

Review of Decisions under the Taxi and Hire Vehicle Industries Act 2008

Frequently Asked Questions

Disclaimer: This information is intended to provide general guidance only and should not be used as a substitute for professional legal advice. You are advised to refer to the [Taxi and Hire Vehicle Industries \(Review of Decisions\) Regulations 2019](#) for full information about reviews of decisions made under the [Taxi and Hire Vehicle Industries Act 2008](#) and seek your own independent legal advice if necessary.

I do not understand why a decision was made - what can I do?

When you are notified of the decision, the person who made the decision will have explained why they made that decision.

If you want more information about the reasons for a decision, you are entitled to ask for a more detailed written statement of reasons for the decision.

If you want to ask for a detailed statement of reasons you can contact the decision-maker, via the contact details included in the notice of decision.

I am not happy about a decision - can I appeal?

If you are not happy with a decision that the Transport Commission has made, you may be able to apply for a review. However, only some decisions are reviewable and only specific people can apply for a review.

Reviewable decisions:

If a reviewable decision has been made, you will have been told about your right to apply for a review at the same time as you were told about the decision.

If you have not been told about your right to apply for a review it is likely the decision is not reviewable.

A [list of reviewable decisions](#) made under the [Taxi and Hire Vehicles Industries Act 2008](#), and the [Taxi Industry Regulations 2018](#) can be found at the end of this document.

[Decisions that are not reviewable](#) are also listed at the end of this document.

Eligible persons:

Only specific people can apply for a review. This is usually the person who is directly affected by the decision.

People who can apply for a review of a decision are included in the [list of reviewable decisions](#) at the end of this document.

Who do I appeal to?

You have two options for appealing a reviewable decision: Internal Review and External Review. You must go through the Internal Review process before you can apply for External Review.

Internal Review:

This means you ask the Transport Commission to review its decision.

- The review will be done by somebody who was not involved in making the original decision.
- There is no fee for applying for an Internal Review.
- If you are unsatisfied with the result of the Internal Review, you can apply for External Review.

ENQUIRIES

Email transportcommission@stategrowth.tas.gov.au

Phone 1300 135 513

External Review:

This means you ask the Magistrates Court to review the decision.

- You can only apply for External Review once you have gone through the Internal Review process and have been informed of the outcome of that review.
- The review will be done by a Magistrate.
- There is an application fee. Current fees are published on the [Magistrates Court of Tasmania](#) website.
- You may wish to consider seeking independent legal advice and/or representation if you decide to apply for an External Review.

What happens if I appeal?

The outcome of a review is a new decision. The new decision may be the same as the original decision, or it may be different.

An Internal Review determination may be appealed. You will be told about your right to appeal when you are told about the decision.

An External Review decision (a decision made by a Magistrate) is final and cannot be appealed.

I want to apply for an Internal Review - what do I need to do?

You need to apply in writing within 28 days of being notified of the decision, although the Transport Commission may use its discretion to accept a late application.

You should not necessarily delay applying for review just because you have asked for a [detailed statement of reasons for the original decision](#) and have not yet received it.

There is no specific form on which to apply for a review. However, in your application you will need to:

- Clearly state what decision it is that you want reviewed.
- Explain the reasons why you think it should be reviewed.
- Provide any supporting information or evidence with your application, and any additional information that the Transport Commission requests from you.

You must provide a return address where notice of the review decision can be sent. If you would like to receive a copy of the review decision electronically you should also provide an email address.

It is also helpful to provide a daytime contact number, in case the Internal Review Officer has any questions for you.

Address your application to:

Transport Commission
'Application for Internal Review'

You can submit an application by:

email transportcommission@stategrowth.tas.gov.au

post GPO Box 536
HOBART TAS 7001

in person at 4 Salamanca Place, Hobart

How long will an Internal Review take?

An Internal Review will normally be completed within 14 days after receiving either your application or any additional information requested by the Transport Commission.

The 14-day review period may be extended by up to 28 days. If this happens, you will receive notice in writing before the original 14-day period is up.

What happens while I am waiting for the result of my appeal?

Just because you have applied for review (either Internal or External) does not mean the decision is not implemented in the meantime. This means that you must abide by the terms of the original decision until a new decision is made that changes it.

How do I find out the result of my appeal?

