

Application for Internal Review

Commercial Passenger Vehicles Victoria
GPO Box 1716, Melbourne VIC 3001 Phone: 1800 638 802 (toll-free) cpv.vic.gov.au

October 2019

COMMERCIAL
PASSENGER
VEHICLES
VICTORIA

APPLICATION FOR INTERNAL REVIEW

Instructions to applicants

Use this form to apply for internal review of a decision made by Commercial Passenger Vehicles Victoria (CPVV) which affects your accreditation or registration. This form applies to decisions affecting a person's:

- commercial passenger vehicle registration;
- booking service provider registration; or
- driver accreditation.

You can apply for internal review where CPVV has:

- refused to issue driver accreditation
- refused to register a booking service provider
- disqualified a person from applying for driver accreditation
- imposed a condition on a commercial passenger vehicle registration, booking service provider registration or driver accreditation
- varied or revoked a condition or imposed a new condition on a commercial passenger vehicle registration or booking service provider registration
- declared that a seized thing is forfeited
- served an improvement notice or prohibition notice
- issued a written direction
- imposed a condition on the surrender of a commercial passenger vehicle registration, booking service provider registration or driver accreditation
- taken disciplinary action

You cannot apply for a review of a decision:

- that has already been internally reviewed by CPVV; or
- that was made by CPVV, and not by a CPVV delegate

The application can be submitted:

By emailing it to:

internalreview@cpv.vic.gov.au

By posting it to:

Managing Senior Lawyer
Commercial Passenger Vehicles Victoria
GPO Box 1716
Melbourne VIC 3001

For further information, please contact CPVV on 1800 638 802 or visit cpv.vic.gov.au

APPLICATION FOR INTERNAL REVIEW

Section A: Details of Applicant

Title	<input type="text"/>	First name/given name	<input type="text"/>
Surname/family name	<input type="text"/>		
Organisation – if applicable	<input type="text"/>		
Accreditation/Registration number	<input type="text"/>		
Telephone – business	<input type="text"/>		
Telephone – mobile	<input type="text"/>		
Email – to which correspondence may be sent	<input type="text"/>		
Postal address – to which correspondence may be sent	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>	Postcode:	<input type="text"/>

I am (please select):

- an applicant for driver accreditation or booking service provider registration
- an accredited driver, a person in whose name a commercial passenger vehicle is registered or a registered booking service provider
- a relevant person in relation to any of the above
- other

Please explain how your interests are affected by the decision.

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

APPLICATION FOR INTERNAL REVIEW

Section B: Reviewable decision

Tick the box that applies to you. I am applying for review of a decision to:

- refuse an application for driver accreditation
- refuse to register a booking service provider
- disqualify a person from applying for driver accreditation
- impose a condition on a commercial passenger vehicle registration, booking service provider registration or driver accreditation
- vary or revoke a condition on a motor vehicle registration or booking service provider registration
- declare that a seized thing is forfeited
- serve an improvement notice or prohibition notice
- issue a written direction
- impose a condition on the surrender of a commercial passenger vehicle registration, booking service provider registration or driver accreditation
- take disciplinary action

Date of reviewable decision

Name of decision maker

Reasons for applying for internal review

Decision Letter

Please attach a copy of the decision letter relating to your request for review.

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Additional information

Note: You can provide any additional information you want CPVV to consider in the review. You should ensure that you have provided all additional documents relevant to your application together with this application form.

If required, please provide any additional information below, or describe additional documents provided with this application.

Has your application been lodged within 20 business days?

Yes

No

Note: If more than 20 business days have passed since the reviewable decision came to your notice, your application may not be considered. The decision will be deemed to have come to your notice two working days after being posted by CPVV.

If more than 20 business days have passed since the decision came to your notice, please explain why it is late and outline any relevant grounds that CPVV should consider in deciding whether to grant an extension.

APPLICATION FOR INTERNAL REVIEW

Stays

Note: If you have applied for a review of a decision you may also apply for a stay of that decision pending the outcome of the review. A stay means the decision does not operate until the review is finalised. The decision whether to grant a stay must be made within 2 business days. If you have requested a stay and no decision is made within that time, the stay is deemed to have been granted.

Normal business hours are 8:30am to 5:00 pm, Monday to Friday. If you apply for a stay outside of normal business hours, your application will be deemed to have been accepted at 8:30am on the following business day.

Are you seeking a stay of the decision?

Yes No

If yes, why should the operation of the decision be stayed during the determination of the review?

Section C: Declaration

I declare that the information on this form is true and correct to the best of my knowledge.

