the WHS Act.

The Internal Reviewer will specify a time of not less than seven days for the applicant to provide the material - section 226(4) of the WHS Act. Once the information is provided, or the specified time ends, the remaining time for the review continues. If the applicant fails to provide the information by the specified time, the decision is taken to be confirmed by the Internal Reviewer – see s226(5) of the WHS Act.

If the information to be considered in the review was not initially provided to the decision maker whose decision is under review, the Internal Reviewer should provide it to them to give them an opportunity to comment on it. The Internal Reviewer may also provide that information to other persons for the purposes of seeking an opinion, subject to the confidentiality provisions in section 271 of the WHS Act or privacy requirements. (See 'Additional Information' below.)

## Additional Information

As well as information provided by the applicant, the regulator and the decision maker, the Internal Reviewer may decide it is appropriate to obtain information from others within the regulator or outside sources. This includes opinions from persons who have particular experience, knowledge or expertise in a relevant area to assist reaching a sound decision.

If the additional information could adversely affect the applicant or another person whose interests are affected by the decision, the Internal Reviewer should make them aware of the substance of the information, and provide an opportunity for them to comment. Because of the strict statutory time lines for reaching a decision, the Internal Reviewer should inform the applicant of the deadline by which his or her comment is to be supplied. If it is not received by the deadline, the Internal Reviewer will decide the matter on the available information.

## Site Visits

After reviewing the available information, the Internal Reviewer may consider it is necessary to conduct a site visit. Given the time constraints for Internal Review, site visits do not occur routinely. Where the Internal Reviewer decides a site visit is appropriate, they will usually arrange this with the applicant or relevant party, or at least advise the applicant that a visit is proposed. The Internal Reviewer would also usually invite the applicant (or representative) and, if considered necessary, the person whose decision is under review to attend. The Internal Reviewer may ask another person with relevant expertise within the regulator to attend, or they may attend alone.

In the unusual situation where an Internal Reviewer conducts a site visit without advising the applicant first, the applicant should be told as soon as possible. Any preliminary conclusions reached as a result of the visit should also be communicated to the applicant.

Any relevant comments or observations made by the applicant, the decision maker, or any other person during a site visit may be considered by the Internal Reviewer in reaching a decision. If such comments are relied on by the Internal Reviewer in reaching a decision the Internal Reviewer should make a record of them, or refer to them in the reasons for the decision.

(See 'Additional Information' above for the process if information obtained could adversely affect the applicant's case.)

## General Decision Making Principles

### Consistency

An Internal Reviewer must be consistent in the performance of his or her decision making functions, and will have regard to any relevant precedents, judicial interpretations and authoritative references when reaching a decision. Regular sharing of information and access to the decisions of other reviewers will assist in maintaining consistency.

### Factors to be considered when making a Decision

An Internal Reviewer should not take into account irrelevant matters, or fail to take into account relevant matters in making his or her decision.

The WHS Act does not specifically set out what are relevant considerations, and it is largely for the Internal Reviewer to determine which matters are relevant and their level of importance. The Internal Reviewer is also bound to consider the scope and purpose of the relevant legislation, and the existence or absence of any statutory requirement relevant to the specific reviewable decision.

An Internal Reviewer can use documents such as policies and procedures for guidance but these may not cover all relevant considerations. Placing undue weight on, or inflexibly applying such policies may lead to administrative error as it could lead to a failure to take into account other relevant considerations. This is particularly important as the Internal Reviewer is conducting a merits review.

### Evidence, Facts and Findings

An Internal Reviewer's decision is based on facts, and an important element of decision making is making findings about those facts. Many facts needed to support a decision are clear and uncontroversial but in other cases it is necessary to obtain and evaluate information. An Internal Reviewer must do the following:

- determine all material questions of fact – those questions of fact that are necessary for the decision;
- not base a decision on fact without evidence that the fact is relevant and logically supports the finding;
- not base his or her decision on a finding that is manifestly unreasonable;
- observe natural justice; and
- comply with the requirement in section 227 of the WHS Act to give the applicant in writing the decision on Internal Review and the reasons for the decision.

