

VicRoads and OT AUSTRALIA Victoria

Guidelines for Occupational Therapy (OT) Driver Assessors



This document should be used in conjunction with:

- 1) Austroads. (September, 2003). Assessing fitness to drive: Commercial and private vehicle drivers, Medical standards for licensing and clinical management guidelines, Sydney: Austroads.
- 2) OT AUSTRALIA Victoria (1998). Competency Standards for Occupational Therapy Driver Assessors, Melbourne: OT AUSTRALIA Victoria.

VicRoads contacts

Medical Review

Tel: 03 9854 2390, 03 9854 2407
03 9854 2539, 03 9854 2719

Fax: 03 9854 2307

e-mail Medical Review

ccslicence@vrnotes.roads.vic.gov.au

Address all mail to Medical Review at:

VicRoads
Medical Review
PO Box 2504
Kew VIC 3101

All general mail to

VicRoads
Driver Licensing
PO Box 1644
Kew VIC 3101

Any general Licence or Registration enquiries to – Telephone 13 11 71

VicRoads Internet home page -
www.vicroads.vic.gov.au

OT AUSTRALIA Victoria

(Australian Association of Occupational Therapists - Victoria Inc.)

Tel: 03 9481 6866

Fax: 03 9481 6844

e-mail: info@otausvic.com.au

website: www.otausvic.com.au

Suite 4, 430 Rae St
PO Box 1286
Nth Fitzroy VIC 3068

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Introduction

All drivers are required by law to notify VicRoads if they have, or develop, a permanent or long term injury or illness that may impair their ability to drive safely. Drivers should also notify their vehicle insurance provider. If drivers fail to notify VicRoads, continue to drive and have a crash, such drivers may be:

- charged with driving offences and failing to notify VicRoads of their condition
- sued under common law
- not adequately insured.

VicRoads is responsible for ensuring that all drivers and applicants for a licence have appropriate driving skills. Under Victorian law, VicRoads may at any time ask a driver to provide a medical report and to undertake a practical driving test. Even experienced drivers may be asked to undertake assessments due to the impact of medical conditions on driving skills or concerns about driver behaviour.

One of the primary purposes of licensing for which VicRoads is legally responsible, is to ensure that all licence holders are competent drivers, and to suspend or cancel the licence of drivers who commit an offence or become unsuitable to drive.

Occupational therapists are health professionals who assist people with physical, cognitive or behavioural impairments to resume normal daily activities.

Some occupational therapists have additional qualifications in driver assessment and rehabilitation. This allows them to help their clients either obtain a driver licence or ensure that current drivers maintain their ability to drive safely.

Occupational therapists, like doctors or optometrists, are independent specialists working in the field of health care. They do not work for, and are not paid by VicRoads.

Since 1987, Victorian legislation has recognised the role that occupational therapists play in driver assessments. Occupational therapy driver assessors play an important road safety role in assisting VicRoads to meet its responsibilities to ensure that all licence holders are safe drivers.

Occupational therapy driver assessors provide a means to assess the ability of a physically or cognitively impaired person to drive safely. However, the responsibility for licensing rests with VicRoads.

The occupational therapy driver assessment is conducted in two parts, with an off-road and on-road assessment.

The off-road assessment is aimed at understanding the client's possible medical and functional difficulties, and the impact these difficulties have on driving. It involves an interview, vision test, assessment of cognitive function, strength, range of movement, sensation, coordination and possibly reaction times, road law and road craft. Review of the requirement for specialised equipment or vehicle modifications is made at this time.



The on-road assessment is conducted in a dual control vehicle, where the driver is accompanied by a driving instructor, and the vehicle is set up according to any special requirements of the client. The occupational therapy driver assessor observes the client's performance on a range of driving tasks and skills over a set route. The assessment takes a standard approach but can be designed to meet the individual needs of clients if required (e.g. a local area assessment for a conditional licence).

This assessment is more comprehensive than a VicRoads' test and can include situations that highlight driver functional impairments such as difficulties with vehicle handling, observations, reaction times and problem solving.

In addition to giving feedback regarding the overall outcome of the assessment, the occupational therapy driver assessor will also discuss the options for further rehabilitation and assessment if appropriate.

The occupational therapy driver assessment has an important community role in providing assistance to, and a means for drivers with disabilities, to maintain mobility and a return to safe driving.

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Objectives

These guidelines were developed to provide occupational therapy driver assessors with information about licensing, essential in dealing with clients involved in the driving assessment process.

This manual aims to:

- assist occupational therapy driver assessors to promote responsible driving behaviour by their clients when assessing their ability to drive safely.
- provide occupational therapy driver assessors with guidelines to follow when conducting an assessment.
- standardise the driver assessment process with respect to driver assessments, by documenting the expected practices, procedures, legislative framework and business rules under which occupational therapists operate.
- provide the business rules and legislative framework under which VicRoads operates.
- provide essential licensing information to occupational therapists in their role as driver assessors.
- assist occupational therapy driver assessors to explain to clients what to expect in an assessment.

Acknowledgements

VicRoads has produced this document in consultation with OT AUSTRALIA Victoria (Australian Association of Occupational Therapists Victoria Inc.)

Project team and consultation reference group

Project co-ordinators: Dr Marilyn Di Stefano and Robin Lovell, School of Occupational Therapy, La Trobe University.

Occupational therapy driver assessors: Robert Haughton, Pam Ross, Kay Russell, Judy Shepherd, Jo Siketa, Vee-Lyn Tan

Royal Automobile Club of Victoria

Alzheimers Australia – Victorian branch

Disabled Motorists Victoria

Council On The Ageing

MOTORSKILL Driver Evaluation & Training

Victorian Institute of Forensic Medicine

Glossary of Terms

1. OT

Occupational therapist, or occupational therapy driver assessor.

2. BAC (Blood Alcohol Concentration)

Blood alcohol concentration is a measure of how much alcohol is in a person's blood.

Alcohol is a major factor in road deaths in Victoria. About one quarter of drivers killed in road crashes have a blood alcohol concentration of .05 or higher.

At a BAC of .05, the risk of being involved in a road crash is about double compared with a BAC of zero.

More information: VicRoads website www.vicroads.vic.gov.au

3. Alcohol interlock

An alcohol interlock is fitted to a car's ignition and measures the driver's breath for alcohol. When alcohol is detected, in any quantity, the interlock prevents the car from starting.

Each year repeat drink driving offenders are involved in road crashes that cause more than 20 deaths and over 500 injuries.

A driver will have an alcohol interlock fitted to the car they drive if:

- he or she has two or more drink driving offences,
- if he or she has one offence which involves a blood alcohol concentration (BAC) of .15 or higher,
- if a driver under 26 years, or a probationary driver, commits an offence which involves a blood alcohol concentration (BAC) of .07 or higher.

More information: VicRoads website www.vicroads.vic.gov.au

4. Hazard Perception Test

When a person applies for a probationary licence, they first must pass a Hazard Perception Test. This test must be passed before the person can undertake an on-road driving test.

The Hazard Perception Test is an on-screen test of a driver's ability to recognise and react safely to traffic hazards such as other vehicles, pedestrians and cyclists.

It uses video images of real life traffic. During the test, the driver has to respond to 28 separate traffic situations and score at least 54 per cent to pass.

