

Process for Assessing if a person meets the 'Medical' requirements to hold a driver licence

DECISION MAKING GUIDELINES



Preamble

This document outlines the decision making process when determining whether a person meets the medical requirements to hold a Tasmanian driver licence. Tasmanian residents have the right to hold a driver licence if they meet the requirements. The guidelines are applied to all prospective and current Tasmania driver licence holders. The eligibility requirements do differ depending on the class of licence being applied for or held.

All current or prospective licence holders will be treated equally, however some people may require greater management than others due to their medical condition and the resulting higher risk they pose to themselves and/or other motorists.

The decision making process and the National '[Assessing medical Fitness to Drive Guidelines](#)' are used in conjunction to form an evidence based decision making framework that is applied equally to all drivers.

The Registrar of Motor Vehicles (RMV) is responsible for overseeing driver licensing and the regulation of drivers of motor vehicles. Further the community has an expectation that they will be safe when sharing the roads with other drivers. To endeavour to meet legislative requirements and the community expectation, the RMV, or his delegate applies the '[Medical fitness](#)' test to every driver that presents, with a medical or physical condition.

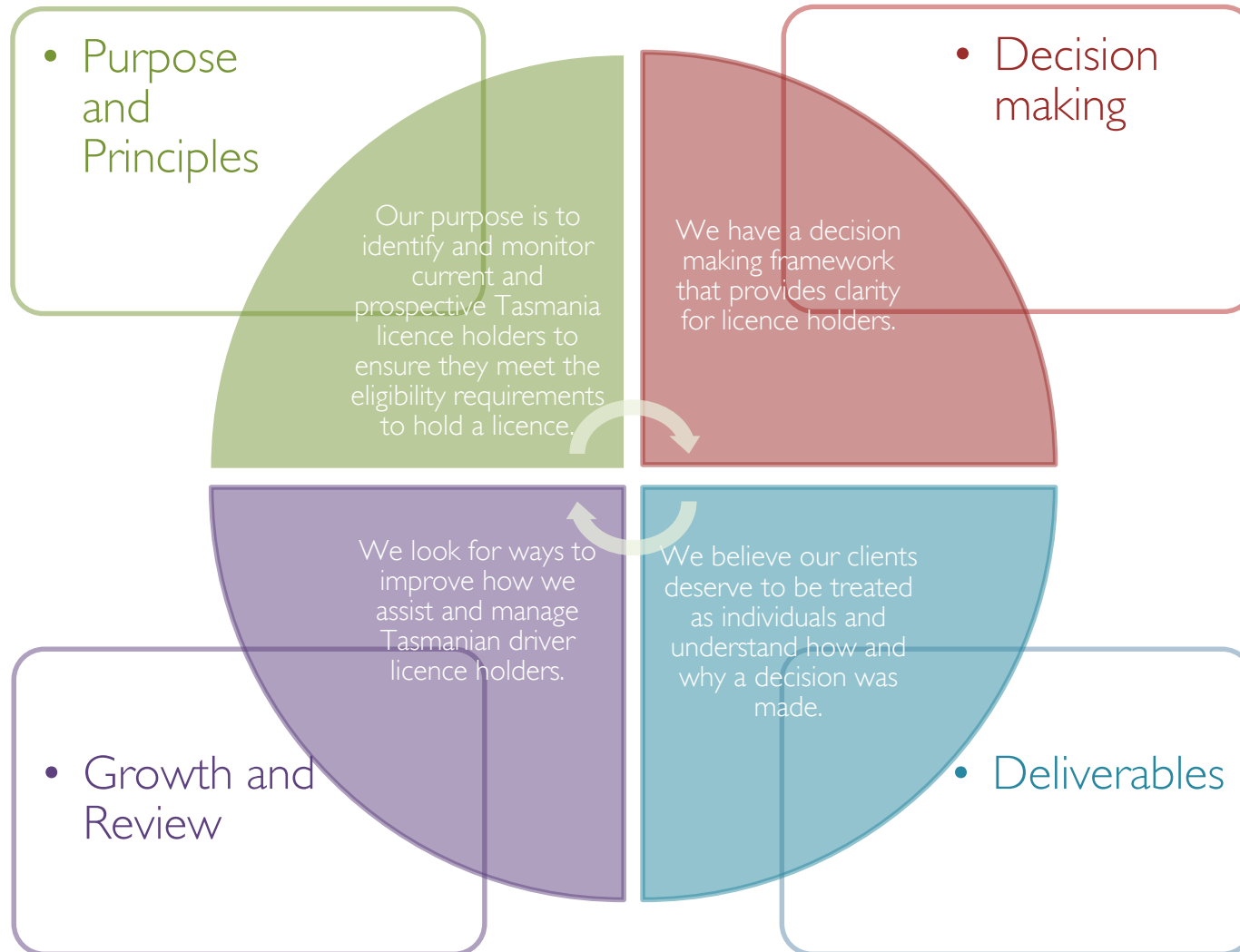
The holder of a driver licence must, as soon as practicable, notify the RMV of a change in circumstances in regard to injuries or illness, including physical or mental conditions, that may impair his or her ability to drive safely.

