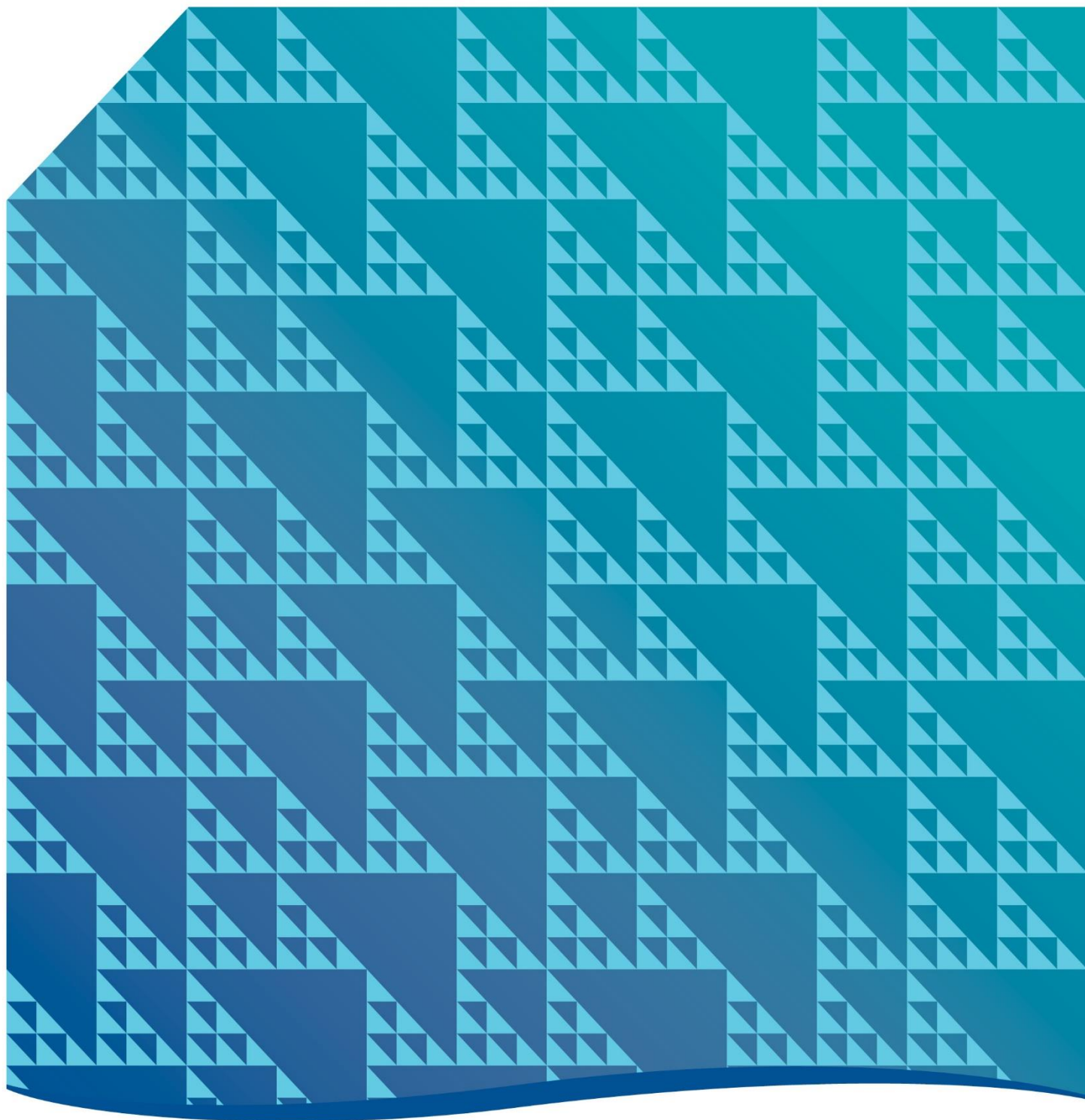


Decision Making Guidelines



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Introduction

This document outlines the decision-making process and steps undertaken to determine if a person who is returning from a period of licence disqualification (not medically based) is a suitable person to be issued/reissued with a driver licence and if so, if conditions or restrictions should be added to the licence.

These Guidelines apply to all returning drivers, including drivers that have previously been licenced interstate or overseas that must apply to have a licence issued or reissued after a period of disqualification.

All returning driver applications are treated equally, however some applicants may require more in-depth assessment than others due to factors such as the class of licence they are applying for, the nature of their most recent driving offence, past driving history and the road safety risk associated with all these factors.

The Returning Driver decision-making process is used in conjunction with the Assessing Medical Fitness to Drive Guidelines and Fit and Proper Person Guidelines. All these documents form an evidence-based decision-making framework that is applied to all drivers.

