

# Review of Decisions under Passenger Transport Legislation Information Sheet

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## 1. General Information

This Information Sheet provides a summary of your rights to apply for a review of decisions taken under the passenger transport legislation. This summary is not exhaustive, and you are advised to refer to the [Passenger Transport \(Review of Decisions\) Regulations 2000](#) and the [Traffic Act 1925](#) for full information.

A review of a decision is where a person who is affected by an administrative decision applies to have that decision reconsidered. Only some persons can apply for review (see sections 2b and 3b).

You must make an application for review within 28 days of notification of the decision being given. It should be noted that an application for review does not set aside the original decision.

## 2. Internal Review

### a. What is an Internal Review?

An internal review is a request to the Transport Commission to re-consider an administrative decision it has made. Decisions that are reviewable are detailed in section 2b.

Following the internal review process, the Transport Commission may:

- affirm the decision;
- change the decision; or
- make a new decision.

### b. Which decisions are open to an Internal Review and who may request an Internal Review?

The decisions that are subject to an internal review, and the person(s) eligible to request a review, is shown below.

Decisions That Are Subject To An Internal Review Under The Passenger Transport Act 1997	Person(s) Eligible To Apply For A Review Of Decision
A decision of the Registrar to register a motor vehicle as a Public Passenger Vehicle.	The registered operator of the vehicle.
A decision of the Registrar to refuse to exempt a large passenger vehicle from the requirement to be registered as a Public Passenger Vehicle.	The registered operator of the vehicle.
A decision of the Registrar to revoke a Public Passenger Vehicle exemption.	The registered operator of the vehicle.
A decision of the Commission to refuse to grant an application for accreditation.	The applicant for the accreditation.
Any decision of the Commission under section 16H(1) of the Act ... [in relation to categories and conditions of accreditation].	The applicant for the accreditation.
A decision of the Commission to refuse to grant an application for the renewal of accreditation.	The applicant for the renewal.
A decision of the Commission to suspend or cancel a person's accreditation.	The person whose accreditation is to be suspended or cancelled.
Any decision of the Commission to vary the conditions of a person's accreditation.	The accredited person.
A decision of the Commission to impose a probationary status on a person's accreditation.	The accredited person.
A decision of the Commission not to exempt a person from the need to be accredited.	The person whose application for the exemption is refused.
A decision of the Commission not to approve an application to provide a regular passenger transport service.	The person whose application to provide a regular passenger transport service is refused.

A decision of the Commission to amend a person's contract for the provision of core passenger services consequent on a decision to approve another person's application to provide a Regular Passenger Transport Service.	Any person providing core passenger services under contract to the Commission who considers that the approval of the application will adversely affect the viability of the contracted services and that this cannot be addressed contractually.
A decision of the Commission not to approve a specific tour.	The applicant for the approval
A decision of the Commission not to issue a permit allowing a vehicle to operate as a Public Passenger Vehicle.	The applicant for the permit
<b>Decisions That Are Subject To An Internal Review Under The Vehicle And Traffic (Review Of Decisions) Regulations 2000</b>	<b>Person(s) Eligible To Apply For A Review Of Decision</b>
A decision of the Commission not to approve an alternative compliance scheme or to amend or cancel an approved alternative compliance scheme.	The developer of the scheme.
A decision of the Commission not to approve an application for accreditation as a member of an alternative compliance scheme.	The applicant for scheme membership.
A decision of the Commission not to renew a person's accreditation as a member of an approved alternative compliance scheme.	The applicant for membership renewal.
A decision of the Commission to impose conditions on a person's membership of an approved alternative compliance scheme.	The person whose scheme membership is subject to conditions.
A decision of the Commission to suspend a person's accreditation as a member of an alternative compliance scheme.	The person whose scheme membership is to be suspended.
A decision of the Commission to cancel, suspend or vary a person's accreditation as a member of an alternative compliance scheme.	The person whose scheme membership is to be cancelled, suspended or varied.

### c. How do I apply for an Internal Review of a decision?

Notification of a decision taken by the Transport Commission will be provided to you if you are eligible to apply for review of that decision. An application for an internal review of a decision must be in writing and must be lodged within 28 days with the Transport Commission. There is no specific application form but your letter of application should provide full details of the decision to be reviewed and the grounds for seeking review.

## 3. External Review

### a. What is an External Review?

An external review is a request to a Magistrate for the review of an internal review decision (see section 2). Following a hearing, a Magistrate may:

- affirm the decision;
- set aside the decision;

- make a new determination; or
- order that the matter be returned to the Transport Commission for reconsideration. The Magistrate may give orders or directions to the Transport Commission.

A Magistrate's order is final. The Transport Commission must abide by any order or direction given by a Magistrate.

#### **b. Which decisions are open to an External Review and who may request an External Review?**

Generally, any decision that can be appealed by an internal review, can be appealed to a Magistrate. The only decision that cannot be appealed to a Magistrate is a decision by the Transport Commission to amend a person's contract for the provision of core passenger services consequent on a decision to approve another person's application to provide a regular passenger transport service.

Only persons who have applied for an internal review can apply for an external review.

#### **c. How do I apply for an External Review of a decision?**

An application for an external review of a decision must be in writing and must be lodged with the Magistrates Court (Civil Division) within 28 days of receiving notification of a decision. There is no specific application form but your letter of application should provide full details of the decision to be reviewed and the grounds for seeking review. The Magistrates Court (Civil Division) will arrange for a hearing of the appeal and notify the involved parties.

### **4. Like Further Information?**

This information sheet is one of a series (see below) that provide further detail on a range of public vehicle licensing reform matters. This information can be accessed from the Department of Infrastructure, Energy and Resources' public website. Copies of the Information Sheets are available from Service Tasmania shops or by contacting the Department of Infrastructure, Energy and Resources' Telephone Enquiry Service on freecall 1300 851 225.

Other Information Sheets available are:

- [Hire and Drive Operations](#)
- [Luxury Hire Cars](#)
- [Public Passenger Vehicle Operator Accreditation](#)
- [Loading Zone Use](#)
- [Vehicle Inspection Scheme](#)
- [Small Public Passenger Vehicle, Taxi and Luxury Hire Car Operations](#)
- [Public Passenger Vehicles](#)

More detailed information on the legislation relevant to Public Passenger Vehicles (listed below) can be found on the legislation website <http://www.thelaw.tas.gov.au/> or you can obtain a copy from the Print Applied Technology Bookshop at 123 Collins Street, Hobart 7000, telephone 1800 030 940.

- [Passenger Transport \(Review of Decisions\) Regulations 2000](#)
- [Vehicle and Traffic Act 1999](#)