More information: VicRoads website www.vicroads.vic.gov.au



Part One

Legal and medical

This section details the legal and medical obligations pertaining to drivers, health professionals, occupational therapy driver assessors and VicRoads.

Legal and medical

1.1 National medical standards

National medical standards

Australian medical fitness standards for driving have been available for medical practitioners since 1988 when the Federal Office of Road Safety published a document titled National Medical guidelines. These have been revised and are now called Assessing Fitness to Drive.

Assessing Fitness to Drive – represents the current medical fitness standards to be met by all drivers throughout Australia.

These standards were prepared and published by Austroads in consultation with specialist medical colleges and practitioners. The most recent version is available on Austroads' website:

www.austroads.com.au/aftd/index.html

Assessing Fitness to Drive is designed to assist health professionals in their role within the context of the overall licensing process.

Legal recognition

The national medical standards are not included in legislation in Victoria.

VicRoads may face legal consequences for failing to consider the standards when assessing a driver's fitness to drive. In order to promote uniform and consistent practices nationally, VicRoads uses these standards as a guide to assess fitness to drive.

A Supreme Court ruling¹ on the use of the standards indicates that they are not to be applied without question. VicRoads is required to make decisions, taking into account individual circumstances and the best available medical evidence. As such, the standards provide a guide to decision making and are not a substitute for an assessment.

Use of standards

The standards are intended to assist a practitioner in making an assessment of their patient's ability to meet the standards of fitness to drive.

Standards vary with the type of licence sought. For example, a licence to drive commercial passenger or heavy vehicles imposes more stringent standards than those required for a private motor car.

In some cases an accepted medical condition is clear grounds for cancelling or suspending a licence, or for refusing an application. In other cases a driver might be able to safely drive a private car, with or without modifications, but not be able to safely drive large commercial vehicles.

The standards indicate that care is needed in assessing drivers with progressive illnesses. The standards require such people to undergo regular assessments to ensure that they can continue to drive safely.

Value of driving assessment

Medical practitioners may be requested to determine their patient's clinical fitness to drive. However, actual driving ability can only be determined by a comprehensive evaluation of driver skills. This is conducted by VicRoads or an occupational therapy driver assessor.

¹ Supreme Court NSW, 1999, State Transit Authority v Sloey & Anor (NSWSC47)

Legal and medical

1.2 Communications and ethics

Communication and professional responsibilities

The Competency Standards for Occupational Therapy Driver Assessors (June 1998), outline the expected standards for professional communication with the client.

Maintaining this standard of practice will assist in ensuring adequate communication with the client regarding key issues. It will also ensure accountability on the part of the occupational therapy driver assessor.

Sections 1.2.1 and 1.2.2 of this document outline expected standards of written and verbal information prior to the commencement of the driver assessment process, costs, and items required to be brought to the assessment.

VicRoads brochure, Guide to Occupational Therapy Driver Assessment, provides most of this information (apart from costs that vary). This brochure is sent to all clients requested by VicRoads to undergo an occupational therapy driver assessment. It is available free of charge from VicRoads. It is recommended that occupational therapy driver assessors provide their clients with a copy.

Ethics

Professional codes of ethics generally require health professionals to balance the rights and needs of the patient with their health and safety and that of the community.

In relation to driving, the health professional must balance the patient's expectation of confidentiality and need for mobility against the right of the community to be protected against drivers with a higher risk of being involved in a crash that may result in injury or death.

The occupational therapy driver assessor should conduct driver assessment and rehabilitation with professional integrity consistent with the Australian Association of Occupational Therapists' Code of Ethics (www.otausvic.com.au)

Legal and medical

1.3 Duty of care

Duty of care

If occupational therapists or any other health professionals have a concern about a client's ability to drive safely, they should advise the client not to drive, pending review. This should be documented e.g. noted in a client's history in the clinical setting.

As the role of an occupational therapist in general terms is to assist the client to resume normal living, this requirement is a duty of care issue. For occupational therapy driver assessors, who have training, understanding and awareness of issues associated with driving as part of their specific role, this is an even greater issue.

It is up to the client as to whether or not they choose to comply with this advice of not to drive.

VicRoads does not require the occupational therapist to follow up with the patient to ensure that they do not drive.

The occupational therapist, in determining whether to advise a client not to drive pending review, will need to balance the risk to the client and the community of continued driving against further client difficulties such as emotional disturbances or interference with treatment regimes.

Referral to an appropriate health care practitioner may be considered.

Where compliance is considered an issue, occupational therapists are reminded of the guidelines provided by Austroads' Assessing Fitness to Drive (Legal and Ethical Considerations section) with respect to assessing and reporting fitness to drive, and that their duty to maintain confidentiality needs to be balanced against protecting public safety.

Civil law

Health professionals may be liable under civil law in cases where a court forms the opinion that they have not taken reasonable steps to ensure that impaired drivers drive only in circumstances that do not place them, and other members of the community, at increased risk.

Medical defence funds and other professional indemnity insurers are aware of the potential liability of the health professionals they insure and may reasonably expect them to comply with the national medical standards and document compliance in their patient notes.

Health professionals should maintain an awareness of any changes in health care and health technology that may affect their assessment of drivers.

Health professionals should also maintain an awareness of changes in the law that may affect their legal responsibilities.

Where there are concerns about a particular set of circumstances relating to ethical or legal issues, advice may be sought from the individual health professional's medical defence organisation or legal adviser.

Legal and medical

1.4 Consent and Indemnity

Consent

The occupational therapy driver assessor should obtain written consent² from the client prior to conducting the assessment.

The consent needs to indicate that the client understands the process and that the assessment will occur with the client's knowledge.

If the occupational therapy driver assessor has concerns about a person's functional ability to drive and is experiencing difficulties obtaining the consent of the patient to undergo a driver assessment or medical examination, the occupational therapy driver assessor or a medical practitioner can request VicRoads to formally write to the client requesting them to undergo a driver assessment or provide a medical report.

VicRoads will treat this as normal notification to a person of concern and request that person to provide appropriate medical and other reports, and consent to undergo a driver assessment.

If the client refuses to provide the requested reports (and release consent to VicRoads) VicRoads will suspend the client's licence for failing to do so.

Once the assessment has been conducted, VicRoads needs to know that the client is aware that the report has/will be sent to VicRoads.

The current standard OT Car Driver Evaluation form asks "Is the client aware of the recommendations contained in this report and that this report will be forwarded to VicRoads?" The OT should ensure that the answer is "Yes". Issues of natural justice may arise if the client was unaware of such a report, and VicRoads would find it difficult to act on the report if this was the case.

Indemnity

Section 27(4) of the Road Safety Act 1986 provides indemnity to any person who carries out a test or assessment and provides VicRoads with an opinion on the basis of this test or assessment.

Section 27(5) of the Road Safety Act 1986 provides indemnity to any person who in good faith, gives information to VicRoads that confirms or suggests that a person is unfit to drive or that it may be dangerous for that person to hold a driver licence or a learner permit.

² OT Competency Standards 1998, Section 2.1

Legal and medical

1.5 Court attendance

When required

If VicRoads cancels, suspends or refuses to issue or renew a driver licence or learner permit, or changes a person's existing licence class or conditions on the basis of a recommendation made by an occupational therapy driver assessor, the person affected is legally entitled to appeal this decision.