Likewise the RMV aims to provide decisions in a timely manner regarding the outcome of any 'Medical' determination. The decision will be provided in a Statement of Reason which outlines how and why a decision was reached, in a clear and meaningful format.

When the RMV, or his delegate makes a decision to cancel or suspend a driver licence or to add a condition or restriction to a driver licence, the licensee affected will be notified of the decision in writing as well as their rights to apply for an internal review of the decision. If the applicant is not satisfied with the result of the internal review, they may appeal to the Magistrates Court.

**It must be emphasised that this document is a Guideline only – the factors, which are to be taken into consideration are not exhaustive, but provide a general framework of how administrative decisions are made. These factors apply equally to all decisions made concerning a driver licence holder or applicant's ability to drive safely.*

OUR APPROACH



Evidence to consider

When determining whether a person is 'Medically fit', all evidence supplied which informs the individual circumstances of the case will be considered. This evidence will support the basis and reasoning behind the decision, and should be considered in its entirety and weighed accordingly on its relevance to the case.

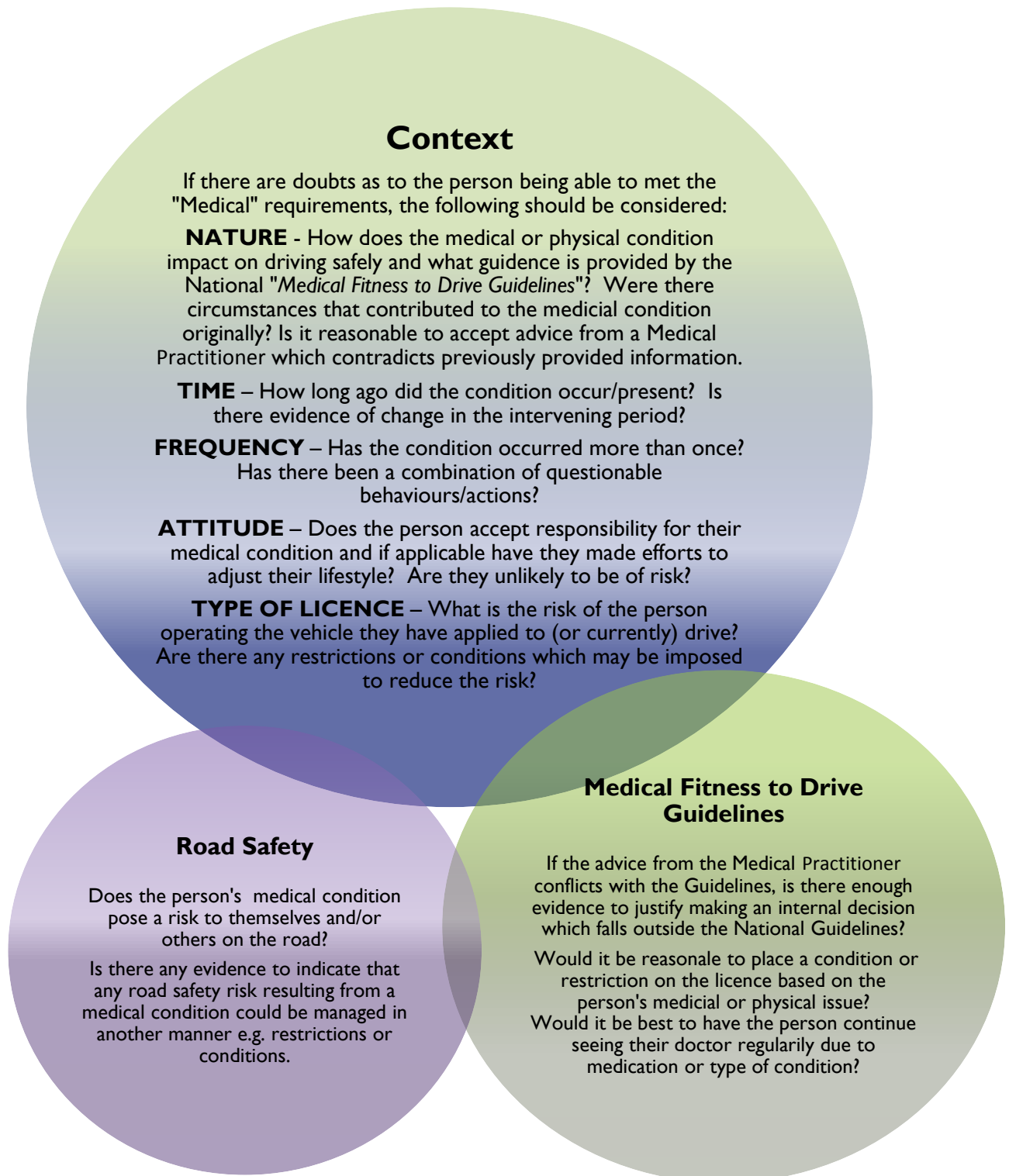
Evidence relative to 'Medically fit and capable' may include (but is not limited to) the following:

The person's Application Form for a Tasmanian driver licence.
A Medical fitness to drive assessment Undertaken by a Medical Practitioner.
Any previous Medical Fitness to Drive Assessments, Advice from Specialist(s) or Renewal Medical Declarations .
Evidence from a medical professional.
The length of relationship with any Medical Practitioner providing advice.
An Occupational Therapy Driving Assessment undertaken by an Occupational Therapist.
The results of a Driving Assessment undertaken by a Driving Assessor (DA).
The person's medical history specifically relating to the medical issue or concern being investigated. (File notes or previous correspondence or evidence from other licensing jurisdictions e.g. NEVDIS records).
The person's application for the Transport Access Scheme .
A Personal Statement which outlines the person's needs and personal situation.

NOTE: The RMV recognises that suspending, cancelling or refusing to issue a licence may potentially impact on a person's social interactions, mobility and/or livelihood. Although this consideration does not necessarily apply to whether a person is 'medically fit' to drive, the RMV, or his delegate, may consider this factor as part of the overall decision.

Factors to consider

It must be understood that the circumstances of each individual case will be different. To determine whether a person meets the 'Medical' requirements, the questions in the below chart should be considered, however, each may be given a different level of importance depending on the opinion of the decision maker:



Decision making Process – Medical

Requirements (Medical Fitness test)

Assessment Make sure you have all the facts

- Do you have enough information to make a decision?
- Is the information valid?
- Do you need any clarification?
- What questions does the report raise?

Alternatives Consider your options

- Have you investigated all possible alternative options, having regard to the context of the case?
- Have you considered pros and cons for each possible option?
- Is there any way you can assist the person to keep driving safely?
- Can you come up with a viable solution? If not do you need to gather more facts?

Analysis Identify decision and test its validity

- Will your decision have a positive impact on Road Safety?
- Is the decision based on evidence?
- Would the decision stand up to review?
- Is the outcome within your delegation?

If you are comfortable with your decision, take action. If not retrace your steps to discover a better solution.

Action make a decision

- Are you willing to accept responsibility for your decision?
- Do you feel your decision is justified?

If you are comfortable with your decision, start to document your findings in the Statement of Reasons.

Remember! Respond within an appropriate timeframe in a way that fully explains how the decision was reached. Statement of Reason should include:

- Details of Evidence presented and how it was weighted.
- Information on the clients rights in regard to reviewing the decision and being able to reapply with or without additional evidence.
- All evidence (documentation and verbal discussions) used to reach the decision is recorded and retained and can be easily understood and retrieved.

Options

When all of the evidence in light of the individual circumstances of the case has been considered, the RMV, or his delegate may make one of the following decisions:

- Re-issue a licence
- Revoke a suspension
- Remove a condition and/or restriction
- Impose a condition and or restriction
- Unconditionally issue or renew
- Suspend the licence
- Cancel the Licence
- Refuse to issue the licence

The RMV, or his delegate, will fully explain how they arrived at a decision in a Statement of Reasons which will be provided to the person.

The RMV may re-visit the decision at any time. This may occur as a result of, but is not limited to, the:

- licence holder re-applying with the same evidence
- licence holder providing additional evidence or information
- Additional information or evidence provided by a third party
- Policy or legislative changes