### Natural Justice

An important legal requirement applying to most decisions that directly affect the rights and interests of individuals or organisations is that the decision be made in accordance with the rules of natural justice, also known as procedural fairness.

Natural justice requires the Internal Reviewer to adhere to a decision making procedure that ensures the decision making process is fair, including giving a person a fair hearing. For example if new information becomes available it may be necessary to give the applicant an opportunity to consider and make submission on it.

## Bias and Conflict of Interest

An Internal Reviewer must conduct reviews in an unbiased manner. Bias may be either, actual or perceived. Perceived bias occurs where a fair minded person might reasonably perceive or suspect the Internal Reviewer had or might prejudge the matter or not have an open mind when conducting the review. In a case where an applicant or other person alleges bias, the matter will be referred to the Internal Reviewer's manager who may reallocate the review.

In a case where an individual Internal Reviewer considers there is some conflict of interest with a specific review, or where there may be a perception he or she could be in conflict, the matter should be discussed with the Internal Reviewer's manager, who may reallocate the review. If the Internal Reviewer is an appointed inspector, refer to section 158 of the WHS Act in relation to conflicts of interest.

## Independence of Decision Making

While an Internal Reviewer exercises the power of the regulator to conduct an Internal Review, they must act independently and exercise his or her own judgment according to law. This means an Internal Reviewer must have regard to regulator policies and procedures, but they are not bound by them in cases where there is perceived to be some inconsistency between such policies and legislative requirements. However, given the scrutiny to which such policies are subjected it is considered such inconsistency would be rare.

An Internal Reviewer cannot be directed by officers of the regulator or any person as to what decision to make in a particular case.

## Reasons for Decision

The Internal Reviewer will usually contact the applicant to advise them of the decision and explain the relevant issues and processes which led to the decision. A formal letter is sent to the applicant (within the statutory timeframe) confirming the decision and reasons, with information on external review rights.

A copy of the decision and reasons should also be given to relevant internal staff within the regulator. This includes the person who made the decision under review, his or her line manager and any other supervising manager where appropriate. Any learnings from an Internal Review are shared at the WHS Functional Group and recorded in the minutes. Operational procedures are reviewed and updated if required.

Regulators in each of the jurisdictions are encouraged to share the lessons from their respective Internal Review processes. This promotes continuous improvement in decision making, and where necessary, ensures that procedures and policies are updated or reinforced.

## Content and Structure of Reasons for Decision

The reasons for decision should be written in plain English and in a form that enables a reader to clearly understand the decision, its impact and the reasoning process leading to the decision.

While the actual content of individual written decisions will vary depending on the complexity and the issues involved, they should be logically structured and include the following general information:

- a clear and unambiguous statement of the decision by the Internal Reviewer and its impact or resulting outcome;

- a brief description of the original decision under review;
- a brief history of the context in which that original decision was made;
- a summary of the application, including the identity of the applicant and the category of 'eligible person' into which the applicant falls;
- details of any grounds relied on by the applicant;
- information and material considered by the Internal Reviewer;\*
- findings of material fact and the information on which those findings are based;
- details of relevant law or statutory provisions;
- the identity of the Internal Reviewer making the review decision; and
- the date of the review decision.

\* An Internal Reviewer can be informed by existing confidential legal advice that is general in nature and not reveal it to the applicant, but specific legal advice pertaining to the decision in question (ie: counsel's opinion on that particular decision) could not be relied on by the Internal Reviewer without disclosing it to the applicant. Disclosing such information may waive legal professional privilege, and should first be discussed with the regulator's legal advisors.

As a matter of policy a copy of the decision and the reasons for the decision will be sent to the applicant by email or fax in the first instance if those details have been provided, and the original sent by mail. The applicant will also be provided with information setting out the procedure for seeking an external review of the decision by the relevant external review body.

## Stays of Reviewable Decisions

### Automatic Stays

Section 228(1) of the WHS Act provides that an application under the Act for review of a reviewable decision (other than a decision to issue a prohibition notice or non-disturbance) notice automatically stays the reviewable decision.