The appeal is normally to a Magistrates' Court. Alternately, an Equal Opportunity and Human Rights hearing may be convened. The OT may be required by law to attend the hearing to give evidence in connection with their assessment.

Wherever possible, VicRoads endeavours to resolve a matter before it proceeds to a hearing. However, where an appeal proceeds to a court hearing, the occupational therapy driver assessors concerned will be requested to attend. In addition, an OT may be called as a witness at a Coroner's Inquest if the condition of a driver is a matter of interest.

Payment of costs

Where occupational therapy driver assessors are required to attend court and give evidence in support of a decision made by VicRoads or on behalf of VicRoads, VicRoads will pay any costs incurred. This is regardless of whether the:

- matter is mutually resolved prior to the hearing (before a Magistrate), or
- the occupational therapy driver assessor is not called to give evidence, or
- the occupational therapy driver assessor is required to give evidence.

VicRoads is not responsible for costs if the OT is requested to give evidence on behalf of another party.

What to bring

If the court hearing is an appeal against VicRoads' decision, VicRoads will provide to the court all the documents (assessment, medical reports, and any other information available) on which the decision was based.

The occupational therapy driver assessor should refresh him or herself with the matter and attend with any pertinent documents relating to the assessment, should any questions arise.

In advance of the court hearing, VicRoads legal representatives will usually consult with the occupational therapy driver assessor. They will advise the occupational therapy driver assessor about the court location and attendance time.

At court

Before the court hearing, VicRoads legal representatives will speak to the occupational therapy driver assessor about court requirements, processes, likely questions, etc. This provides the occupational therapy driver assessor with an opportunity to be briefed, as far as possible, about any unresolved questions.

If required to speak in court, the occupational therapy driver assessor may need to give evidence about the assessment including that the assessment was conducted in accordance with established procedure and not conducted any differently to any other driver assessment.

Legal and medical

1.6 Release of information

Release of information by VicRoads

Section 92 of the Road Safety Act 1986 extends to occupational therapy driver assessors. They must not use the information obtained in connection with an assessment inappropriately and/or give licensing information to anyone not connected with the assessment.

In practice, the occupational therapy driver assessor can comply with this requirement by storing any personal information in a secure manner and not using a driver's personal information for any purpose other than conducting the assessment and assessing a driver's fitness to drive.

Right of access to own records

Section 92 of the Road Safety Act 1986 allows VicRoads to provide licence holders with their own personal licence information.

This may also be given to the licence holder's agent provided the agent has obtained the licence holder's written permission to obtain this information.

Regulation 224(2) of the Road Safety (Drivers) Regulations 1999 specifically gives drivers the right of access to their own personal licence records held by VicRoads. This incurs a nominal fee.

Most records (e.g. driving history or traffic offences) can be requested by phone, but will be mailed to the licence holder's address.

Medical, police, occupational therapy driver assessment, and similar reports, are not definable as licence records. The author of a medical report, driver assessment, police report or similar, is regarded as the owner of the report, not the person or licence holder to which it relates. For this reason VicRoads needs to obtain clearance from the author before releasing such reports to the licence holder.

Freedom of Information

All clients have the right to request information from VicRoads under Freedom of Information provisions. This incurs a fee.

In normal circumstances, VicRoads obtains the consent of the author of the report before releasing the information or report.

Some information, such as matters given in confidence and notifications of concern by community or family members, is exempt under these provisions. This information is not provided to the applicant seeking information. To do so would inhibit the receipt of such information from others at a future time and breach the Privacy Act.

Confidentiality and privacy

This information is taken from *Assessing Fitness to Drive* (p.10), (Austroads 2003).

“Health professionals have both an ethical and legal duty to maintain patient confidentiality. The ethical duty is generally expressed through codes issued by professional bodies. The legal duty is expressed through legislative and administrative means, and includes measures to protect personal information about an individual specifically.

It is recognised that the patient-professional relationship is built on a foundation of trust. Patients disclose highly personal and sensitive information to health professionals because they trust that such information will remain confidential. If such trust is broken, many patients would be likely to either forego examination/treatment and/or modify the information they give to their health professional, thus placing their health at risk.

Although confidentiality is an essential component of the patient-professional relationship, there are, on (very few) occasions, ethically and/or legally justifiable reasons for breaching confidentiality. With respect to assessing and reporting fitness to drive, the duty to maintain confidentiality is qualified in certain circumstances in order to protect public safety.

It is preferable that any action taken in the interests of public safety should be taken with the consent of the patient wherever possible and should certainly be undertaken with the patient’s knowledge of the intended action.

The patient should be fully informed as to why the information needs to be disclosed to a third party, in this case the Driver Licensing Authority, and be given the opportunity to consider this information. Failure to inform the patient will only exacerbate the patient’s (and other’s) feelings of mistrust in the patient-professional relationship.

It is recognised that there might be an occasion where the health professional feels that informing the patient of the disclosure may place the health professional at risk of violence. Under such circumstances the health professional must consider how to manage such a situation appropriately.”

Legal and medical

1.7 Licensing legislation

Purposes of licensing and obligations of drivers

Section 17 of the Road Safety Act 1986 defines the purposes of licensing as a requirement to ensure that people who:

- drive motor vehicles on highways are competent drivers, and
- if they become unsuited to drive, are not permitted to drive.

The requirement of medical and driving assessments helps to ensure that VicRoads meets these responsibilities.

Section 17A of the Act specifies the obligations of drivers, which include the requirement to drive in a safe manner having regard to all the relevant factors, including the prevailing traffic conditions and the physical and mental condition of the driver.

Power to ask for tests and reports

Section 27 of the Act gives VicRoads the power to ask new applicants or existing licence or permit holders to provide medical reports, eyesight reports, undergo driving assessments or any test as appropriate.

Costs for providing the requested reports are the responsibility of the licence holder.

Occupational therapists recognised as driver assessors

Occupational therapists with specialist training in driver assessment and rehabilitation are recognised as a class of professional who may conduct an evaluation of a driver's physical and cognitive abilities or skills to drive (Regulation 226 of the Road Safety (Drivers) Regulations 1999).

This Regulation also specifies that doctors may conduct medical examinations, that optometrists and ophthalmologists may conduct eyesight tests and that VicRoads may conduct on-road tests.

Legal and medical

1.8 Reporting unfit drivers

Reporting unfit drivers

In Victoria there is no legal obligation or requirement for an occupational therapist (or a medical practitioner, etc.) to report to VicRoads a driver suspected to be unfit to drive.

Assessing Fitness to Drive guidelines recommend that where it is likely that a condition or treatment liable to affect safe driving performance will last more than 28 days, the licensing authority be notified if the patient is driving, or is not compliant with advice not to drive.

Where the occupational therapist is involved with the rehabilitation of a client with a long term condition and there are no concerns about the client driving, then this 28-day requirement could be extended as appropriate.

Self-reporting

In Victoria there is a legal obligation for drivers (licensed in Victoria, interstate or overseas) to notify VicRoads if they have or develop a long term or permanent injury or illness that may impact on their ability to drive safely. Some examples might include amputation of a limb, multiple sclerosis, cataracts, epilepsy, stroke or Alzheimer's disease.