Responsibilities

The Registrar of Motor Vehicles (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.

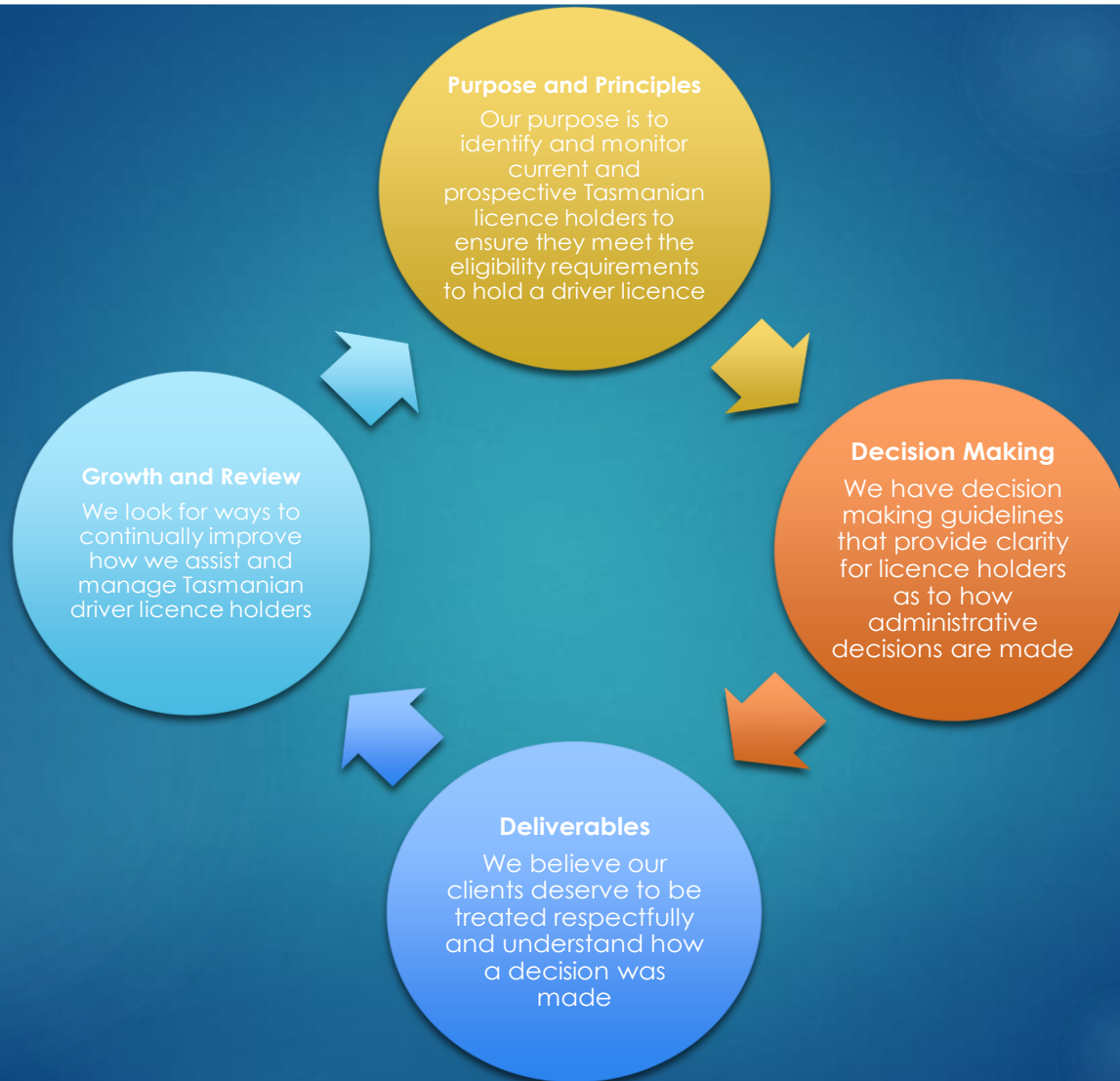
The RMV is also responsible for overseeing the regulation of drivers of motor vehicles. The community has an expectation that they will be safe when sharing the roads with other drivers. To meet both community expectations and legislative requirements, the RMV or his delegate applies the Returning Driver Guidelines to every driver that must apply for their licence after a period of disqualification.

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 licence 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 returning drivers. 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 – Returning Driver Eligibility Test

When determining whether a returning driver meets the eligibility requirements to hold a licence, the RMV or his delegate must identify the areas of concern raised by the driver's action(s) and behaviour(s) that led to the licence being disqualified.

If the eligibility concern is relative to a medical condition or any concern that would deem the driver unfit under the fit and proper guidelines, you must ensure all evidence has been considered (refer to Assessing Medical Fitness to Drive Guidelines and Ancillary Certificate Fit and Proper Guidelines).