(Note that regulation 682 of the WHS Regulations provides that an application for Internal Review under the regulations does not affect the operation of the reviewable decision or prevent the taking of any lawful action to implement or enforce the decision. That is, there is no provision for an automatic stay under the regulations.)

### Stay of Operation of Prohibition or Non-Disturbance Notice

To stay the operation of a prohibition notice or a non-disturbance notice the applicant can request a stay or the Internal Reviewer can decide to stay the operation of the notice on his or her own initiative.

The Internal Reviewer can either grant or refuse a stay, but section 228(4) of the WHS Act provides that **the decision must be made within one working day of the request being made**. If a decision is not made within that time, the Internal Reviewer is taken to have made a decision to grant the stay.

### Justification for Granting a Stay

The rationale for the stay provision is to avoid undue adverse impact on a person because of the operation of a reviewable decision while it is being internally reviewed.

Circumstances in which a stay might be granted are not specified in the WHS Act or the WHS Regulations. Because prohibition notices are based on the assertion of a serious risk to a person's health and safety emanating from immediate or imminent exposure to a hazard, and non-

disturbance notices are used to facilitate the exercise of the inspector's compliance powers, stays will be granted only when the reviewer is satisfied there are compelling reasons.

The following factors may be relevant in deciding whether a stay is granted:

- Would the grant or refusal of a stay result in an adverse impact on the health and safety of any person?
- Would granting a stay defeat or substantially negate the purpose of the decision itself?
- What impact does the operation of the reviewable decision have on the applicant, or any other person?
- Will there be a significant adverse effect to the ordinary business operations if a stay is not granted?
- Will a failure to grant a stay result in changes which are not capable of being reversed at a later stage?
- Who would suffer the greater prejudice or harm if the stay was not granted?
- What (if any) interim measures are proposed by the applicant to reduce any risk to health and safety of persons at the workplace?

### Duration of a Stay

If granted, a stay continues until the end of the prescribed period for applying for an external review of the internal review decision or an application for external review is made, whichever is earlier – section 228(6) of the WHS Act.

### Reasons for Decision

There is no obligation in the WHS Act or Regulations for the regulator to provide *written* notification of the outcome of a request for a stay. But, as transparency is an important aspect of the review process, the Internal Reviewer will provide some written explanation. This can be either at the time of making the stay decision or, because the one working day time frame for a stay request decision means that it will not always be possible to provide written reasons at the time the stay decision is made, it will be included in the mandatory written notification which sets out the reasons for the review decision itself. (See 'Reasons for Decision' above).

### Expiation Notice Review

In SA this is governed by Section 8A of the *Expiation of Offences Act 1996* (SA). Refer to the relevant SafeWork SA SOP on Expiation Offences.

### External Review

Section 229 of the WHS Act allows for an eligible person to apply to the external review body for a review of the regulator's reviewable decisions or decisions made on an internal review.

In South Australia, the relevant external review body is the South Australian Employment Tribunal. Advice on how to apply for external review, which is provided for in section 229(1)(a) of the WHS Act, will be included with the internal review decision that is communicated to the applicant.

### Publishing Information about Internal Review Decisions

Regulators may publish key points and/or summaries of internal review decisions on their web sites. Internal publishing of this information within the relevant regulator and shared across regulators would assist to improve original decision making.

## FURTHER INFORMATION

### 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"> <li>1. A worker whose interests are affected by the decision or his or her representative appointed for the purpose of section 52(1)(b).</li> <li>2. A PCBU whose interests are affected by the decision.</li> <li>3. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.72(7) – decision in relation to training of HSR	Inspector	<ol style="list-style-type: none"> <li>1. A PCBU whose interests are affected by the decision.</li> <li>2. A HSR whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.76(6) – decision relating to health and safety committee	Inspector	<ol style="list-style-type: none"> <li>1. A worker whose interests are affected by the decision.</li> <li>2. A PCBU whose interests are affected by the decision.</li> <li>3. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.102 – decision on review of PIN	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the PIN was issued.</li> <li>2. The HSR who issued the PIN.</li> <li>3. A worker whose interests are affected by the decision.</li> <li>4. A HSR who represents a worker whose interest are affected by the decision.</li> <li>5. A PCBU whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.191 – issue of improvement notice	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the notice was issued.</li> <li>2. A PCBU whose interests are affected by the decision.</li> <li>3. A worker whose interests are affected by the decision.</li> <li>4. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET

Section	Decision maker	Eligible person entitled to review	Internal review	External review
s.194 – extension of time for compliance with improvement notice	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the notice was issued.</li> <li>2. A PCBU whose interests are affected by the decision.</li> <li>3. A worker whose interests are affected by the decision.</li> <li>4. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.195 – issue of prohibition notice	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the notice was issued.</li> <li>2. The person with management or control of the workplace, plant or substance.</li> <li>3. A PCBU whose interests are affected by the decision.</li> <li>4. A worker whose interests are affected by the decision.</li> <li>5. A HSR who represents a worker whose interests are affected by the decision.</li> <li>6. A HSR who gave a direction under s.85 to cease work, that is relevant to the prohibition notice.</li> </ol>	Regulator	SAET
s.198 – issue of a non-disturbance notice	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the notice was issued.</li> <li>2. The person with management or control of the workplace.</li> <li>3. A PCBU whose interests are affected by the decision.</li> <li>4. A worker whose interests are affected by the decision.</li> <li>5. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET
s.201 – issue of subsequent notice	Inspector	<ol style="list-style-type: none"> <li>1. The person to whom the notice was issued.</li> <li>2. The person with management or control of the workplace.</li> <li>3. A PCBU whose interests are affected by the decision.</li> <li>4. A worker whose interests are affected by the decision.</li> <li>5. A HSR who represents a worker whose interests are affected by the decision.</li> </ol>	Regulator	SAET

Section	Decision maker	Eligible person entitled to review	Internal review	External review
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
<b>High risk work licences</b>				
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
<b>Accreditation of assessors</b>				
118—Refusal to grant accreditation	Regulator	Applicant An RTO that engages the applicant	Yes	SAET

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
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
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
<b>Registration of plant designs</b>				
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
<b>Registration of plant</b>				
269—Refusal to register item of plant	Regulator	Applicant 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
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
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
<b>General construction induction training</b>				
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

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
<b>Hazardous chemicals and lead</b>				
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
<b>Asbestos removal licences and asbestos assessor licences</b>				
497—Refusal to grant licence	Regulator	Applicant	Yes	SAET
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

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
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"> <li>1. The person to whom the notice was issued.</li> <li>2. The person with management or control of the workplace.</li> <li>3. A PCBU whose interests are affected by the decision.</li> <li>4. A worker whose interests are affected by the decision.</li> <li>5. A HSR who represents a worker whose interest are affected by the decision.</li> <li>6. In the case of a prohibition notice, a HSR whose direction under s.85 to cease work gave rise to the notice.</li> </ol>	N/A	SAET

### Work Health and Safety Regulations 2012 (SA)

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
<b>Major hazard facilities</b>				
<b><i>Determination of facility to be major hazard facility</i></b>				
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

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
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
<b><i>Licensing of major hazard facility</i></b>				
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

Regulation	Decision maker	Eligible person entitled to review	Internal review	External review
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
<b>Exemptions</b>				
684—Refusal to exempt person (or a class of persons) from compliance with any provision of this regulation	Regulator	Applicant	N/A	SAET
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

## Attachment C: The Objectives of Merits Review

The Administrative Review Council has published comprehensive guidance material on best practice in decision making. It covers the following aspects:

- Lawfulness – provides an overview of the legal requirements for lawful decision making, including requirements that have developed through the grounds for judicial review.
- Natural justice – discusses the implication of natural justice (or procedural fairness) for decision makers and its connection with public service values and standards of conduct relating to conflict of interest.
- Evidence, facts and findings – deals with the role of primary decision makers when receiving evidence, determining questions of fact and accounting for their findings.
- Reasons – looks at the requirements of two important Commonwealth Acts that impose on many decision makers a duty to provide reasons for their decisions.
- Accountability – outlines a range of administrative law accountability mechanisms that can be used to review primary decisions; this includes judicial review, merits review, and investigations by the Ombudsman and other investigative bodies such as the Human Rights and Equal Opportunity Commission and the Privacy Commissioner.