Regulation 225(3) states:

“The holder of a driver licence or permit must, as soon as practical, notify VicRoads of any permanent or long term injury or illness that may impair his or her ability to drive safely”.

There is also a requirement, as part of their renewal or licence application, for learner permit, licence applicants, heavy vehicle drivers, and drivers aged 75 years or more, to advise VicRoads of any condition which may affect safe driving.

Failure to do so in these cases would render the person subject to legal charges for making a false statement and any licence or permit obtained can be rendered null and void, possibly invalidating insurance.

Insurance

Full Transport Accident Commission (TAC) (third party) insurance coverage is provided regardless of whether or not the driver's fitness to drive is reported to VicRoads. This is provided the vehicle is registered and the driver is licensed and not in breach of traffic law (the amount of coverage may be reduced if this occurs).

In all cases full TAC insurance coverage is given to innocent third parties.

TAC insurance only covers personal injury, not vehicle or property damage.

It is the client's responsibility to advise their private insurance company (first and second party) with respect to acquired conditions that may impact on safe driving and assessment results. Failure to do so may compromise their insurance coverage in the event of a crash.

Legal and medical

1.9 Suspension or cancellation of licence

Suspension or cancellation

Section 24 of the Road Safety Act 1986 gives VicRoads the power to suspend, cancel, vary³ or refuse to issue a licence or permit in accordance with the Regulations.

Regulation 303(1)(a) of the Road Safety (Driver) Regulations 1999 gives VicRoads the power to suspend, cancel or vary the driver licence or learner permit of a client for:

- failing a driving test conducted by an occupational therapy driver assessor (or VicRoads), or
- failing to provide an occupational therapy driver assessment (or medical, etc.) report if requested to do so by VicRoads.

Regulation 303(1)(b) of the Road Safety (Drivers) Regulations 1999 gives VicRoads the power to suspend, cancel or vary a driver licence or learner permit of a client if the client is found to be medically unfit.

A client is not permitted to drive while their licence or permit has been disqualified, suspended, cancelled or refused.

The client has a right of appeal if VicRoads cancels, suspends, varies or refuses to grant a driver licence or learner permit.

If VicRoads withdraws or varies a client's driving privileges, VicRoads will provide the client with a formal notice setting out the reasons for this decision, their appeal rights and what the client needs to do in order to regain their driving privileges.

In all cases, if VicRoads removes a client's driving privileges for failing an occupational therapy driver assessment, the person must pass a subsequent occupational therapy driver assessment to regain their licence. There may also

be a requirement to provide an up-to-date medical report and/or they may be permitted to undergo a driving test with VicRoads provided the person meets VicRoads testing criteria.

If VicRoads cancels or suspends a licence due to receipt of an unsatisfactory medical report, the licence can be reissued on receipt of a satisfactory medical report (a driving assessment is not needed unless medical advice indicates that one is required).

If VicRoads suspends a client's licence for failing an occupational therapy driver assessment, the notice of suspension will show the suspension is lifted at all times when the client is undergoing lessons in a dual controlled vehicle with a qualified driving instructor, or when undergoing an occupational therapy driver assessment.

Refund of licence fee

If the client does not wish to pursue the return of a suspended licence, the client can ask for a refund of the remaining licence fee. This refund will need to be applied for in writing and will commence from the date of written application.

A refund is normally given for a licence surrendered to or cancelled by VicRoads (but not when cancelled due to traffic offences) on receipt of the licence.

There are no refunds for learner permits.

Refunds are on a pro-rata basis, determined by the number of months until expiry. There must be more than one month licence currency remaining. A 10 per cent administrative fee is deducted. All refund requirements are specified by legislation.

³ Vary licence may include addition of conditions or restrictions, or addition or removal of licence categories.

Legal and medical

1.10 Drink drive offences

Relicensing requirements

There is a range of drink drive and drug driving offences which may result in the cancellation or suspension of a licence/permit (either by a court or by an infringement served by police).

These can have varying penalties and relicensing requirements, including alcohol interlock requirements (based on the age of the offender and existing and previous drink drive offence records). It is appropriate in all cases to contact VicRoads to obtain information about requirements.

A brochure titled *Getting your licence back – Information for drink and drug driving offenders*, available from VicRoads and courts, explains all requirements.

Drink drive courses

All people under the age of 25 at the time of an offence must undergo a drink drive education course.

All second offenders or serious offenders (reading above 0.15 BAC, driving under the influence, or refusing to give a blood or breath sample) must undergo two assessments for drinking problems, one of which must be undertaken 12 months before applying for a court order.

Costs and length of time for assessments vary.

Drink drive courses are conducted by the Department of Human Services. Contact Direct Line on:

03 9416 1818 or 1800 136 385

Court Orders granting permission to be relicensed

Where certain offences have been committed, a Court Order will be required before the offender can approach VicRoads to obtain a licence or permit.

To obtain a Court Order, the offender will need to contact the registrar of their nearest Magistrates' Court. This will incur a fee.

Police will interview the offender before the matter is heard and in most cases the offender will be required to undergo a drink drive course.

The Magistrate must be satisfied that the offender is suitable to be relicensed before issuing a Court Order.

Typically the following offences require a Court Order:

- all offences of 0.07 or higher BAC
- any second or subsequent drink drive offence
- all serious offences including drug driving, culpable driving, and dangerous driving causing death or serious injury.

Generally, an offence committed 10 or more years previously, cannot be used as a previous offence. Contact VicRoads for details whenever two offences exist.

Any full licence holder required to obtain a Court Order will have a Z condition placed on their licence. This restricts them to a zero BAC limit for three years.

Interstate offences

Interstate drink driving offences can be used as previous offences. These offences do not attract the same relicensing requirements as those committed in Victoria.

Where an interstate offence has been recorded, contact VicRoads regarding relicensing requirements.

Alcohol interlocks

Many drivers who commit a drink drive offence are required to fit an alcohol interlock. Once an offender subject to an interlock order is issued with a driver licence or learner permit to drive a car, heavy vehicle or motorcycle, an alcohol interlock is required to be fitted to any vehicle they drive.

An alcohol interlock is an electronic breath testing device, wired to the ignition system of the vehicle. A vehicle fitted with an alcohol interlock will not start unless the driver passes a breath test via the interlock. Drivers subject to an interlock requirement will have an 'I' condition on their driver licence or learner permit and are not permitted to drive any vehicle not fitted with an interlock.

Interlock requirements have implications for the vehicles that some drivers must use in an assessment.

Legal and medical

1.11 Appeal rights

Right to a second opinion

All clients who undertake an occupational therapy driver assessment have the option of obtaining a second assessment. This can be obtained with an independent assessor in order to provide another opinion regarding competence and safety.

In addition, VicRoads advises all persons affected by VicRoads decision of their legal rights of appeal.

Internal review by VicRoads

Clients may legally request VicRoads to:

- review the matter. This internal review will ensure there are no administrative inconsistencies and that correct procedures have been followed. In the absence of strong evidence indicating that the medical opinion or a driving assessment is incorrect, VicRoads will not overturn decisions.
- review any further reports that are submitted.

This review must be requested within 28 days of service of notice and should occur before lodging an appeal to a court.