If the applicant is subject to the Mandatory Alcohol Interlock Program (MAIP) the legislated requirements imposed on the licence holder under the program must be considered in the final decision.

All evidence provided by the client or obtained by the driver's Case Manager which gives an overview of the individual circumstances of the application will be considered. This evidence supports the basis and reasoning of the decision and will be considered in its entirety and weighed accordingly based on relevance.

Evidence relating to eligibility for returning drivers may include (but is not limited to):

The person's completed Statement of Circumstance form
The Application Form for a Tasmanian driver licence
Case details which may include Court findings from all past offences
Licence/driving history including the MRS Conviction Summary Report and any past licence conditions and/or restrictions
Case Management Notes recorded on the person's Content Manager file
Evidence from other licensing jurisdictions (where relevant)
The person's medical history (where relevant)
Any evidence provided by a medical practitioner (e.g. a drug report or alcohol report)
Any other evidence provided by the person (e.g. character references)

Whilst the RMV recognises that refusing to issue a licence may impact a person's day to day activities, livelihood and social interactions, road safety remains the number one priority both for the client and other road users.

Factors to consider

Context

What circumstances contributed to the action/behaviour?
How long ago were the offences committed?
Is there a pattern of driving behaviour?
How many periods of licence loss?

Attitude

Is the person suitable to hold a driver licence?
Do their actions show a lack understanding or disregard for road rules?
Have they accepted responsibility for their actions?
Has an effort been made to change their behaviour?

Behaviour

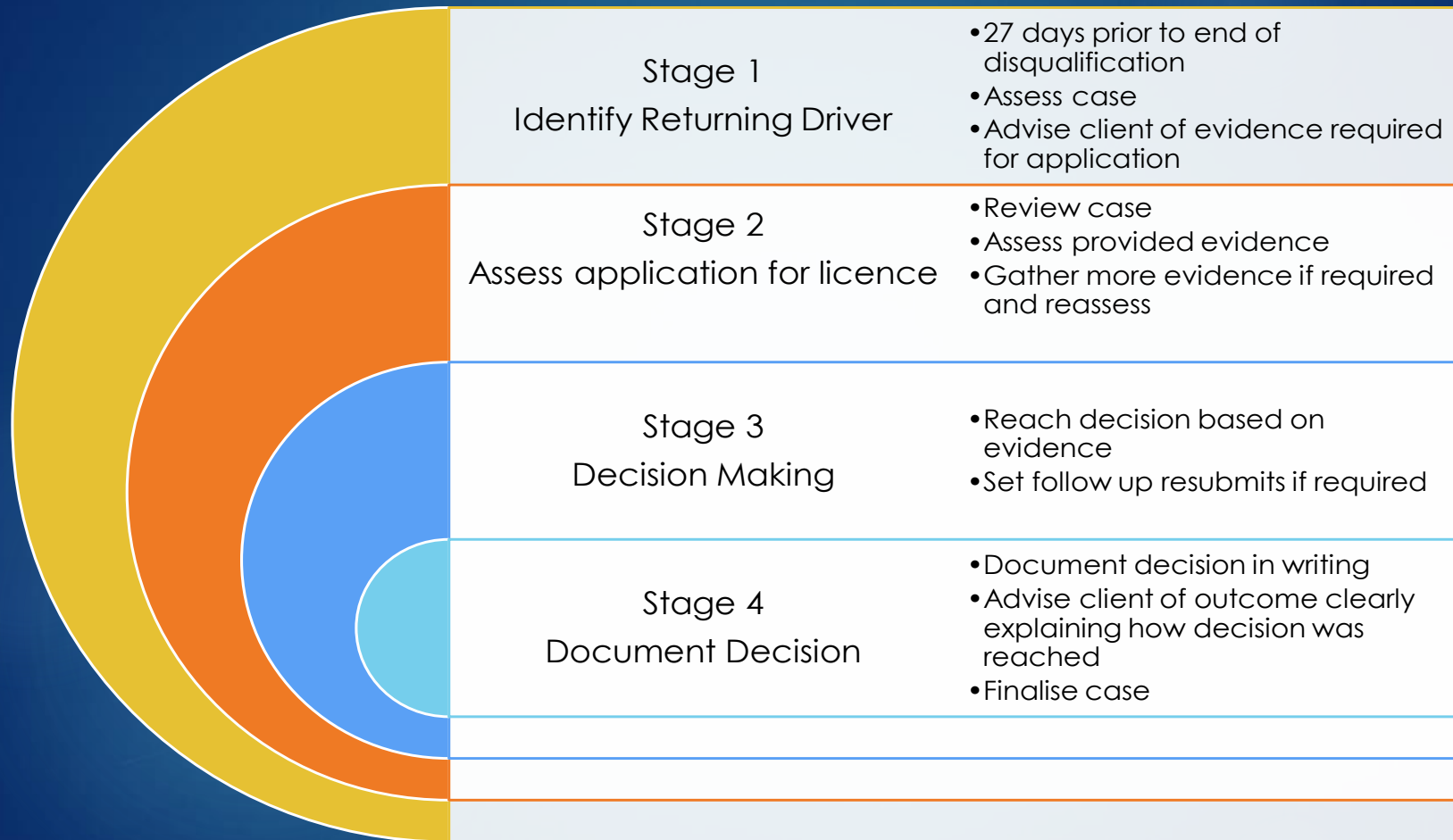
Does issuing or reissuing a licence pose a threat to road safety?
Is there any evidence to indicate adding conditions or restrictions to the licence may reduce the road safety risk?

