

## Internal Review Information Sheet

The NHVR coordinates a range of road access applications from start to finish. This involves liaising directly with road managers, including state and territory road authorities and local governments.

If an application for a permit is refused, operators are able to make an application to the NHVR requesting an internal review of the decision.

Road managers are in charge of their internal review process. This review consists of evaluating the process used to arrive at an access decision, not the decision itself.

### What information will I receive if an application is refused?

You are entitled to receive an information notice for the decision to refuse access. The notice should include:

- the decision
- the reasons for the decision
- the review and appeal information for the decision.

If you did not receive an information notice when you were advised of the decision, you may request one from the NHVR.

### When can I make an application for internal review?

You can apply for an internal review once you have received notice from the NHVR that the application for access has been rejected.

### What is the process?

You must complete and lodge an Internal Review Application Form (Access) – available from the NHVR website. The form includes instructions.

The form can be accessed at:

<https://www.nhvr.gov.au/files/cf001-2-2016-internal-review-application.pdf>

The NHVR forwards valid applications to the road manager who made the access decision.

### Is there a time limit?

The application for internal review needs to be lodged with the NHVR within 28 days of being notified about the decision, or within 28 days after receiving the information notice.

In some circumstances, the NHVR may extend the time for making the application.

### What is a valid application?

To be valid, an application for Internal Review must:

- meet the time limit
- be in writing
- state in detail the grounds on which the decision ought to be reviewed.

### What are examples of valid grounds for a review?

- Contrary to law – the refusal reasons and or statement provided by the road manager conflicts with the Heavy Vehicle National Law.
- The decision maker based their decision on irrelevant factors, or failed to take a relevant factor into account.
- The decision maker did not follow their own guidelines or was biased, or there was some other error or unfairness in the process.
- In rare circumstances, information that was not contained in the original application may be the basis for a review. For example, the reasons for refusal might show that information that would normally be irrelevant might have made a difference.

### What are not valid grounds?

- The internal review process is not an opportunity to negotiate. If you wish to apply for a different route or with a different vehicle, you should make a new application.
- Simply re-stating the information from the original application
- Providing new information, that could have been provided in the original application, but was left out, is not normally a valid ground for review.

### What happens if the application is not valid?

The NHVR will return the application to the operator.

### If the NHVR accepts my application, what is the process?

If the application has all the necessary information including valid grounds for review, the NHVR will forward the application to the Road Manager/s to review the decision.

**Who within the Road Manager agency will review the decision?**

The decision will be reviewed by someone, other than the original decision maker, who holds the equivalent or a higher position.

**How long does a Road Manager have to review the decision?**

The Road Manager reviewer has up to 28 days to process the internal review after they receive it.

**If the Road Manager/s upholds the decision, can I appeal?**

You can appeal to the relevant appeal body in your jurisdiction.

In Queensland for example it would be the Queensland Civil and Administrative Tribunal. (The Information Notice should state the relevant appeal body). You can appeal up to 28 days after:

- you receive the review notice, via the NHVR, or
- the end of the internal review period, if the internal reviewer does not make a review decision within the period.

This period can be extended by the relevant appeal body but the review notice decision remains in effect until the appeal has been heard or the appeal body places a stay on the NHVR decision.

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