Appeal to a Magistrates' Court

Section 26 of the Road Safety Act 1986, gives the client the right to appeal to a Magistrates' Court against VicRoads' decision to suspend, cancel, vary or refuse to grant a driver licence or learner permit.

Regulation 403 of the Road Safety (Drivers) Regulations 1999, sets out the requirements for clients intending to appeal. Within 28 days of being notified of VicRoads decision clients must:

- contact the Clerk of Court at a Magistrates' court of their choice, and obtain from the Clerk of Court a written notice of the intention to appeal, and

- ensure the Clerk of Court arranges a date for the appeal to be heard and endorses this date on the copy of the notice of appeal, then give VicRoads:
 - 14 days' notice of their intention to appeal, and
 - a copy of the endorsed notice of appeal.

There is no legal provision to allow a client to drive pending the resolution of the appeal.

Clients need to be aware that there may be costs associated with an unsuccessful appeal.

Appeal not applicable

The client has no right of appeal if VicRoads requests the client to provide a medical or other report, or to undergo a driving assessment, as driving privileges have not been withdrawn at this time.

It is up to the client to decide if he or she wishes to provide the requested report or undergo an assessment. If the client refuses to undergo an assessment or provide a report as requested, VicRoads may then decide to cancel or suspend the licence or permit, which then provides the client with the right of internal review or appeal.

Ombudsman

The client has a right to approach the Ombudsman and ask for the matter to be reviewed. The Ombudsman may ask VicRoads to justify the decision for a particular action.



Part Two

Assessment

This section describes the occupational therapy driver assessment including who is assessed, assessment and reporting procedures, personnel involved in the evaluation, applicable standards and complaint procedures.

Assessment

2.1 Assessment as a licence test

Who may be assessed

A person with a physical or cognitive disability who does not hold a licence in Victoria and who successfully completes an occupational therapy driver assessment, does not need to undergo a drive test with VicRoads in order to obtain a Victorian driver licence. However, a computerised road law test and a Hazard Perception Test must be undertaken with VicRoads before a driver licence is issued.

Recognition of the OT assessment may apply to:

- a learner driver progressing to a probationary licence (they will need to undergo a Hazard Perception Test with VicRoads)
- a previous Australian licence holder whose licence has expired for five or more years (they will need to undergo a road law test with VicRoads)
- an overseas licence holder who is required to undergo a drive and road law test to gain their licence.

While an occupational therapy driver assessment can be substituted for a VicRoads driving test for applicants with a functional impairment, it cannot be used as an alternative licensing option for people without a functional impairment.

Justification

Occupational therapy driver assessments provide a more thorough and appropriate assessment of driving skills of people with physical or cognitive impairment than the standard VicRoads novice driving test and the VicRoads Review Driving Test.

VicRoads Hazard Perception Test (HPT)

All licence applicants who have never held a driver licence previously in Australia must undergo a Hazard Perception Test.

The HPT requires applicants to recognise potential hazards and make a safe driving decision when presented with on-screen videos of traffic scenarios known to contribute to novice driver crashes.

VicRoads requires licence applicants to pass the HPT before an on-road test is conducted.

It is recommended that the HPT be conducted prior to the occupational therapy driver assessment (or the final on road assessment) in accordance with VicRoads testing arrangements.

The HPT aims to address cognitive and perceptual tasks (information processing, decision making, judgement) and therefore it is a significant hurdle for those with cognitive impairment.

The results of the HPT and/or the driving assessment will remain valid for 12 months. If both tests have not been completed within 12 months of each other, the tests will need to be repeated.

Process

For successful tests, OTs should fax or mail reports on their clients directly to VicRoads Medical Review (and confirm receipt by phone or email).

The client can then be advised to attend a VicRoads office with their current photo learner permit to pay for and have their licence issued.

Medical Review will update the client's driver licence computer record to enable a VicRoads office to issue a licence when the client attends (provided the computerised knowledge test and the HPT test have been successfully completed).

Assessment

2.2 Driver Under Instruction plate

Learner permit holders are required to display 'L' plates when undergoing assessment or training.

Probationary or fully licensed drivers undergoing assessment or retraining may need to display 'Driver Under Instruction' plates.

A Driver Under Instruction plate is used in legislation to refer to two separate requirements.

Driver Under Instruction plates - cars Mandatory requirement

Regulation 207 of the Road Safety (Drivers) Regulations 1999, requires a Driver Under Instruction plate to be clearly displayed on the vehicle when a client who holds a licence with an automatic transmission condition is learning to drive a vehicle with a manual transmission.

Instruction in a vehicle with a manual transmission is normally undertaken in preparation to taking a test in a manual vehicle in order to remove the automatic transmission condition.

The plate referred to in legislation is:

“a yellow plate measuring approximately 150 mm by 150 mm inscribed in black letters with the words "Driver Under Instruction"⁴.

Non mandatory requirement

Legislation allows people who need to develop new skills, for example learning to drive using hand controls or other adaptive equipment, or undertaking refresher lessons due to disease, trauma, a crash or a lack of current skills, to display a Driver Under Instruction plate. However there is no legal requirement for them to do so.



Driver Under Instruction plate - buses and trucks

Clients wishing to learn to drive these vehicles are required by law⁵ to display a Driver Under Instruction plate.

This plate is larger in size (approx. 525 mm by 250 mm) compared with the Driver Under Instruction plate for cars⁶.

⁴ Regulation 104 of the Road Safety (Drivers) Regulations 1999 defines a driver under instruction plate for a car

⁵ Regulation 220 of the Road Safety (Drivers) Regulations 1999 requires heavy vehicle drivers to display a driver under instruction plate

⁶ Regulation 104 of the Road Safety (Drivers) Regulations 1999 defines a driver under instruction plate for a heavy vehicle

Assessment

2.3 Driving instructors

Driver Instructor Authority and Victorian Taxi Directorate

Driving instructors must hold a Driver Instructor Authority (DIA). This is issued by the Victorian Taxi Directorate (VTD) - responsible for all matters involving driving instructors.

It is an offence to teach or instruct for financial gain or in the course of a trade or business without a DIA. In addition:

- DIA must be displayed in the vehicle
- DIA is only valid while a driver licence is valid
- DIA can be cancelled or suspended following due process by the VTD (for failing to comply with driver instructor legislation, improper behaviour etc)
- a driving instructor is deemed to be in charge of the vehicle whilst the person being instructed is driving
- driving instructors are subject to zero blood alcohol whilst instructing.

For all enquiries contact the Victorian Taxi Directorate

Tel. 03 9320 4360, or 1800 638 802 (toll free).

www.doi.vic.gov.au Type 'driving instructor authority' into the search function.

Occupational therapy driver assessors and driving instructors

Unless there are special reasons (refer to section 2.14 Assessment in the client's car), all assessments will occur in a driving instructor's vehicle so the instructor can maintain the safety of the vehicle.

During an assessment the driving instructor:

- is required to maintain the safety of the vehicle
- may give instructions to the client
- can interact with the occupational therapy driver assessor as appropriate.

There are a limited number of driving instructors experienced in occupational therapy driver assessments and teaching clients with disabilities, and only some of those have access to a range of adaptive equipment. These instructors are aware of the different requirements of an occupational therapy driver assessment as compared with a VicRoads test.

