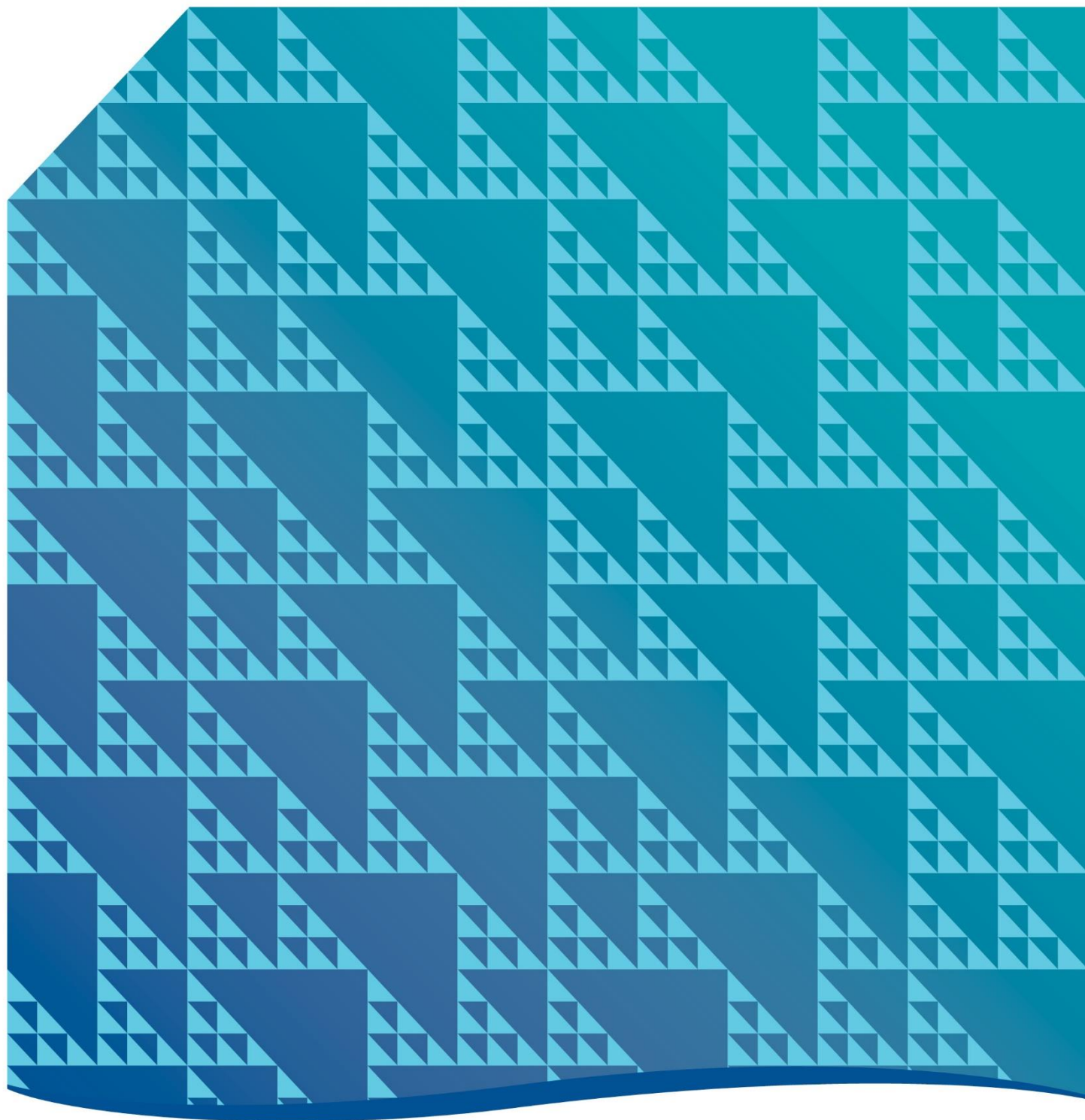


Decision Making Guidelines



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Introduction

This document outlines the decision-making process and steps undertaken to determine if a person is 'fit and proper' to hold an Ancillary Certificate to Drive a Public Passenger Vehicle (PPV).

An Ancillary Certificate must be obtained by any person wishing to operate a PPV such as a bus or taxi. Pursuant to the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*, part of this process is for the applicant to provide evidence to the Registrar of Motor Vehicles (RMV) to show that they are a 'fit and proper' person to operate this type of vehicle within the community.

The RMV is responsible for policies relating to decision making in accordance with relevant legislation. Day to day decision making relating to a person's driver licence is undertaken by delegates of the RMV.

The RMV is also responsible for overseeing driver licensing and the regulation of drivers of motor vehicles. The community has an expectation that they will be safe when using public transport. To endeavour to meet this expectation, the RMV applies the 'fit and proper' person test to every applicant for an Ancillary Certificate to Drive Public Passenger Vehicles.

The RMV has determined that any person who is not issued with Working with Vulnerable Persons Registration (WVPR) or Working with Children Registration (WWCR) will not be able to satisfy the requirements of 'fit and proper' to be issued with an Ancillary Certificate to Drive Public Passenger Vehicles.

It should be noted that obtaining Working with Vulnerable Persons Registration or Working with Children Registration does not automatically imply that an applicant will be approved for the issue of an Ancillary Certificate. The applicant must satisfy all the 'fit and proper' requirements as described in this document.