These Guides may be downloaded from the Administrative Review Council's website at [www.arc.ag.gov.au](http://www.arc.ag.gov.au)

## Internal Review Process



Internal Review is a mechanism for 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.

Reviewable decisions which can be internally reviewed under the *Work Health and Safety Act 2012* and the *Work Health and Safety Regulations 2012* are listed at [Attachment A](#) of the [Internal Review of Decisions: Guidance for Applicants](#).

### Related Documents:

- [Internal Review Application form](#)
- [Internal Review: Frequently Asked Questions](#)
- [Internal Review Register](#)
- [Work Health and Safety Act 2012](#)
- [Work Health and Safety Regulations 2012](#)

### Internal Review Process:

Step 1. – Receiving an Application for Internal Review		Timeframe	Responsibility
1.	Applications for Internal Review are received by SWSA (regulator) via SafeWork SA – Internal Review Email Inbox, Fax Inbox or Mail.  <b>All Internal Review applications are to remain confidential.</b>	Check on a regular basis	Email Inbox is monitored by Policy and Governance (P&G)  Help Centre monitor the general fax line (8204 9200) and will immediately forward any internal review application forms received to P&G  Mail room will forward application forms to P&G
2.	Stamp – time and date the Internal Review application.	On receiving an application	Help Centre and the Mail Room
3.	Notify the 'Internal Reviewer' of any new Internal Review applications that are received. In the event that the Internal Reviewer is not available, advise the Director, Corporate and Governance.	Within an hour of application being made	Governance Support Officer
4.	Print two copies of the Internal Review application and any corresponding documentation.	Within an hour of application being	Governance Support Officer

		made	
5.	Collect the relevant RecFind file for Internal Review from the locked cupboard located in the Policy and Governance team.	Within an hour of application being made	Governance Support Officer
6.	Place one copy of the Internal Review application and any corresponding documentation into the file under the next divider.	Within an hour of application being made	Governance Support Officer
7.	Create a new document on RecFind and record the document number and other relevant details in columns A – M of the Internal Review Register.	Within an hour of application being made	Governance Support Officer
8.	Link the new document number to the relevant RecFind file number on RecFind.	Within an hour of application being made	Governance Support Officer
9.	Print two separate labels - one for the document number and one for the client's surname. Stick the labels onto the appropriate divider inside the Internal Review RecFind file.	Within an hour of application being made	Governance Support Officer
10.	Place the file back into the locked cupboard.	Within an hour of application being made	Governance Support Officer
11.	Create a 'Temporary Cover' for the Internal Review file on RecFind and place the other copy of the Internal Review application and corresponding documentation inside.	Within an hour of application being made	Governance Support Officer
12.	Move the 'Temporary Cover' file on RecFind to the Internal Reviewer.	Within an hour of application being made	Governance Support Officer
13.	Provide the 'Temporary Cover' file to the Internal Reviewer.	Within an hour of application being made	Governance Support Officer
14.	Internal Reviewer to check that the Internal Review application has been made in the correct manner using the forms approved by the regulator.  <i>See checklist on page 5 of SOP.</i>  <b>Proceed below to Step 2. if the application is correct or see other process options at Step 3., 4. &amp; 5.</b>	Within 24 hours of application being made	Internal Reviewer

Step 2. – Processing a <u>Completed Application</u> for Internal Review		Timeframe	Responsibility
<i>A decision must be made by the Internal Reviewer within <b>14 days</b> from when an application is received.</i>			
15.	Enter details in InfoNet to create a Case File.	Within 24 hours of application being made	Internal Reviewer
16.	Record InfoNet number on Internal Review application form.	Within 24 hours of application being made	Internal Reviewer