Clients and instructors

Instructors who give lessons to functionally impaired clients need to improve the overall driving performance of the client rather than teach them what is required to pass a licence test, (such as completing a specific test route).

The client is not required to use the same instructor for the assessment and lessons. Clients may bring their own instructor if prior arrangements have been made with the occupational therapy driver assessor and the assessor is satisfied that the instructor:

- can maintain safety (is capable, suitably qualified and experienced)
- is aware of the occupational therapy driver assessor's role in the process
- understands that the occupational therapy driver assessor coordinates the assessment and rehabilitation process
- is a current holder of a DIA
- has a roadworthy test vehicle in a satisfactory condition.

Instructors and the assessment

During an assessment, instructors must behave in the same manner as that required for a VicRoads test.

They must not attempt to influence the client's behaviour or prompt the client. The occupational therapy driver assessor needs to ensure that prompting does not occur.

Some things that the occupational therapy driver assessor should be aware of may include:

- the instructor attempting to influence or distract the assessor or the person being assessed
- prompting the client either non-verbally (hand/foot/head movement), or verbally.

Prompting by instructors is normally only an issue if the instructor has met the client previously. However, it may also be an issue if the client sees the instructor move (e.g. to slow the vehicle) and reacts in response.

Assessment

2.4 Eyesight

National Vision Standards

These are shown on the back of VicRoads Eyesight Report form and in the *Assessing Fitness to Drive Guidelines*. Every person must meet these standards to qualify for a licence.

Visual field defects and approval to assess

An assessment must not occur without first obtaining clearance from VicRoads Medical Review.

Clearance requires:

- medical clearance, sometimes from a neurologist or other specialist. This is necessary if a visual field defect is a result of a neurological incident and it is necessary to confirm there are no concurrent cognitive defects.
- a supportive eyesight report, which must include visual field mapping.

VicRoads will refer all cases of homonymous hemianopia and quadrantanopias (where the quadrant impacted is likely to impact on safe driving) to its medical advisors for an opinion about suitability to hold a licence and suitability for an on-road assessment.

Medical standards for hemianopia

A person with a visual field defect with less than 120 degrees (within 10 degrees above and below the midline) on a horizontal meridian, as formally defined by visual field mapping, on safety grounds does not qualify for a driver licence or learner permit (*Austrroads Assessing Fitness to Drive Guidelines*). This is the case even though they may be able to demonstrate they can drive adequately during an assessment.

Visual acuity

A minimum standard of 6/12 Snellen (binocular) must be achieved with or without corrective lenses. More than one error on the 6/12 line is a fail. There are no exceptions.

Corrective lenses

The off-road assessment involves a visual acuity test, both with corrective lenses (if worn) and without corrective lenses. If the person cannot achieve visual acuity of 6/12 without corrective lenses then corrective lenses must be imposed as a licence condition.

If the person can achieve visual acuity of 6/12 unaided, but there is a concern about deteriorating vision or there is a possibility that vision could continue to improve or deteriorate, it may be appropriate to recommend a regular vision check.

Heavy vehicle applicants

Heavy vehicle drivers and passenger vehicle drivers are required to meet stricter standards for vision.

A conditional licence may be granted, taking into account the opinion of an ophthalmologist or optometrist, and the nature of the driving task. This is subject to periodic review if the person's vision is worse than 6/18 in the worse eye, and provided that the visual acuity in the better eye is 6/9 or better, and after consideration of the nature of any underlying disorder. These drivers should be advised to submit a report from an ophthalmologist or optometrist to VicRoads Medical Review.

An acuity of 6/12 in both eyes is a legal requirement for commercial passenger vehicle drivers (taxi and bus)⁷.

⁷ Regulation 6 and Schedule 1 Transport (Taxi Cab) Regulations 2005, and Regulation 8 & Schedule 1 of the Transport (Passenger Vehicles) Regulations 1994

Assessment

2.5 Complaints or disputes

Management of complaints regarding occupational therapy driver assessors

Complaints and harassment can arise when clients:

- do not want to be assessed, or
- are unsuccessful in their assessment(s), or
- see the removal of their driving privileges as a loss of their rights.

An occupational therapy driver assessor will normally deal with and resolve complaints on a case by case basis.

Where the client is in dispute with the occupational therapy driver assessor, it is important for the assessor to provide detailed feedback to the client.

This feedback may need to be reinforced or provided in writing.

All recipients of any service have the right to provide feedback to service providers regardless of the nature of the service offered. In relation to the provision of occupational therapy driver assessment services, clients are always encouraged to discuss their concerns initially with the occupational therapist providing the service.

Occupational therapists value the opportunity to discuss this feedback to ensure that they provide quality services. Sometimes consumers of services raise issues related to the nature of the service, or costs, or how the outcomes of assessments are dealt with by VicRoads.

It can be helpful for consumers of driver assessments to carefully read through the documentation provided by VicRoads, including relevant publications prior to raising concerns with the occupational therapy driver assessor.

If the matter cannot be resolved in discussion with the occupational therapy driver assessor, clients may register their complaint with:

- OT AUSTRALIA Victoria
- VicRoads Medical Review

- The Office of the Health Services Commissioner.

If the client has had their licence withdrawn by VicRoads, the client should be advised that the responsibility for licensing is VicRoads role and be referred to VicRoads. Where VicRoads cancels, suspends, refuses or varies a licence or permit, the client who is aggrieved by this decision has the following options:

- Pass an assessment demonstrating their ability to drive safely.
- Request VicRoads to review its decision - within 28 days of the decision.
- Appeal to a Magistrates' Court - within 28 days of the decision.

VicRoads advises all clients affected by any of the above decisions of their appeal rights. In addition, there may be rare and specific circumstances where the following tribunals or commissions may hear a matter.

- Equal Opportunity and Human Rights Commission
- Victorian Civil and Administrative Tribunal
- Administrative Appeals Tribunal

VicRoads, in consultation with the occupational therapy driver assessor, may need to determine what formal processes can be put in place to assist the client and the occupational therapy driver assessor to resolve the dispute.

VicRoads is not responsible for the regulation of occupational therapists. If any complaint alleges that conduct was inappropriate or unprofessional, the matter will be referred to OT AUSTRALIA Victoria who will endeavour to resolve the matter by investigation, mediation, or referral to the Health Services Commissioner.

For complaints or disputes regarding VicRoads decisions or procedures refer to Section 1 Appeal rights.

Assessment

2.6 Reassessment of client who has previously passed an assessment

Review fitness to drive when condition deteriorates

If an OT or medical practitioner believes ongoing review is necessary, usually documented on a report, VicRoads will normally send a notification to the client at the appropriate time requesting a reassessment.

Occupational therapy driver assessors are not responsible for instigating the review.

An up-to-date medical report will be required at the time of the reassessment.

Minimum time before reassessment as part of an ongoing review:

- 12 months is the preferred minimum time between driving assessments.
- A review at six months may be appropriate if it seems necessary e.g. client with dementia.
- A review at three months is inappropriate. A person who needs to be reviewed within such a short period of time would be unfit to drive and VicRoads should be notified accordingly.

