

Frequently asked  
questions for proprietors,  
examiners and certifiers

transport.nsw.gov.au

# Understanding the show cause process

March 2023



This fact sheet answers some frequently asked questions about the Notice to Show Cause process for (NTSC):

- Proprietors and examiners within the **Authorised Inspection Scheme**; and
- Licensed Certifiers within the **Vehicle Safety Compliance Certification Scheme**.

## What is a NTSC?

A NTSC is issued when Transport for NSW (Transport) is considering taking administrative action against a scheme or regulatory program participant (proprietor, examiner or certifier).

Administrative action could include:

- formal warning;
- suspension or cancellation;
- the addition of conditions to the accreditation, authority or licence; or
- the requirement to complete relevant retraining.

## When is a NTSC issued?

Transport may issue a NTSC when it becomes aware that a participant is, or has been, non-compliant in the scheme or regulatory program. This could include, but is not limited to:

- not complying with applicable condition(s) or rule(s);
- not abiding by applicable legislation;
- accruing an adverse criminal or driving history; and

- other actions that bring into question the participants competency, capacity or fitness to remain a participant of the scheme or program.

### **How do I respond to an NTSC?**

The NTSC is your opportunity to respond to the concerns raised by Transport. If you make submissions, you should read the letter carefully and respond to all concerns raised. You may include any relevant facts or materials in support of your submission.

The information that you include in your submissions is up to you. However, your submissions should:

- address the facts and circumstances of each issue raised in the notice;
- address the nature, seriousness and/or frequency of the issues raised in the notice;
- outline any circumstances that resulted in the issues raised in the notice;
- address the likelihood of you re-offending in the future. This could include any steps that you may have taken to address any issues, any changes in your circumstances or whether you admit responsibility for any of the issues raised in the notice; and
- provide any evidence that supports the above.

### **How long will I have to respond to the NTSC?**

The NTSC will specify the period in which a response may be provided. In most cases, this will be 21 days, however it is important that you refer to the period specified in the NTSC.

It is important that a response is provided within the specified period. Responses provided after this period may not be accepted.

If a response is not provided, Transport will make its decision based on the information that is available.

### **Can I request an extension of the timeframe provided?**

Transport may consider an extension where there are extenuating circumstances.

An extension can be requested by sending an email to [sruvp@transport.nsw.gov.au](mailto:sruvp@transport.nsw.gov.au). The email should include any reasoning as to why an extension is required and the proposed period of extension.

Important: The extension request **must** be provided before the show cause period has expired.

### **Can I seek legal advice or engage a solicitor to respond on my behalf?**

Yes. You can seek legal advice or have a solicitor respond on your behalf.

It is important that a response is provided within the specified time. If engaging a solicitor it is recommended that you provide them with a copy of the notice, and ensure they are aware of the due date so that a response may be provided within the specified time.

### **What happens if I do not respond, or I don't respond in the required timeframe?**

If a response is not provided, Transport will make a decision based on the information that is available.

### **What will happen after I respond?**

Transport will review the matter and provide a formal notice advising you of the outcome. This notice will include:

- the decision made by Transport, including any administrative action taken;

- when the decision will take effect and for how long;
- any actions that must be complete by the participant or any additional conditions;
- any appeal rights available to the participant; and
- contact information if you require more information.

### **Can I appeal the decision made by Transport?**

This will depend on the decision being made by Transport. Please refer to the notice advising the outcome of the decision which will include information relating to any appeal rights.

### **Who can I contact for more information?**

If you have any questions about a Notice you have received, you can contact the Scheme Review Unit Vehicle Programs on the below.

**E:**        [sruvp@transport.nsw.gov.au](mailto:sruvp@transport.nsw.gov.au)

**P:**        02 8350 4736

**M:**        PO Box 122, Glen Innes NSW  
             2370