

Commercial Passenger Vehicles Information Bulletin – CPV04

Procedural guidelines for review of a disqualifying offence

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 1949* and Section 76(2) of the *Commercial Passenger (Road) Transport Act 1991*, a person may request the Chief Executive (CE) of the Department of Infrastructure, Planning and Logistics (the Department) 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 CE may make procedural guidelines for such reviews. These procedural guidelines are outlined below.

Application

The application must be on the form ['CPVF04 – Application for Review of a Disqualifying Offence on the Grounds of Exceptional Circumstances'](#).

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".

Lodgement of application

An applicant may lodge an application:

- In person at a Motor Vehicle Registry (MVR) office. To find your nearest MVR, visit mvr.nt.gov.au;
- Email to cpv.admin@nt.gov.au; or

- By post, addressed to:

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

Processing of your application

An applicant may request the CE of the Department to review a decision by the Registrar or the Director to not grant, renew, cancel or suspend a 'h' endorsement or operator accreditation.

The request must be in writing on the application form (CPVF04) and must clearly and comprehensively state the exceptional circumstances surrounding the disqualifying offence/s.

The application must be received within 28 days of the applicant receiving the Registrar or Director's decision.

Australia Post letter delivery guidelines will be used to determine the date the applicant receives the Registrar or Director's decision.

If the CE 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.

If the CE does not request any additional information from the applicant, the CE will make a decision within 28 days of receiving the application.

If the applicant does not provide the requested information by the nominated date, the CE will then proceed to make a decision in the absence of the requested information.

Advice of decision

If the CE decides that exceptional circumstances apply to the disqualifying offence, the applicant and the Registrar and/or Director will be advised of the CE's decision and the original decision of the Registrar and/or the Director revoked.

If the CE decides that there are no exceptional circumstances applying to the disqualifying offence, the applicant will be advised of the CE's decision.

The CE will provide the reasons for the decision.

The Commercial Passenger Vehicles Branch will advise the applicant of appeal rights to the Local Court if the CE decides that there are no exceptional circumstances applying the disqualifying offence.

Otherwise fit and proper

If the CE 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.

General information

For further information on Commercial Passenger Vehicles, visit www.nt.gov.au/driving/industry.

This Information Bulletin is a guide only and contains general information and requirements for / in relation to commercial passenger vehicles. This document should not be regarded as a strict interpretation of Northern Territory law.

Contact Details	
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