Review of licence restrictions and/or conditions when medical condition improves

This may be applied when the occupational therapy driver assessor expects that there would be an improvement over a period of time. For example, a 5 km radius could be imposed on a person with a recommendation that this 5 km radius restriction be extended or removed in conjunction with a further review when improvement occurs.

The extent of VicRoads' involvement in this matter would be to place the restriction on the licence and advise the client to contact the occupational therapy driver assessor, in their own time, after the period recommended (e.g. three months).

VicRoads will not send a reminder to the client.

This assessment is not mandatory and the client may, when ready, approach the occupational therapy driver assessor directly to make arrangements to undergo an assessment.

A medical report would not normally be necessary for such an assessment.

Medical reports are considered valid for six months unless VicRoads Medical Review has been advised that a shorter period is necessary. These cases are rare.

Even if the medical condition which instigated the initial assessment has not improved, there could be an expected improvement in driving confidence which may allow extension of driving conditions.

If the client does not approach an OT to seek a review, the restriction will remain on the licence until such time as the matter is reviewed by the OT driver assessor.

Minimum time before reassessment

It would not be appropriate to reassess within three months of the initial assessment, unless there are extenuating circumstances and the matter is discussed with VicRoads Medical Review.

Assessment

2.7 Medical reports to accompany assessment

Medical clearance must be obtained before conducting an assessment

The reasons for this are:

- The client must meet the minimum standards of medical fitness required to hold a driver's licence. These are described in the *Assessing Fitness to Drive Guidelines*.
- The occupational therapy driver assessor needs to ensure that the condition is stable and the client is medically capable of undergoing a driving assessment.

Reports to be sent to VicRoads

VicRoads needs to receive a medical report before giving approval for the client to obtain or retain a licence. This means that:

- the driving assessment report and a medical report must both be sent to VicRoads, unless
- the driving assessment has been instigated by VicRoads (as VicRoads, in this case, has already obtained medical clearance).

Medical reports

VicRoads standard medical report is preferred. Copies of these can be obtained by:

- Contacting VicRoads Medical Review.
Tel 03 9854 2390
- Downloading a copy from VicRoads website www.vicroads.vic.gov.au

Any report is acceptable provided it is completed by a qualified practitioner, on the practitioner's letterhead, and the practitioner provides details of the condition and indicates that the client meets the national standards of medical fitness to drive.

Medical reports are considered to be valid for six months.

National standards for medical fitness

In the absence of strong medical evidence, VicRoads will comply with the national standards of medical fitness (*Assessing Fitness to Drive Guidelines*) and will not allow a person who does not meet the guidelines to drive, regardless of the outcome of an assessment.

For example, a person with uncontrolled seizures or a significant visual field disability may be able to demonstrate their ability to drive but their condition alone makes them a road safety risk and the guidelines recommend he or she not be licensed.

Assessment

2.8 Temporary disabilities

Defined

In general terms, a temporary disability is one that has resolved within three months. For example, it may include:

- A broken arm/leg, hip replacement, etc (where a cast, if applicable, is removed and at least near to normal mobility is regained within three months).
- Drivers who lose the sight in one eye. They may drive after a three month period. They should notify this acquired disability to VicRoads as well as their insurance company, even though it will not affect their ability to drive. Heavy vehicle drivers who lose the sight in one eye may still comply with the conditional licence criteria if the visual acuity in the remaining eye is better than 6/9. Under these circumstances they may be licensed after review by VicRoads Medical Review.
- Temporary convalescence after surgery or injury with complete recovery.

Driving and VicRoads

Temporary disabilities do not normally require involvement by VicRoads nor a requirement to notify VicRoads.

Where there is doubt, some guidance is given in the *Assessing Fitness to Drive Guidelines*.

Some temporary disabilities will require the person to stop driving until the disability is resolved, or alternative driving options explored. In the simplest case this may require a person with a broken left leg to only drive an automatic vehicle until left leg function is regained.

People with temporary disabilities who undertake a VicRoads test will be treated as if the disability is permanent.

For example, if a person attends with a broken left leg in an automatic transmission vehicle and passes the test, an automatic transmission condition will be imposed on the licence. In these circumstances, if a manual licence is desired, it may be in the applicants' interest to wait until the disability or injury has been resolved before attending for a test.

Assessment

2.9 Clients who show no improvement

This refers to clients who have multiple assessments, with no improvement between assessments.

Options available for clients who show no improvement

Information about suitable alternatives to driving should be provided as this method of maintaining community mobility may be preferable to the client continuing to apply for a new licence. Refer to VicRoads Publication *Getting around without a car*. Referral to appropriate support organisations and services should be considered.

When the client has failed two assessments, an occupational therapy driver assessor may:

1) Follow the VicRoads process

In line with the VicRoads Review Driving Test, if clients attempt and fail the second test, VicRoads advises them that before further testing they must be able to show that their driving has improved to a level at which they could pass a test. A letter from a driving instructor is needed to verify improvement prior to a third test being considered.

This process allows clients to have as many lessons with driving instructors as they wish as a means to address potential skill and safety deficits. They may be reassessed when an instructor is able to advise them that their skill levels have improved.

This process also attempts to address:

- clients who have little insight into their driving deficits.
- road safety by ensuring clients pass a test based on their ability to demonstrate safe and competent driving rather than attempting multiple tests and passing a test due to luck

- other drivers who have good prospects or have not yet been tested who may be disadvantaged by delays associated with test backlogs. These can be caused by a growth in the number of tests for clients who show no improvement between tests.
- potential delays to identifying drivers potentially at risk, through not being able to assess them due to demands of non-improving clients.

2) Wait a minimum period of time

It may be appropriate to wait, (for example three months) to allow for improvement, before conducting a further assessment.

3) Arrange an independent assessment

If the client has complied with the requirements, and if exceptional circumstances exist (perhaps to resolve a complaint), the client may be referred to undergo an assessment with another occupational therapy driver assessor.

If there are no significant cognitive or physical deficits and if exceptional circumstances exist (perhaps to resolve a complaint) consideration could be given to referring the client to VicRoads for a Review Driving Test.

Obtaining an independent assessment after a failed VicRoads Review Driving Test

If a client fails a VicRoads Review Driving Test, requested by Medical Review, the client may be referred by VicRoads to be independently assessed by an occupational therapy driver assessor.

Assessment

2.10 Requesting reports from VicRoads

Consent for release of information

VicRoads is prohibited by Section 92 of the Road Safety Act 1986 from sending a medical or other report in VicRoads' possession to an occupational therapy driver assessor, in response to a request.

In order to send such reports VicRoads requires written consent from the client. This can be obtained in two ways:

1. If the client has signed the standard VicRoads medical report form they may have provided such consent (VicRoads has designed the medical report form to expressly mention consent for this purpose).
2. If VicRoads does not have express written consent then the occupational therapy driver assessor will need to fax the client's consent to VicRoads or submit by mail (Mail is not recommended as it will delay processing).

It is suggested that all occupational therapy driver assessors, as part of their assessment process, obtain consent before the assessment commences. Their standard consent form should incorporate appropriate words so that this consent could be faxed to VicRoads to fulfil the requirements for disclosure of information to which VicRoads must comply.

Requesting report(s) for a single client

All requests must be made via e-mail or fax.