17.	Send an email to the Inspector's Manager and CC the Inspector to advise them of the Internal Review application.  Seek any other required information.	Within 24 hours of application being made	Internal Reviewer
18.	Contact applicant to introduce yourself and advise of the Internal Review process.  <i>Is the applicant seeking a <b>Stay</b> for a Prohibition Notice or Non-Disturbance Notice? A decision must be made by the Internal Reviewer within <b>one</b> working day.</i>  <i>(a Stay is not applicable to decisions made under the WHS Regulations)</i>	Within 24 hours of application being made	Internal Reviewer
19.	Advise the relevant internal personnel (inspector/manager), including the original decision maker.	Within 24 hours of application being made	Internal Reviewer
20.	Send acknowledgement letter via email (original in the post) to applicant confirming details of the Internal Reviewer and Internal Review process.  <i>If a <b>Stay</b> is requested for a Prohibition Notice or Non-Disturbance Notice send acknowledgment letter that includes stay decision. There is an automatic stay for all other decisions.</i>	Within 1 working day of application being made	Internal Reviewer
21.	Ascertain need for further information from the applicant?  <b>If yes:</b> go to 22.  <b>If no:</b> go to 23.	Within 2 working days of application being made	Internal Reviewer
22.	Seek required information within time decided by the Internal Reviewer.  <b>If provided,</b> go to 23.  <b>If not provided,</b> go to 24.  <u>14 day time limit ceases, pending receipt of information from the applicant.</u>  The Internal Reviewer will specify the time within which the information is required – not less than <u>7 days</u> , and will seek the original decision maker's view on the applicant's submissions.	Within timeframe decided by the Internal Reviewer ( <i>not less than 7 days</i> )	Internal Reviewer
23.	Assess & if necessary seek further information from sources other than the applicant. If the new information is adverse to the applicant, provide opportunity for applicant's view.  The Internal Reviewer will look at relevant notes & photos, & relevant information available at the time of the original decision, such as legislation, codes, policies and procedures.  If the Internal Reviewer is provided with additional information by the applicant, and it was information not made available to the original decision maker, the Internal Reviewer may seek the opinion of internal or external subject matter experts. The opinion is not to be obtained in order merely to bolster the original decision, but to assist the Internal Reviewer to determine whether the original decision was the correct and preferable one.  The Internal Reviewer may also use an expert to assist if there are differences in technical aspects of the review.	Within 10 days of application being made	Internal Reviewer

24.	If the information is not provided within the specified time, <b>confirm</b> original decision.	After the specified timeframe has passed	Internal Reviewer
25.	Internal Reviewer completes review and makes a decision on whether to: <ul style="list-style-type: none"> <li>confirm;</li> <li>vary; or</li> <li>set aside &amp; substitute the original decision.</li> </ul> When making a decision, the Internal Reviewer should consider: <ul style="list-style-type: none"> <li>consulting with the inspector;</li> <li>consulting with the PCBU / applicant.</li> <li>consulting with expert on the subject matter</li> </ul>	Within 10 days of application being made	Internal Reviewer
26.	Brief prepared and sent to Executive Director, SafeWork SA outlining reasons for decision.	Within 11 days of application being made	Internal Reviewer
27.	Letter to applicant advising of decision and reasons, with external review rights.	Within 14 days of application being made	Internal Reviewer
28.	Advise the relevant internal personnel (inspector/manager), including the original decision maker.	Within 14 days of application being made	Internal Reviewer
29.	Enter relevant information into InfoNet.	As soon as possible	Internal Reviewer
30.	Continue to Step 5. <i>'Finalising a Completed Application for Internal Review'</i> .	As soon as possible	Internal Reviewer

