



APPLICATION FOR REVIEW OF A REVIEWABLE DECISION

PART A. SECTION 158(1) OF THE RAIL SAFETY ACT 2008 ('RSA')

The eligible person in Part B applies to the Independent Transport Safety and Reliability Regulator ('ITSRR') to review the reviewable decision in Part C, for the reasons in Part D (if any).

PART B. ELIGIBLE PERSON MAKING THIS APPLICATION [See the definition of an "eligible person" in section 157 of the RSA]

Full name: ACN: [if applicable]

Trading as: [if applicable]

Address:

[Correspondence from ITSRR concerning the application will be sent to the eligible person at this address]

PART C. REVIEWABLE DECISION [See the definition of a "reviewable decision" in section 157 of the RSA]

Provision of the RSA under which the reviewable decision was made: [Specify the relevant provision of the RSA from the list in section 157 of the RSA]

If the reviewable decision was made by ITSRR: [section 158(1)(a) of the RSA]

date on which the decision was made:

the reviewable decision or a summary of it is as follows: [if you attach a copy of the reviewable decision, write "see the decision attached"]

If the reviewable decision was not made by ITSRR: [section 158(1)(b) of the RSA]

the date on which the decision first came to the eligible person's notice:

the reviewable decision or a summary of it is as follows: [if you attach a copy of the reviewable decision, write "see the decision attached"]

If you are out of time for making an application in relation to a reviewable decision that was not made by ITSRR (see the time limits in section 158(1) of the RSA) and you seek an extension of time from ITSRR to make this application, reasons in support of the application to extend the time are:

[Note: a separate sheet may be attached and signed if the space in any part of this notice is insufficient]

PART D. REASONS FOR A REVIEW

The reasons (if any) in support of this application to review the reviewable decision are:

[Note: It is not necessary to provide reasons in support of your application but reasons may assist the decision-maker]

PART E. OUTCOME SOUGHT

The outcome sought in relation to this application is: *[mark and complete as appropriate]*

the reviewable decision be varied as follows: *[specify]*

the reviewable decision be set aside and substituted by the following decision: *[specify]*

[Note: it is open to ITSRR to affirm the reviewable decision]

PART F. APPLICANT'S SIGNATURE *[the eligible person or the eligible person's representative to print his/her name, sign and date]*

Signature:

Date:

/ /

PART G. METHOD OF DELIVERY

Posted Faxed Hand delivered Other *[specify]*

Delivered to ITSRR: *[mark as appropriate]*

Street address:
Level 22, 201 Elizabeth Street
SYDNEY NSW 2000

Postal address:
PO Box A2633
Sydney South NSW 1235

Fax: 8263 7200
Phone: 8263 7100

On:

/ /

[Note: check that you have completed Parts B – G and attached a copy of the reviewable decision if it is reasonably available]

INFORMATION REGARDING THIS APPLICATION IS ON PAGE 3

Making a valid Application for Review

- 1 To be valid, an application under section 158(1) of the RSA must:
 - be in this approved form;
 - be made by an eligible person (defined in section 157 of the RSA);
 - relate to a reviewable decision (defined in section 157 of the RSA); and
 - be made within 28 days after the decision by the ITSRR was made or, if the decision was not made by the ITSRR, be made within 28 days after the decision first came to your notice (section 158(1) of the RSA).
- 2 Normally, you should attach a copy of the reviewable decision to this application.

Extension of time for making the application

- 1 An extension of time cannot be granted for the lodging of an application relating to a reviewable decision made by ITSRR.
- 2 An extension of time may be granted by ITSRR for the lodging of an application relating to a reviewable decision not made by ITSRR. If you require an extension of time, you must specify this and you should state the reasons in support.

Decision of ITSRR

- 1 Upon receiving a valid form of application, ITSRR must make a decision: *[see section 158(3) of the RSA]*
 - to affirm or vary the reviewable decision; or
 - to set aside the reviewable decision and substitute another decision that ITSRR considers appropriate.
- 2 ITSRR must then give written notice to the Applicant setting out: *[see section 158(4) of the RSA]*
 - ITSRR's decision and the reasons for the decision; and
 - ITSRR's findings on material questions of fact that led to the decision, including reference to evidence or other material upon which those findings were based.
- 3 ITSRR must give such written notice to the Applicant within 14 days after the application for review was made or, if the reviewable decision was made under section 100 of the RSA, within 7 days after the application for review was made.
- 4 If ITSRR has not notified an Applicant of its decision within the relevant timeframe, ITSRR will be taken to have made a decision to affirm the reviewable decision.

Operation of reviewable decision

- 1 An application for review of a reviewable decision does not affect the operation of the decision or prevent the taking of any action to implement it; unless ITSRR, on its own initiative or on an application made by you, stays the operation of the decision (not being a prohibition notice) pending the determination of the review *[see section 158(6) of the RSA]*.
- 2 ITSRR must make a decision on an application for a stay within 24 hours after the making of the application.
- 3 If ITSRR has not made a decision on a stay application within 24 hours, ITSRR will be taken to have made a decision to grant the stay.
- 4 ITSRR may attach any conditions to a stay of the operation of a reviewable decision that ITSRR considers appropriate.

Appeal to ADT following ITSRR decision

- 1 Once ITSRR has provided you with notice of its decision, or the decision is taken to have been affirmed, you may appeal to the Administrative Decisions Tribunal (ADT) against the decision.
- 2 Section 53 of the *Administrative Decisions Tribunal Act 1997* does not apply to a reviewable decision.