

## Review and appeal of decisions

The *Workplace Health and Safety Act 1995* and the *Electrical Safety Act 2002* have provisions to have decisions reviewed and/or appealed. The following is general information on reviews and appeals.

If you wish to apply for review of an electrical licensing decision please use form 29, *Application for review of a licensing decision*.

### Application for review

A person whose interests are affected by an original decision may apply for the decision to be reviewed.

*Electrical Safety Act 2002* s.168  
*Workplace Health and Safety Act 1995* s.148

### Procedure for review

The application must:

- a) be made in the approved form to the review entity; and
- b) be supported by enough information to enable the review entity to decide the application.

If the application is for the review of a decision to forfeit a thing, the application must be made to the review entity within:

- a) 28 days after the person receives notice of the original decision; or
- b) the longer period the review entity in special circumstances allows.

If the application is for the review of another decision, the application must be made to the review entity within:

- a) 14 days after the day the application receives notice of the original decision; or
- b) the longer period the review entity in special circumstances allows.

*Electrical Safety Act 2002* s.169  
*Workplace Health and Safety Act 1995* s.149

### Stay of operations of original decisions

If a person applies for a decision to be reviewed, the person may immediately apply to the Industrial Court for a stay of the decision.

The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.

A stay:

- a) may be given on conditions the court considers appropriate; and
- b) operates for the period fixed by the court; and
- c) may be revoked or amended by the court.

*Electrical Safety Act 2002* s.171  
*Workplace Health and Safety Act 1995* s.151

### Appeals

A person whose interests are affected by an original decision or review decision may appeal the decision to the Industrial Court

The person has the right to receive a statement of the reasons for the decision.

The notice of appeal must be filed within 30 days after:

- a) if the appeal is from an original decision - the day the appellant receives the notice; or
- b) if the appeal is from a review decision – the day the appellant receives reasons for the review decision.

The court may at any time extend the period for filing the notice of appeal.

The notice must state fully the grounds of the appeal and the facts relied on.

*Electrical Safety Act 2002* s.173  
*Workplace Health and Safety Act 1995* s.152

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Further information is available at [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)  
or from Infoline 1300 369 915

### Internal review of a decision

A person (including corporation or body corporate), whose interests are affected by a decision made by an inspector (or other person under the Act), can apply for a review of the decision.

#### How does a person apply for a review of a decision?

You must complete the form '[Application for review of decision](#)' and lodge the form at a [Workplace Health and Safety Queensland regional office](#) or an [Electrical Safety Office](#). The form may be obtained by contacting your closest regional office. You must apply for a review of a decision within 14 days after you are told of the decision. There is no application fee.

#### What happens next?

Written confirmation of your application will be sent to you. Your application will be reviewed within 14 days of being confirmed. A new decision will be made that either confirms your varies the original decision, or sets aside the original decision and makes a decision in its place.

You will receive written confirmation of the result within 14 days after the new decision has been made. This will include the reasons for the decision and explain your rights to appeal against the decision.

If your application for review is not dealt with in the time specified, or the review decision is not told to you within the time specified, you may appeal against the decision to the Industrial Court.

### Appeals

If your interests are affected by an original or review decision, you may appeal against the decision to the Industrial Court.

For information about appeals reviews, and other workplace health and safety issues call 1300 369 915 or visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au).



# Application for review of decision

BOOK COPY

READ NOTES/DIRECTIONS PRIOR TO COMPLETION OF THIS FORM – PLEASE PRINT

Electrical Safety  
Act 2002

Workplace Health and  
Safety Act  
1995

## Applicant's details

Applicant's name	<input type="text"/>		
Contact name (for a company/corporation)	<input type="text"/>		
Mailing address	<input type="text"/>		<input type="text"/>
	<input type="text"/>		Postcode
Contact phone no.	work ( <input type="text"/> )	home ( <input type="text"/> )	

## Details of the decision you wish to be reviewed

(Attach further pages if required)


If the original decision was a statutory notice, please provide the serial number of the notice.

Date of the decision  /  /

## Additional information to support your application

(e.g. Facts incomplete, incorrect information collected)


Note: Section 149 of the *Workplace Health and Safety Act 1995* and section 169 of the *Electrical Safety Act 2002* provides that an application for the review of a decision must be made within 14 days after being told of the decision. If the original decision was to forfeit a thing, an application for the review of decision to forfeit a thing must be made within 28 days after being told of the decision. The Acts provide that if special circumstances exist, an application may be made within 2 months of being told of the decision.

## IF YOUR APPLICATION IS LATE, YOU MUST PROVIDE DETAILS OF SPECIAL CIRCUMSTANCES

Applicant's signature  Date  /  /

OFFICE USE ONLY						
Application received on	Day	<input type="text"/>	Month	<input type="text"/>	Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Time limitation complied with <input type="checkbox"/> Yes <input type="checkbox"/> No
Application acknowledged on	Day	<input type="text"/>	Month	<input type="text"/>	Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Decision made on	Day	<input type="text"/>	Month	<input type="text"/>	Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Decision advised in writing on	Day	<input type="text"/>	Month	<input type="text"/>	Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

PRIVACY STATEMENT: The Department of Justice and Attorney-General respects your privacy and is committed to protecting personal information. The information provided on this form is for the purpose of advising Workplace Health and Safety Queensland and/or the Electrical Safety Office of your application for review of decision that might fall under the legislation that it regulates such as the *Workplace Health and Safety Act 1995* and *Regulation 2008*, *Electrical Safety Regulation 2002* and *Dangerous Goods Safety Management Act and Regulation 2001*. The information will be managed within the requirements of the current state government privacy regime. The Department may be required to disclose your personal information to other agencies such as the Queensland Police Service, WorkCover, Q-Comp and other agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy is available at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).