<b>Step 3. – Processing an Internal Review Application that is not Complete</b>		<b>Timeframe</b>	<b>Responsibility</b>
<i>After completing 1. to 13. 'Receiving an Application for Internal Review'</i>			
31.	Contact the applicant request that the application be completed in full, giving a time limit to respond (not less than 7 days). Confirm in writing (email or letter).  The Internal Reviewer can contact applicant via telephone to advise of shortcomings in application form and gauge how much time is required to respond.	Within 1-2 working days of application being received	Internal Reviewer
32.	Enter details in InfoNet to create a Case File.	Within 1-2 working days of application being received	Internal Reviewer
33.	Record InfoNet number on Internal Review application form.	Within 1-2 working days of application being received	Internal Reviewer
34.	Enter the amount of time given to respond in InfoNet.	Within 1-2 working days of application being received	Internal Reviewer
35.	If no response is received within the timeframe given then a letter goes out to the applicant confirming the inspector's decision	After timeframe has	Internal Reviewer

	because the information requested has not been provided.	passed	
36.	Enter relevant information into InfoNet and close Case File.	After timeframe has passed	Internal Reviewer
37.	Continue to Step 5. <i>'Finalising an Application for Internal Review'</i> .	As soon as possible	Internal Reviewer

Step 4. – Processing a <u>Late</u> Internal Review Application		Timeframe	Responsibility
<i>After completing 1. to 11. 'Receiving an Application for Internal Review'</i>			
38.	Note on the Internal Review application – “Late Application”	Within an hour of an application being made	Governance Support Officer
39.	Move the ‘Temporary Cover’ file on RecFind to the Internal Reviewer.	Within an hour of an application being made	Governance Support Officer
40.	Provide the ‘Temporary Cover’ file to the Internal Reviewer and inform them of the late application.	Within an hour of an application being made	Governance Support Officer
41.	Enter details in InfoNet to create a Case File.	Within 24 hours of an application being made	Internal Reviewer
42.	Record InfoNet number on Internal Review application form.	Within 24 hours of an application being made	Internal Reviewer
43.	Regulator to decide whether to accept or reject the late application.	Within 24 hours of an application being made	Internal Reviewer
44.	If the application is <b>accepted</b> continue from <i>Step 2. 'Processing a Completed Application for Internal Review'</i> .	Within 24 hours of an application being made	Internal Reviewer
45.	If the application is <b>rejected</b> , advise the applicant in writing the reason for the decision. Email letter and post original (letter must be from the Executive Director). Continue below at 46.	Within 1-2 working days of an application being made	Internal Reviewer
46.	Enter relevant information into InfoNet and close Case File.	Within 1-2 working days of an application being made	Internal Reviewer
47.	Continue to Step 5. <i>'Finalising an Application for Internal Review'</i> .	As soon as possible	Internal Reviewer

Step 5. – Processing an Application that is <u>Not Eligible</u> or <u>Not a Reviewable Decision</u>		Timeframe	Responsibility
<i>After completing 1. to 14. 'Receiving an Application for Internal Review'</i>			
48.	Send a letter to the applicant from the Executive Director advising that the application is not eligible or reviewable.	Within 1-2 working days of an application	Internal Reviewer

		being made	
49.	Proceed to Step 6. ' <i>Finalising an Application for Internal Review</i> '	As soon as possible	Internal Reviewer

Step 6. – Finalising an Application for Internal Review		Timeframe	Responsibility
50.	Return the RecFind 'Temporary Cover' file containing all relevant correspondence, information and evidence to the Governance Support Officer.	Once a decision has been made and the process is finalised	Internal Reviewer
51.	Move the 'Temporary Cover' file on RecFind to the Governance Support Officer.	On receiving the file back	Governance Support Officer
52.	Enter the relevant details into columns N – S of the Internal Review Register.	On receiving the file back	Governance Support Officer
53.	If applicable, is the applicant seeking an 'External Review' of the internal review decision? Record at column T on the Internal Review Register.	If notified by the Internal Reviewer	Governance Support Officer
54.	If the Internal Review application was received online, move the application from the <i>Internal Review Inbox</i> to the <i>Actioned</i> folder.	On receiving the file back	Governance Support Officer
55.	Collect relevant Internal Review RecFind file from the locked cupboard located in the Policy and Governance team.	On receiving the file back	Governance Support Officer
56.	Remove the documentation from inside the 'Temporary Cover' file and place it under the appropriate divider within the original Internal Review RecFind file.  <i>Keep the 'Temporary Cover' file to use for future Internal Review applications.</i>	On receiving the file back	Governance Support Officer
57.	Return the RecFind file to the locked cupboard in the Policy and Governance Team.	On completion of the steps above	Governance Support Officer
58.	Process complete		