The Transport Commission will send you a notice of determination in writing as soon as practical after the review has been completed. This will outline the reasons for the determination and advise you of your right to apply for External Review.

I want to apply for an External Review - what do I need to do?

You can only apply for External Review once you have gone through the Internal Review process and have been informed of the outcome of that review.

If you wish to apply for External Review, you need to lodge a notice of appeal with the [Magistrates Court of Tasmania](#) (Administrative Appeals Division) and pay the required fee.

Where can I get more information about my right to appeal?

For further information, you can look at the [Taxi and Hire Vehicle Industries \(Review of Decisions\) Regulations 2019](#). These regulations contain the provisions for reviews of decisions made under the [Taxi and Hire Vehicle Industries Act 2008](#).

If you wish to appeal against a decision made under a different Act, you should refer to the following legislation:

- Reviews of decisions that are made under the [Vehicle and Traffic Act 1999](#) (and its regulations) are undertaken under the [Vehicle and Traffic \(Review of Decisions\) Regulations 2010](#).
- Reviews of decisions that are made under the [Passenger Transport Services Act 2011](#) (and its regulations) are undertaken under Part 4 of that Act.

Reviewable Decisions under the Taxi and Hire Vehicle Industries Act 2008

Decisions that are subject to an internal review under the Taxi and Hire Vehicle Industries Act 2008	Section of the Act under which the decision is made	Person(s) eligible to apply for a review of decision
To determine that a particular passenger transport service is not a tour.	3A(2)	The operator of the passenger transport service.
To declare a perpetual taxi licence inactive.	20(1)(b)	The licence owner.
To refuse an application for an owner-operator taxi licence (when not satisfied that applicant would be the operator of the service).	24(3)	The licence applicant.
To cancel an owner-operator taxi licence (when satisfied licence holder has entered into an agreement purporting to lease the licence to another person or purporting to permit another person to operate a taxi service under the licence).	27(2)	The licence holder.
To impose conditions on an owner-operator taxi licence.	28(1)(a)	The licence holder.
To vary or revoke conditions on an owner-operator taxi licence.	28(1)(b)	The licence holder.
To refuse the transfer of an owner-operator taxi licence to another person (when Commission reasonably believes proposed transferee would not be operator of service).	31(3)	The licence holder.
To refuse the transfer of an owner-operator taxi licence (when licence lapsed, under a section 36 suspension or subject to a section 36 notice of intention to suspend or cancel).	31(4)	The licence holder.
To declare an owner-operator taxi licence inactive.	34(2)(b)	The licence holder.
To suspend an owner-operator taxi licence (excluding decision to suspend licence in prescribed circumstances set out in regulation 10(c) or (d) of the Taxi Industry Regulations 2008).	36(1)	The licence holder.
To cancel an owner-operator taxi licence (excluding decision to cancel licence in prescribed circumstance set out in regulation 11(e) of the Taxi Industry Regulations 2008).	36(1)	The licence holder.
To suspend or cancel an owner-operator taxi licence (when satisfied there is an immediate and serious danger to public safety).	36(3)	The licence holder.
To refuse an application for a wheelchair-accessible taxi licence (when not satisfied that applicant would be operator of service).	41(4)	The licence applicant.