Name (please print)

Signed

Date

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Commercial Passenger Vehicles Victoria
GPO Box 1716, Melbourne VIC 3001 Phone: 1800 638 802 (toll-free) cpv.vic.gov.au

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COMMERCIAL PASSENGER VEHICLES VICTORIA PRIVACY POLICY

1. Introduction

This policy sets out the manner in which the Commercial Passenger Vehicles Victoria (CPWV) will collect, use, hold, disclose and dispose of personal information and health information. This policy may be varied from time to time.

2. Definitions of personal, sensitive and health information

CPWV will collect, hold and disclose personal information and health information in accordance with the Information Privacy Principles (IPPs) set out in the Privacy and Data Protection Act 2014 (Vic) (PDP Act) and the Health Privacy Principles (HPPs) set out in the Health Records Act 2001 (Vic) (HRA).

2.1 Definition of personal information

Under the PDP Act, 'Personal Information' means any information or opinion (including information or an opinion forming part of a database), that is recorded in any form about an individual whose identity is apparent or can easily be ascertained from the information or opinion, but does not include information to which the HRA applies.

2.2 Definition of sensitive information

Under the PDP Act, there is a subset of personal information called 'Sensitive Information' which includes information about your race, ethnicity, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, memberships of professional/trade unions or associations, sexual preferences or practices or criminal record.

The PDP Act applies stricter provisions on how sensitive information is used. Where CPWV collects Sensitive Information about you, it will ensure that it complies with these provisions.

For the purposes of this policy, a reference to Personal Information will include Sensitive Information.

2.3 Definition of health information

Under the HRA, 'Health Information' means information or an opinion about an individual's physical, mental or psychological health, a disability, an individual's expressed wishes about the future provision of health services or a health service provided which can be linked to a living or deceased individual.

3. Collection of Personal and Health Information

CPWV only collects Personal Information or Health Information from an individual that is necessary for its functions or activities, the activities of managing or administering that function or activity, or as required by law in regard to its statutory obligations.

CPWV will take reasonable steps to collect information directly from the individual. CPWV may collect information via written or electronic correspondence including telephone, email, fax and/or social media such as Facebook and Twitter. Information may also be collected in person.

CPWV may collect Personal Information or Health Information from you when you:

- apply for accreditation as a driver, registration of commercial passenger vehicle, or registration as a booking service provider (BSP);
 - apply for a job with CPWV;
 - request to be placed on CPWV's mailing list;
 - make an inquiry or give comment about CPWV's functions and services; or
 - lodge a request for access to documents under the Freedom of Information Act 1982 (Vic.) (FOI Act).
- The types of Personal Information CPWV may request from you include your name, date of birth, contact details, qualifications and employment history and the types of Health Information that CPWV may collect from you, include information relating to your physical or mental health or any disability you may have.

3.1 Types of specific Personal Information CPWV may collect

3.1.1 Supplying commercial passenger vehicle services or driving instructor services

If you are involved in the supply of commercial passenger vehicle services, we may collect or use your Personal Information or Health Information where required.

3.1.2 Security cameras in commercial passenger vehicles

If you have been a passenger in, or drive a commercial passenger vehicle, you may have been photographed and/or filmed by a security camera installed in the commercial passenger vehicle. If you were, those photographs and/or film may contain your Personal Information. We may collect or use that Personal Information, or disclose it to a law enforcement agency if necessary to determine, or help a law enforcement agency determine:

- whether a crime has been committed by or against you; and/or
- your identity, if a law enforcement agency suspects that a crime has been committed by or against you.

3.1.3 Multi Purpose Taxi Program members

If you apply to become a member of the Multi Purpose Taxi Program, we may collect or use your Personal Information or Health information, or disclose it to another governmental agency, medical practitioner or independent health panel where this is required to assess your eligibility under the membership program or application process.

3.2 Collection statement/notice

Where CPWV collects Personal Information from you, it will take reasonable steps to ensure that you are given a collection statement that sets out the purpose for collecting that information, how that information will be used and the consequences, if any, for not providing the information. Wherever it is lawful and practical, CPWV will provide you with the option of not identifying yourself.

4. Use and disclosure of Personal Information or Health information

CPWV will only use or disclose Personal Information or Health Information as set out in this Privacy Policy or for the purpose which was either specified or reasonably apparent at the time of collection unless you have consented to, or would reasonably expect, another related use.

4.1 Disclosure required by law

In certain circumstances, CPWV may be required by law to provide Personal Information or Health Information to another organisation. Examples include warrants, court orders or demands to provide documents permitted under legislation. Examples of organisations with these powers include ASIO, ASIS and Centrelink.

Under Part 10 of Commercial Passenger Vehicle Industry Act 2017, CPWV is required to keep a register of permission holders and to make the Register publicly available and may publish a copy on its website.

The Register must include the name of each person who is:

- an accredited driver;
 - a registered booking service provider;
 - registered as an owner of a commercial passenger vehicle
- and any other information prescribed by regulations.