Competence

Should the person be required to demonstrate their knowledge of the road rules?
Should the person be required to demonstrate they can drive competently?
What type of licence should the person hold?
What class of licence should the person hold?

Stages of the decision-making process

This chart outlines the complete process decision-making process undertaken for a returning driver.



Decision Making Checklist

<p>Stage 1 Identify Returning Driver</p>	<p>Assessment – ensuring records are correct</p> <ul style="list-style-type: none"> • Identify person 27 days prior to the end of the disqualification period • Are the licensing records correct? • Is the driver a repeat offender? <p>Alternatives – options available</p> <ul style="list-style-type: none"> • Evaluate evidence on file • What further evidence or clarification do you require from the person? • Is there a way you can assist the person to drive safely and improve their attitude to driving? • Have you identified any time restraints? <p>Analysis – moving forward</p> <ul style="list-style-type: none"> • Are your requests of the person reasonable? • Will the evidence provided be sufficient and useful? • Are you confident it will enable you to make an evidence-based decision (noting that evidence provided in the future may change your decision)? • Are you providing sufficient time and resources to the person? • Are you providing the person all the information about what will be required? • Do you feel your request is justified? • Are you establishing an open and transparent relationship with the person? <p>Action – requirement letter to person</p> <ul style="list-style-type: none"> • Are you willing to accept responsibility for your decision? • Do you feel your request is justified?
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Stage 2 Assess application for driver licence

Assessment – review

- Have you received all evidence requested or required?
- Has any additional behaviour(s) or information been discovered?

Alternatives – clarify options

- Evaluate evidence on to hand
- Do you need to request additional or different evidence?
- Is there a way you can assist the person to drive safely and improve their attitude to driving?
- Have you identified any time restraints?

Analysis – do you have the evidence?

- Do you need to request additional or different evidence?
- Is your decision enforceable?
- Is your decision justified?

Action – assess the evidence

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

<p>Stage 3 Decision making</p>	<p>Assessment – check</p> <ul style="list-style-type: none"> • Have you received all evidence requested or required? • Is the evidence valid? • Do you have sufficient evidence to make a decision? • Do you need any clarification? • Has the evidence raised any questions? <p>Alternatives – consider</p> <ul style="list-style-type: none"> • Evaluate gathered evidence • Have you assessed all possible options having regard to the context of the case? • Have you considered the pros and cons of each possible option? • Is there a way you can assist the person to drive safely and improve their attitude to driving? • Can you find a viable solution or do you need to gather more facts? <p>Analysis – identify decision</p> <ul style="list-style-type: none"> • Will your decision have a positive impact on road safety? • Is your decision evidence based? • Will your decision stand up to internal review? • Is the decision within your delegation? • Is your decision enforceable? <p>Action – make and communicate your decision</p> <ul style="list-style-type: none"> • Are you willing to accept responsibility for your decision? • Do you feel your decision is justified?
<p>Stage 4 Documenting the decision</p>	<ul style="list-style-type: none"> • Are you responding within an appropriate timeframe? • Have you clearly explained how you reached your decision? • What are your delivery options? • All evidence used to reach the decision is recorded and stored and can be easily understood and retrieved • The person’s rights to appeal the decision both with or without additional evidence are included <p>And</p> <ul style="list-style-type: none"> • If including a Statement of Reasons, the details of the evidence and how it was weighted should be included.

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:

- Reissue a licence
- Issue a licence
- Issue a Probationary licence
- Revoke a suspension
- Remove a condition
- Impose a condition
- Unconditionally or conditionally issue or renew an interstate or overseas licence
- Refuse to reissue or issue the licence

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.

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

- The licence holder has been found to be breaching the conditions of their licence
- The licence holder is reapplying with the same evidence as previously submitted
- The licence holder has provided additional evidence or information
- Evidence or information has been provided by a third-party
- Policy changes
- Legislative changes