

Review of Decisions under the *Passenger Transport Services Act 2011* 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 Part 4 of the [Passenger Transport Services Act 2011](#) for full information about reviews of decisions made under that Act and seek your own independent legal advice if necessary.

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 [Passenger Transport Services Act 2011](#) 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.

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.
- The review can take into account information that was not considered, not known or not available when the original decision was made.
- 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.

External Review:

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

- You can apply for External Review without first going through the Internal Review process, but if you have already applied for Internal Review you have to wait for this process to finish before you can apply for External Review.
- The review will be done by a Magistrate.
- The review can take into account information that was not considered when either the original decision or the Internal Review decision was made.
- 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.

ENQUIRIES

Email transportcommission@stategrowth.tas.gov.au

Phone 1300 135 513

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 decision 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. Applying for a decision to be reviewed does not stop that decision being implemented in the meantime. This means you must abide by the terms of the decision until a new decision changes it.

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

You need to apply in writing **within 30 days** of being notified of the decision, although the Transport Commission may use its discretion to accept a late application.

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.

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 your 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?

Internal Reviews will normally be completed within 21 days after receiving your application.

The 21-day review period may be extended by up to 28 days. If this happens, you will receive notice in writing before the original 21-day period is up. If this happens, the Review could take up to 49 days to be completed.

How do I find out the result of my appeal?

You will be sent a Review decision in writing as soon as practical after the review has been completed.

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

You will need to lodge a notice of appeal with the [Magistrates Court of Tasmania](#) (Administrative Appeals Division) and pay the required fee.

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.

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

For further information, Part 4 of the [Passenger Transport Services Act 2011](#) outlines the provisions for reviews of decisions made under the Act.

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

- 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 [Taxi and Hire Vehicle Industries Act 2008](#) (and its regulations) are undertaken under the [Taxi and Hire Vehicle Industries \(Review of Decisions\) Regulations 2019](#).

Reviewable Decisions under the *Passenger Transport Services Act 2011*

Decisions that are subject to an internal review under the <i>Passenger Transport Services Act 2011</i>	Section of the Act under which the decision is made	Person(s) eligible to apply for a review of decision
A determination by the Commission that a passenger service is not a transport concern.	11(4)	The operator of the passenger service.
A decision of the Commission to refuse to approve an application for accreditation.	19(1)(b)	The applicant for the accreditation.
Any decision of the Commission to place conditions on an accreditation.	21(2)	The applicant for the accreditation.
A decision of the Commission to place an additional condition on an accreditation.	30(1)(a)	The accredited operator.
A decision of the Commission to vary or revoke the conditions of an accreditation.	30(1)(b)	The accredited operator.
A decision of the Commission to cancel an accreditation.	31(1)	The accredited operator whose accreditation is to be cancelled.
A decision of the Commission to suspend an accreditation.	31(1)	The accredited operator whose accreditation is to be cancelled.
A decision of the Commission to impose a probationary status on an accreditation.	31(1)	The accredited operator whose accreditation is to have probationary status imposed.
A decision of the Commission to refuse to approve an application for authorisation of a regular passenger transport service.	37(1)	The applicant for authorisation.
A decision of the Commission to place conditions on the authorisation of a regular passenger transport service.	39(2)	The applicant for authorisation.
A decision of the Commission to place an additional condition on an authorisation of a regular passenger transport service.	42(1)(a)	The service operator who is authorised to provide a regular passenger transport service.
A decision of the Commission to vary or revoke a condition on an authorisation of a regular passenger transport service.	42(1)(b)	The service operator who is authorised to provide a regular passenger transport service.
A decision of the Commission to cancel or suspend an authorisation of a regular passenger transport service.	43(1)	The service operator who is authorised to provide a regular passenger transport service.

Non-Reviewable Decisions under the *Passenger Transport Services Act 2011*

Decisions that are not subject to a review under the <i>Passenger Transport Services Act 2011</i>	Section of the Act under which the decision is made
A determination that a passenger service is a private passenger service.	7(1)
A determination by the Commission that the accreditation of an interstate passenger transport services operator does not have effect in Tasmania.	28(3)