CPWV may also include on the Register for each person whose name is on the Register:

- business contact details (including a telephone number, fax number, postal address, email address and internet site);
- details of registered commercial passenger vehicle;
- details of registered booking service provider;
- details of the issue of the certificate of driver accreditation

Information about a person whose name is on the Register will only be included with the person's consent or after the person has been given 20 days' notice of the information that will be published (this notice is given on all CPWV application forms). A person may apply to CPWV to restrict public access to information that is included on the Register. CPWV will only approve such an application if satisfied that there are exceptional circumstances that justify the restriction.

4.2 Disclosure authorised by law

In certain situations, CPWV is authorised to disclose Personal Information or Health Information to related transport and government agencies. Examples include booking services/associations, bus depots/associations, driving instructor associations, Melbourne Airport and relevant state and federal government agencies including Victoria Police and VicRoads.

We may do so if necessary to investigate or report on:

- whether you are, were or will be suitable to be involved in the supply of commercial passenger vehicle services; or
- whether you have broken the law in the course of your involvement in the supply of commercial passenger vehicle services.

Personal Information may be shared with related government agencies via phone, email, post, fax or a shared database. Personal Information shared may include names, drivers licence numbers, credit card details and police records.

4.3 Disclosure to third party contractors

From time to time CPWV may contract out some of its functions and services, for example IT and market research. In these situations your Personal Information or Health Information may be shared with third parties. Where CPWV engages third party providers, it will ensure that these parties have suitable data protection programs and privacy policies in place.

4.4 Disclosure outside Victoria

CPWV will only transfer your Personal Information or Health Information to another individual or organisation outside Victoria in limited circumstances, including when the recipient is subject to a law which upholds similar principles to the IPPs or HPPs, or you consent to the transfer. Specific disclosures will be made with consent or otherwise in accordance with the use and disclosure standards of the PDP Act and the HRA.

5. Data security and destruction

Irrespective of whether your Personal Information or Health Information is stored electronically or in hard copy form, CPWV will take reasonable steps to protect it from misuse and loss, and from unauthorised access, modification or disclosure.

CPWV will also take reasonable steps to destroy or permanently de-identify your Personal Information or Health Information if it is no longer required for CPWV to perform its regulatory functions.

6. Data quality, access and correction

CPWV will take reasonable steps to ensure that any Personal Information and Health Information it holds is accurate, complete and up to date. You are entitled to contact CPWV Privacy Officer (contact details are set out below) and request access to and correction of any of your Personal Information or Health Information held by CPWV.

Under Section 229 of Commercial Passenger Vehicle Industry Act 2017, CPWV may, if it decides that it is necessary to do so, correct any error or omission in the Register or the public version of the Register (refer to section 4.1).

6.1 Freedom of Information requests

Access to some information that CPWV holds may require a formal request under section 17 of the Freedom of Information Act 1982 (Vic). Your FOI application and any queries should be made to:

CPWV Freedom of Information Officer

Commercial Passenger Vehicles Victoria, GPO Box 1716, Melbourne VIC 3001

Telephone: 1800 638 802 Facsimile: 03 8683 0777 Email: FOI@cpv.vic.gov.au

7. Unique identifiers

A unique identifier is a code consisting of letters or numbers (not the individual's name) that is assigned to an individual to distinguish them from other individuals, for example a driver's licence number or tax file number. CPWV will not:

- assign, use or disclose unique identifiers to individuals unless it is necessary to do so to carry out one of its organisational functions efficiently;
- adopt, use or disclose a unique identifier assigned to you by another organisation except in limited circumstances; or
- require you to provide a unique identifier in order to obtain a service, unless it is required or authorised by law or connected to the purpose for which the unique identifier was assigned.

CPWV generally assigns a unique identifier if you are, have been or seek to become:

- involved in the supply of commercial passenger vehicle services; or
- a member of the Multi Purpose Taxi Program.

8. Privacy complaints

If you believe that your Personal Information or Health Information has been used by CPWV in a manner contrary to the PDP Act or HRA, you may contact the CPWV Privacy Officer (on the details below) or lodge a complaint with the Office of the Victorian Information Commissioner at www.ovic.vic.gov.au.

Information for submitting complaints to the Health Services Commission in respect of your Health Information is available at: www.health.vic.gov.au/hsc

9. Further information and contact details

Further information about CPWV's Privacy Policy is available at CPWV website, or can be requested by contacting CPWV Privacy Officer. All requests and communications may be made to CPWV Privacy Officer at:

CPWV Privacy Officer

Legal & Regulatory Services, Commercial Passenger Vehicles Victoria, GPO Box 1716, Melbourne VIC 3001

Telephone: 1800 638 802 (toll-free) Email: privacy@cpv.vic.gov.au