



Australian Government

Department of Employment and Workplace Relations
Office of the Federal Safety Commissioner



FACTSHEET

How to challenge a decision of the Federal Safety Commissioner

This factsheet outlines the process to seek a review of decisions made by the Federal Safety Commissioner regarding the **Work Health and Safety Accreditation Scheme** (the Scheme). For more information about the Scheme and our guiding legislation, visit our [website](#).

Seek a review

If you disagree with a decision made by the Federal Safety Commissioner (FSC) regarding the Scheme, you may be able to request the decision be reviewed.

What decisions can be reviewed?

Under the [Federal Safety Commissioner \(Accreditation Scheme\) Rules 2023](#) (the Rules), the FSC can make a range of decisions relating to the Scheme.

The decisions listed in **Table 1** below are reviewable.

If you are a person whose interests are affected by a reviewable decision, you can request reconsideration of the reviewable decision. Your interests may be affected if you have a relevant financial or proprietary interest in a company, which has been or will be affected by the FSC's decision. Examples of a person whose interests are affected may include company owners, company investors, or company safety managers.

Requests to review a reviewable decision must be submitted in writing to ofsc@dewr.gov.au within 28 days of the date you received notification of the decision. Requests must include reasons why the decision should be changed.

A review is not a guarantee that the decision will be changed. However, it means that someone independent of the initial decision will review relevant information and determine whether the initial decision should be upheld, set aside or varied.

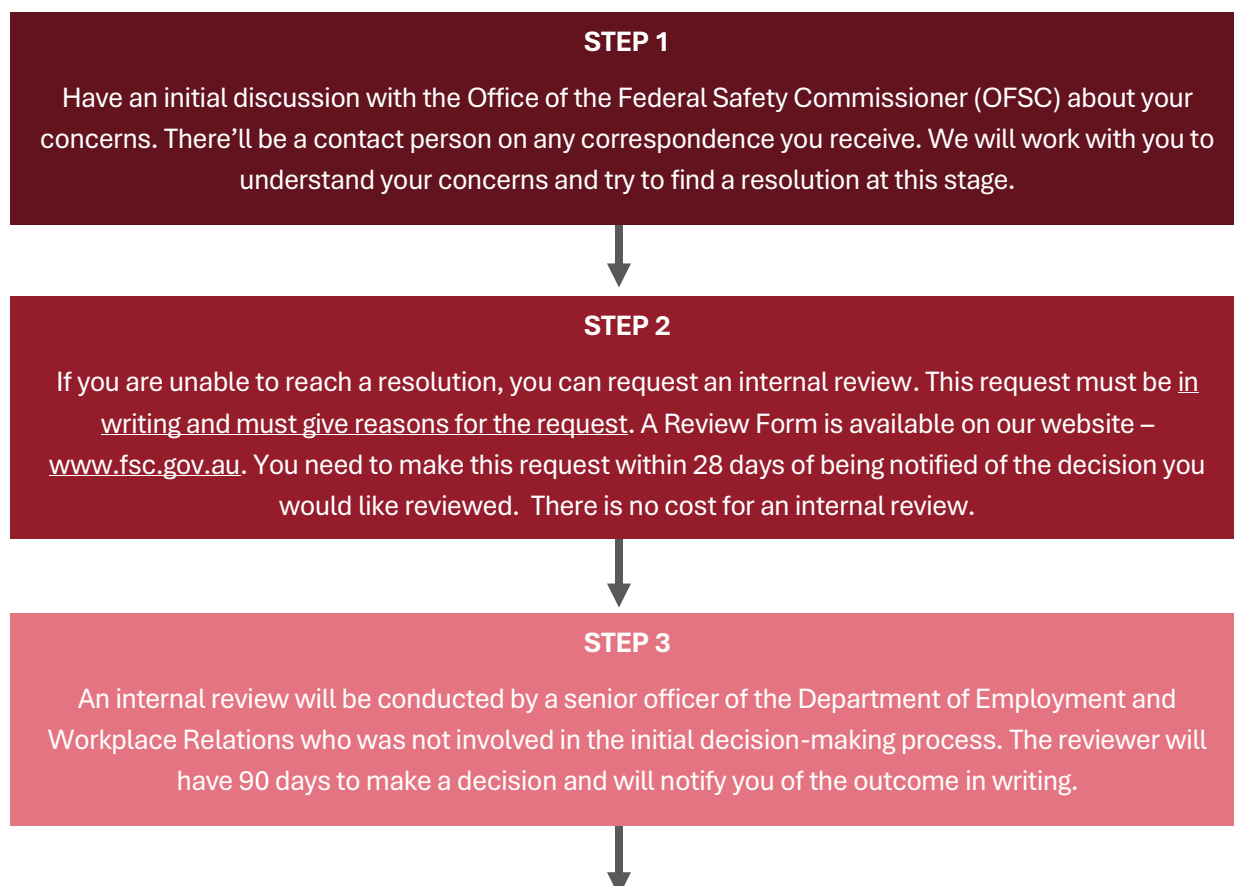
Table 1: Types of decisions that can be reviewed

| Decision Type | Relevant Provision of the Rules |
|--|--|
| To refuse to accredit a company | Section 8(1) |
| To accredit for less than 6 years | Section 8(1) |
| To impose a condition on an accreditation | Section 16(1) or paragraph 18(1)(a) |
| To suspend an accreditation | Paragraph 18(1)(b) |
| To revoke an accreditation | Paragraph 18(1)(c) or subsection 18(2) |
| To refuse to cancel a company's accreditation on request | Section 21 |

Refer to the [Federal Safety Commissioner \(Accreditation Scheme\) Rules 2023](#) for more detail.

What are the steps for seeking a review?

There are four steps to seek a review of a decision.



STEP 4

If you do not agree with the decision of the internal reviewer, you can apply to the Administrative Review Tribunal (ART) for an external review. The ART will not consider a review unless an internal review has been completed. Fees may apply if you are seeking a review by the ART.

What is the ART?

The Administrative Review Tribunal (ART) is an independent body that resolves disputes between individuals and government agencies, including the FSC. The ART began operations on 14 October 2024, replacing the previous Administrative Appeals Tribunal.

Members of the ART who conduct the external review operate independently of the Australian Government and to the OFSC. Fees may apply for lodging an application for external review with the ART. The ART may affirm, vary, set aside or send back a decision for reconsideration. The decision of the ART will be binding on the affected person and the OFSC. For more information about the external review process, visit the ART website at www.art.gov.au.

Lodging other complaints

You can make a complaint to us about other matters related to the Scheme or the OFSC. More information is available on our [website](#).

Want to know more about the OFSC?

Visit our website at www.fsc.gov.au

Call our assist line on 1800 652 500

Contact the OFSC via email at ofsc@dewr.gov.au

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