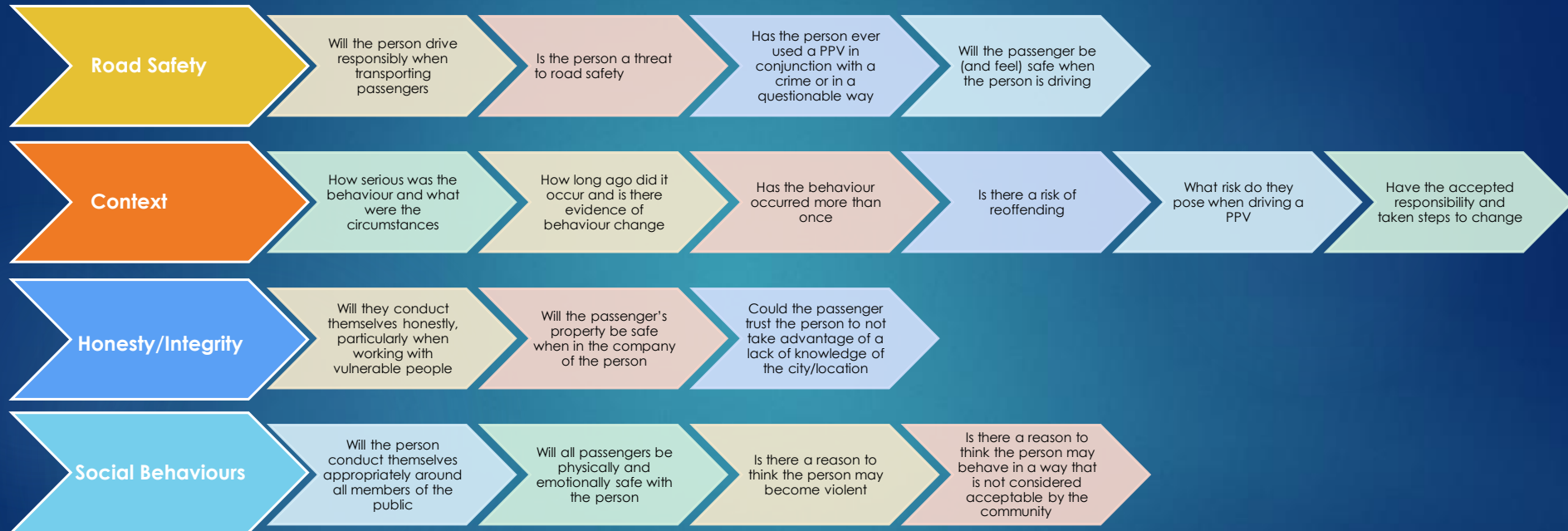
The RMV has the authority to impose licence requirements, conditions and/or restrictions to any Tasmanian driver licence holder under *The Vehicle and Traffic Act 1999* and the *Vehicle and Traffic (Driver Licensing & Vehicle Registration) Regulations 2021*.

The client is advised in writing of the decision from their initial application and provided 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 then appeal to the Magistrates Court.

It must be emphasised that this document is a Guideline only. The factors which are taken into consideration are not exhaustive but provide a general overview of how administrative decisions are made in relation to Ancillary Certificates to Drive Public Passenger Vehicles. These factors apply equally to all administrative decisions.

Factors to consider

It must be recognised that the circumstances of each individual case is different. To determine whether a person is 'fit and proper' the below chart should be considered, however, each may be given a different level of importance depending on the opinion of the decision maker:



Evidence to consider

When determining if a person is 'fit and proper,' all evidence provided regarding 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.

Evidence relating to 'fit and proper' may include (but is not limited to) the following:

The person's completed Application to Drive a Public Passenger Vehicle form
A National Criminal History Check specifying any past convictions of the person in any Australian State or Territory
Any pending charges against the person (note that as a conviction has not been recorded these may have little influence on the outcome of the decision)
The person's driving record specifying any past driving offences
Evidence from a medical practitioner addressing any relevant medical fitness to drive issues and/or mental health issues
Any character references supplied by the person in support of their case. These may include references from a past or current employer, medical practitioner, social worker, educator, colleague, or friend
A personal statement from the person stating why it is unlikely they will reoffend and why it is not contrary to the public interest to have an Ancillary Certificate issued/renewed. Details of any rehabilitation, behavioural change, responsibility taken for actions and reasons behind the behaviour which have explained in their letter should be considered
Evidence of any awareness training, education or community/charity work which may be relevant to the person's behaviour change/rehabilitation

Whilst the RMV recognises that suspending, cancelling, or refusing to issue an Ancillary Certificate to Drive Public Passenger Vehicles may impact a person's livelihood and income earning ability. Although this consideration does not necessarily apply to whether a person is 'fit and proper' the RMV may consider this factor as part of the overall decision.

Options

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

- Cancel the Ancillary Certificate to Drive Public Passenger Vehicles
- Refuse to issue the Ancillary Certificate to Drive Public Passenger Vehicles
- Refuse to renew the Ancillary Certificate to Drive Public Passenger Vehicles
- Suspend the Ancillary Certificate to Drive Public Passenger Vehicles
- Impose a condition on the Ancillary Certificate to Drive Public Passenger Vehicles
- Unconditionally issue the Ancillary Certificate to Drive Public Passenger Vehicles

The RMV or his delegate may decide on an appropriate period of time to apply cancellations, suspensions and refusals based on the circumstances of the individual case. However, applying this period of time does not prevent the person from reapplying for an Ancillary Certificate to Drive Public Passenger Vehicles at any stage as it is possible that the decision maker may change in the interim and make a different determination.

The RMV or his delegate may also determine if a condition is to be applied to the Ancillary Certificate to Drive Public Passenger Vehicles or if any other event is to occur before the Ancillary Certificate can be considered for issue/renewal. In these cases, the RMV or his delegate will explore all options and avenues which are appropriate in the circumstances.

The RMV or his delegate will fully explain how they arrived at a decision in writing (this may include a Statement of Reasons) which will be provided to the person.

Decision Making Checklist

This chart outlines the complete process decision-making process relating to Ancillary Certificates to Drive Public Passenger Vehicles.

