**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](http://iconnect.stategrowth.tas.gov.au/)’ 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](#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)**

**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