

CPV25 Procedural Guidelines

Application to Chief Executive Officer, For Review of a Disqualifying Offence, On The Grounds Of Exceptional Circumstances, *Commercial Passenger (Road) Transport Act, Motor Vehicles Act*

Effective Date: 4 April 2006

Introduction

A person who has been convicted of a disqualifying offence will not be granted or will have his/her licence to drive commercial passenger vehicles (h endorsement) or operator accreditation cancelled or not renewed by the Registrar of Motor Vehicles (Registrar) or the Director of Commercial Passenger (Road) Transport (Director).

If a person has been charged with a disqualifying offence with proceedings pending, the Registrar and/or Director may suspend the h endorsement or operator accreditation.

Under Section 102AAC(2) of the *Motor Vehicles Act* and Section 76(2) of the *Commercial Passenger (Road) Transport Act*, a person may request the Chief Executive Officer of the Department of Planning and Infrastructure to review the Registrar and/or Director's decision and decide whether there are any exceptional circumstances that warrant the person holding, or continuing to hold, a h endorsement or operator accreditation.

Under both Acts, the Chief Executive Officer may make procedural guidelines for such reviews. These procedural guidelines are outlined below.

1 LODGEMENT OF APPLICATIONS

1.1. Lodging an application

An applicant may lodge an application in one of three ways:

- At the Motor Vehicle Registry (MVR) offices listed below
- By post
- By fax

1.2. MVR Offices

- Darwin Goyder Rd, Parap; Ethos House, Trower Rd
- Palmerston Palm Plaza
- Katherine Government Centre, First St
- Alice Springs North Stuart Highway
- Tennant Ck Leichhardt St
- Nhulunbuy Industrial Estate



1.3. Lodging an application via post

A person may lodge an application by post. The application must be mailed to:

**Manager Commercial Passenger Vehicles
CPV Disqualifying Offence Review
Department of Planning and Infrastructure
GPO Box 2520
DARWIN NT 0801**

1.4. Lodging an application via fax

A person may lodge an application via fax number 08 8924 7585 addressed to 'Manager Commercial Passenger Vehicles'.

Once a faxed application is received, the Manager Commercial Passenger Vehicles will commence processing the application pending receipt of the original application and any accompanying documents by post.

It is the applicant's responsibility to confirm that there are no transmission errors in sending the fax.

1.5. The application

The application must be on the attached application form 'CPVF25 – Application To Chief Executive Officer For Review Of A Disqualifying Offence On The Grounds Of Exceptional Circumstances.' The application form may also be obtained from an MVR office.

The applicant must ensure that the following information is contained in the application otherwise the application cannot be accepted until the information is supplied.

- Name of the applicant
- Address for correspondence
- The disqualifying offence and exceptional circumstances claimed
- The application must be dated and signed

There is no application fee.

Note:

- A separate application is required for each disqualifying offence.
- All relevant fields in the application form must be completed. If a field is irrelevant, the applicant must clearly state "not applicable".

2 PROCESSING AN APPLICATION

2.1 An applicant may request the Chief Executive Officer of the Department of Planning and Infrastructure (CEO) to review a decision by the Registrar of Motor Vehicles (Registrar) or the Director Commercial Passenger (Road) Transport (Director) to not grant, renew, cancel or suspend a licence to drive commercial passenger vehicles (h endorsement) or operator accreditation.

- 2.2 The request must be in writing on the application form and must state the exceptional circumstances in relation to the disqualifying offence. The application must clearly and comprehensively state the exceptional circumstances surrounding the disqualifying offence.
- 2.3 The application must be received within 28 days of the applicant receiving the Registrar or Director's decision.
- 2.4 Australia Post letter delivery guidelines will be used to determine the date the applicant receives the Registrar or Director's decision.
- 2.5 If the CEO requires further information from the applicant, the Commercial Passenger Vehicles Branch will facilitate this and the time period within which this information is to be provided. Time required to provide the additional information will depend upon the nature of the information required.
- 2.6 If the CEO does not request any additional information from the applicant, the CEO will make a decision within 28 days of receiving the application.
- 2.7 If the CEO requests additional information from the applicant, the CEO will make a decision within 28 days of receiving the additional information.
- 2.8 If the applicant does not provide the requested information by the nominated date, the CEO will then proceed to make a decision in the absence of the requested information.

3 ADVICE OF DECISION

- 3.1 If the CEO decides that exceptional circumstances apply to the disqualifying offence, the applicant and the Registrar and/or Director will be advised of the CEO's decision and the original decision of the Registrar and/or the Director revoked.
- 3.2 If the CEO decides that there are no exceptional circumstances applying to the disqualifying offence, the applicant will be advised of the CEO's decision.
- 3.3 The CEO will provide the reasons for the decision.
- 3.4 The Commercial Passenger Vehicles Branch will advise the applicant of appeal rights to the Local Court if the CEO decides that there are no exceptional circumstances applying the disqualifying offence.

4 OTHERWISE FIT AND PROPER

If the CEO decides that exceptional circumstances apply to a disqualifying offence, the applicant must still be found to be otherwise fit and proper by the Registrar and/or Director.

5 FURTHER INFORMATION

Further information is contained in Information Bulletin 'CPV02 - Disqualifying Offences' available at <http://www.dpi.nt.gov.au/whatwedo/taxis/information-bulletins.html>

Contact Details	
Manager Commercial Passenger Vehicles	
Telephone	(08) 8924 7580
Facsimile	(08) 8924 7585
Email	mvr@nt.gov.au
Web	www.mvr.nt.gov.au
Postal Address	GPO Box 2520 Darwin NT 0801





Application To Chief Executive Officer For Review Of A Disqualifying Offence
On The Grounds Of Exceptional Circumstances

Applicant Details

Surname

[Text box for Surname]

Given Name(s)

[Text box for Given Name(s)]

Address (for correspondence)

[Text box for Address with dotted lines]

State

Postcode

Contact Telephone Numbers

[Table for Contact Telephone Numbers with columns for number and type (A/H, B/H, Mobile)]

Email Address

[Text box for Email Address]

(Please indicate preferred method of contact)

An application for review to the Chief Executive Officer can be made under:

- Section 102AAC of the Motor Vehicle Act; or
Section 76 of the Commercial Passenger (Road) Transport Act

Please state the disqualifying offence you are seeking to establish exceptional circumstances for
(if more than one disqualifying offence please list on separate lines):

[Large text box for disqualifying offence with dotted lines]

I(full name of applicant) request the Chief Executive Officer of the Department of Planning and Infrastructure to review the decision of the Registrar of Motor Vehicles or the Director of Commercial Passenger (Road) Transport to cancel, suspend, not grant or not renew my licence to drive commercial passenger vehicles or operator accreditation and to decide that the exceptional circumstances I have provided below warrant my holding, or continuing to hold, a licence to drive commercial passenger vehicles or operator accreditation, despite the disqualifying offence conviction or charge.

The exceptional circumstances relating to my being convicted or charged with the above disqualifying offence are:

[Large text box for exceptional circumstances with dotted lines]

(continued over page)

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(Please attach as many additional pages or other supporting information or documentation that you consider necessary)

Declaration

I (full name of applicant) certify that all the information supplied by me concerning this application is complete and correct. I accept that the information provided by me in this application may also be disclosed to other persons and/or bodies where such disclosure is required for legitimate purposes.

Declared at on day of ,
(Location) (Day) (Month) (Year)

Applicants Signature