Step 7. - Internal Review Survey Monkey Process		Timeframe	Responsibility
<i>To be completed four weeks after the Internal Review application has been finalised and closed</i>			
59.	Login into 'Survey Monkey' using the following details:  username: [REDACTED] password: [REDACTED]	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
60.	Click on ' <b>SafeWork SA's Internal Review Process</b> ' survey and under ' <b>Collectors</b> ' click on ' <b>Email Invitation 2</b> '.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
61.	Next to ' <b>Message History</b> ' click on the ' <b>Invite More</b> ' tab and select ' <b>Add more recipients</b> '.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
62.	In the ' <b>Send To:</b> ' box enter the email address of the ' <b>Contact Person</b> ' on the Internal Review application.	Four weeks after the Internal Review	Governance Support Officer

		application was finalised and closed	
63.	In the 'Subject:' box type the following text: SafeWork SA's Internal Review Process Survey – We want your opinion	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
64.	Scroll to the bottom of the page and click on ' <b>Next</b> '.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
65.	Scroll to the bottom of the page again and click on ' <b>Next</b> '.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
66.	Select the ' <b>Send now</b> ' radio button.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
67.	Scroll to the bottom of the page and click on ' <b>Send Now</b> '.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
68.	Check under ' <b>Message History</b> ' that the survey will be sent in 5 minutes.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
69.	To 'Sign Out' of Survey Monkey scroll to the top of the screen and click on ' <b>belibonn</b> ' and select ' <b>Sign Out</b> ' and close the internet.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
70.	Record the date the survey was sent to the Contact Person in column U on the Internal Review Register.  When a survey response is received, record the date in column V and colour the row in blue.	Four weeks after the Internal Review application was finalised and closed	Governance Support Officer
71.	A reminder email will need to be sent from Survey Monkey if you do not receive a response from the 'Contact Person' within one week.	One week after sending the survey	Governance Support Officer
72.	To send a reminder from Survey Monkey follow steps 1. – 2. above and next to ' <b>Message History</b> ' click on ' <b>Send Reminder</b> ' and select ' <b>Remind not responded</b> '.	One week after sending the survey	Governance Support Officer
73.	Select ' <b>Edit Recipients</b> ' and tick the box next to the email address you would like to send a reminder to.	One week after sending the survey	Governance Support Officer
74.	Click on the ' <b>Save</b> ' button at the bottom of the screen.	One week after sending the survey	Governance Support Officer
75.	In the 'Subject' text box type the following: Reminder: SafeWork SA's Internal Review Process Survey – we want your opinion	One week after sending the survey	Governance Support Officer

76.	Scroll to the bottom of the screen and click on <b>'Next'</b> .	One week after sending the survey	Governance Support Officer
77.	Select the <b>'Send now'</b> radio button and scroll to the bottom of the page and click on <b>'Send Now'</b> .	One week after sending the survey	Governance Support Officer
78.	Check under <b>'Message History'</b> that a reminder message will be sent in 5 minutes.	One week after sending the survey	Governance Support Officer
79.	To 'Sign Out' of Survey Monkey scroll to the top of the screen and click on <b>'belibonn'</b> and select <b>'Sign Out'</b> and close the internet.	One week after sending the survey	Governance Support Officer
80.	Record at column V of the Internal Review Register the date the reminder was sent. <i>Only send out one reminder.</i>	One week after sending the survey	Governance Support Officer
81.	Save survey responses into the following folder: <a href="G:\Office ED\P&amp;G\Governance\Internal Review\Survey Results">G:\Office ED\P&amp;G\Governance\Internal Review\Survey Results</a>	After receiving a survey	Governance Support Officer