To cancel a wheelchair-accessible taxi licence (when satisfied licence holder has entered into an agreement purporting to lease the licence to another person or purporting to permit another person to operate a taxi service under the licence).	44(2)	The licence holder.
To impose conditions on a wheelchair-accessible taxi licence.	46(1)(a)	The licence holder.
To vary or revoke conditions imposed on a wheelchair-accessible taxi licence.	46(1)(b)	The licence holder.
To refuse the transfer of a wheelchair-accessible taxi licence to another person (when reasonably believes proposed transferee would not be operator of service).	49(3)(a)	The licence holder.
To refuse the transfer of a wheelchair-accessible taxi licence to another person (when licence lapsed or under a section 55 suspension or subject to a section 55 notice to suspend or cancel).	49(4)	The licence holder.
To refuse the transfer of a wheelchair-accessible taxi licence to another vehicle.	50(3)	The licence holder.
To refuse an application to transfer a wheelchair-accessible taxi licence to a substitute wheelchair-accessible taxi.	51(3)	The licence holder.
Not to extend the period of time for which a substitute wheelchair-accessible taxi may operate under a wheelchair-accessible taxi licence.	51(5)	The licence holder.
To suspend a wheelchair-accessible taxi licence (excluding decision to suspend licence in prescribed circumstances set out in regulation 12(c), (d), (e) or (f) of the Taxi Industry Regulations 2008).	55(1)	The licence holder.
To cancel a wheelchair-accessible taxi licence (excluding decision to cancel licence in prescribed circumstance set out in regulation 13(j) of the Taxi Industry Regulations 2008).	55(1)	The licence holder.
To suspend or cancel a wheelchair-accessible taxi licence (when satisfied there is an immediate and serious danger to public safety).	55(3)	The licence holder.
To refuse an application for a luxury hire car licence (when not satisfied the applicant would be operator of the service).	69(3)	The licence applicant.
To cancel a luxury hire car licence (when satisfied licence holder has entered into an agreement purporting to lease the licence to another person or purporting to permit another person to operate a luxury hire car service under the licence).	72(2)	The licence holder.
Not to approve a vehicle for use as a luxury hire car.	73(1)	The registered operator of the vehicle.
To impose conditions on a luxury hire car licence.	74(1)(a)	The licence holder.
To vary or revoke conditions imposed on a luxury hire car licence.	74(1)(b)	The licence holder.
To refuse the transfer of a luxury hire car licence to another person (when reasonably believes proposed transferee would not be operator of the luxury hire car service).	77(3)(a)	The licence holder.
To refuse the transfer of a luxury hire car licence to another person (when licence lapsed or under a section 82 suspension or subject to a section 82 notice to suspend or cancel).	77(4)	The licence holder.
To refuse the transfer of a luxury hire car licence to another vehicle.	78(3)	The licence holder.
To suspend a luxury hire car licence (excluding decision to suspend a licence in prescribed circumstances set out in regulation 6(c), (d) or (e) of the Luxury Hire Car Industry Regulations 2008).	82(1)	The licence holder.
To cancel a luxury hire car licence (excluding decision to cancel licence in prescribed circumstance set out in regulation 7(f) of the Luxury Hire Car Industry Regulations 2008).	82(1)	The licence holder.

To suspend or cancel a luxury hire car licence (when satisfied there is an immediate and serious danger to public safety).	82(3)	The licence holder.
To refuse an application for a restricted hire vehicle licence (when not satisfied applicant would be operator of service proposed to be operated under licence).	84E(3)	The licence applicant.
To cancel a restricted hire vehicle licence (when satisfied licence holder has entered into an agreement purporting to lease the licence to another person or purporting to permit another person to operate a restricted hire vehicle service under the licence).	84H(2)	The licence holder.
Not to approve a motor vehicle for use as a restricted hire vehicle for general rhv services.	84I(1)	The registered operator of the motor vehicle.
To impose conditions on a restricted hire vehicle licence.	84J(1)(a)	The licence holder.
To vary or revoke any conditions imposed on a restricted hire vehicle licence.	84J(1)(b)	The licence holder.
To refuse to transfer a restricted hire vehicle licence for general rhv services to another vehicle.	84L(4)	The licence holder.
To suspend a restricted hire vehicle licence (excluding decision to suspend licence in prescribed circumstances set out in regulation 6(c), (d), (e) or (f) of the Restricted Hire Vehicle Industry Regulations 2013).	84P(1)	The licence holder.
To cancel a restricted hire vehicle licence (excluding decision to cancel licence in prescribed circumstance set out in regulation 7(d) of the Restricted Hire Vehicle Industry Regulations 2013).	84P(1)	The licence holder.
To suspend or cancel a restricted hire vehicle licence (when satisfied there is an immediate and serious danger to public safety).	84P(3)	The licence holder.

Reviewable Decisions under the Taxi Industry Regulations 2018

Decisions that are subject to an internal review under the Taxi Industry Regulations 2018	Regulation under which the decision is made	Person(s) eligible to apply for a review of decision
To refuse an application for appointment as an authorised meter adjuster.	63(5)	The applicant.
To suspend or cancel the appointment of a person as an authorised meter adjuster.	70(1)	The authorised meter adjuster.

Non-Reviewable Decisions under the Taxi and Hire Vehicle Industries Act 2008

Decisions that are not subject to a review under the Taxi and Hire Vehicle Industries Act 2008	Section of the Act under which the decision is made
A decision of the Commission to declare a perpetual taxi licence inactive.	20(1)(b)