Once consent has been determined:

- either (i) e-mail Medical Review
ccslicence@roads.vic.gov.au
- or (ii) fax a request to Medical Review
Fax: 03 9854 2307

E-mail is preferred.

All responses to requests will be made via e-mail or fax.

Old reports

VicRoads will provide old reports if requested. However, at the occupational therapy driver assessor's evaluation there may be a need to get an up-to-date medical or eyesight report if:

- the client no longer appears to meet the information provided in the report
- the report is more than six months old.

Information needed by VicRoads

VicRoads needs to be able to clearly identify the person concerned and be able to locate any existing records.

Therefore VicRoads requires the client's name, and licence/permit number. If this is not available at the time then date of birth, or address is required.

Occupational therapy driver assessor's name, and

- contact address, or
- return fax number.

VicRoads will endeavour to respond to all faxes and e-mails within 24 hours. Licence status could be confirmed by e-mail and reports will be sent out by fax or by mail.

Assessment

2.11 Sending reports to VicRoads

Mailing or faxing reports

All reports may be either faxed or mailed to VicRoads. Reports may also be sent to other appropriate parties with the client's consent. If any report is faxed to Medical Review the original need not be submitted.

VicRoads address for these reports is:

VicRoads
Medical Review
PO Box 2504
Kew VIC 3101
Fax 03 9854 2307

Urgent reports

All urgent reports should be clearly marked urgent and faxed to Medical Review.

Multiple reports for one client

To assist VicRoads, only send in the report to be actioned.

Interim assessments need not be included unless there are concerns (see non compliant clients below).

Compliant clients

If VicRoads:

- has not requested an assessment (e.g. people within the health system), and
- the client is not driving,

there is no need to contact VicRoads until the final assessment is conducted.

There is no need to send VicRoads an unsuccessful assessment result where further assessments are scheduled within a short period of time (for example 2-3 months). At completion of all assessments VicRoads only needs to be sent the final report with the pass or fail result.

Non compliant clients

If the occupational therapy driver assessor has any concern that the client is non compliant and is driving when unsafe, then VicRoads should be notified of a failed result within 24 hours so that the licence can be suspended pending a satisfactory test result.

Assessment

2.12 Stopping the on-road assessment

An occupational therapy driver assessment needs to be of sufficient length of time to allow the driver adequate opportunity to demonstrate their ability to drive safely.

In the case of an unconditional licence the on-road component of the assessment needs to be a minimum of 40 minutes actual driving time.

Critical actions

Once the initial period of familiarisation with the vehicle has taken place and the assessment has commenced, the assessment may continue even though one or more critical driving actions or events may have occurred (e.g. a situation where the instructor needs to intervene).

The occupational therapy driver assessor and driving instructor should consider the task and environmental context when evaluating the road safety impact of allowing the assessment to continue and must prioritise their safety and that of other road users above all else.

There are often several benefits associated with continuing the driver assessment:

- It allows the assessor to see if there is a consistent pattern of unsafe driver behaviour.
- It may provide an opportunity to increase the number of examples to discuss with the client as feedback.
- More information will be available to assist with planning a rehabilitation program.
- It will be easier to justify a decision regarding licence withdrawal if it is based on more than one unsafe driving action. This may be particularly important if the case is appealed.

- It enables the occupational therapy driver assessor to determine if the client can modify driving behaviour if prompted.

The assessment must cease immediately and the driving instructor should take control of the vehicle if:

- a pattern of unsafe driving behaviour emerges and the client's driving actions, behaviour or physical state is considered too unpredictable or risky
- the test vehicle collides with any object (e.g. parked car) or road user
- there are repeated driving instructor interventions involving vehicle controls and the client's driving creates a risk of a collision.

Feedback

The client must be provided with feedback immediately following the on-road assessment.

In some cases when a critical action occurs, it may be appropriate to provide immediate feedback in the car. This may involve pulling the car over, when safe to do so, and discussing an event that has just occurred with the client.

When appropriate, written feedback may also be provided.

Assessment

2.13 Assessment in the client's car

Use of dual control car

All OTs should conduct assessments in a dual control car in the presence of a driving instructor to ensure the safety of the driver and other road users.

A period of familiarisation is included as part of the assessment procedure.

The occupational therapy driver assessor sits in the rear seat behind the driving instructor.

This information is provided to clients in the publicly available *Guide to Occupational Therapy Driver Assessment brochure*.

Assessment in the client's car

The decision to conduct the assessment in the client's car should only occur under exceptional circumstances and must be made in consultation with the driving instructor.

In all cases both the OT and instructor must feel safe doing so and the assessment must be conducted in the usual way. For instance, it may be appropriate to consider assessing in the client's car if an assessment in the instructor's car may not be appropriate because there is a significant difference between the client's and the instructor's car. For example if the client:

- has an older model car without power steering, where an assessment in the instructor's car (which has power steering), may not accurately reflect the ability of the client to drive the vehicle normally used, or
- has special modifications or seating fitted. In some instances it may be appropriate to have a dual brake system installed in the client's car for training and assessment purposes, or
- has demonstrated capacity to drive in an instructor's vehicle and transfer of skills must be ascertained in a car with significantly different features.

In order for assessment in a client's car to be considered, the driver must be licensed and the vehicle must be registered and roadworthy.

In all cases, consideration of insurance requirements and OH&S policy issues associated with employment conditions must be taken into account.

Testing in hot weather

When the temperature exceeds 38 degrees Celsius it is recommended that a driving assessment should not be conducted unless the test vehicle has an air conditioner in working order.

This is the same as VicRoads licence testing standards.

Assessment

2.14 Using both feet on pedals

Using left foot on brake pedal and right foot on accelerator at the same time

In the normal driving situation, the driver will use their right foot to operate both the brake and the accelerator.

Using both feet on pedals at the same time when driving an automatic vehicle is an unsafe driving practice.

Road safety implications

When a foot rests on the brake pedal, even lightly, it has the potential to activate the brake light indicating to a driver following, that the vehicle in front is slowing down. If this light signal is ambiguous, it could lead to a hazardous situation due to the following driver:

- braking inappropriately
- or
- ignoring the constant braking of the car in front and then not having adequate warning and response time to brake when the driver actually does brake.

The potential also exists for the driver to accidentally brake or accelerate.

In an emergency situation simultaneous braking and accelerating could negate the effectiveness of braking.

Using both feet during a VicRoads test

VicRoads novice driver test identifies the key behaviours licence applicants should display and provides criteria for the assessment of those behaviours.

Using both feet on the brake and accelerator at the same time in a VicRoads test indicates that the applicant does not use the brake and accelerator correctly.

Driving in this manner would not lead to an immediate failure in a VicRoads test but would be one aspect viewed in light of the entire test.

However, if this behaviour creates a dangerous situation (another driver has to take evasive action or the instructor needs to assist) it is an immediate failure.

Assessment

2.15 Driving after passing an assessment

Current licence holders

If the client holds a current licence, and it is in their possession, driving can commence immediately subject to any pre-existing conditions on their licence.

If there are any conditions or restrictions that apply or need to be removed please see below.

Clients with a suspended⁸ licence

If VicRoads Medical Review has suspended a client's licence and the client has successfully completed an OT assessment and wants to commence driving immediately, VicRoads Medical Review needs to be sent (by fax) the successful assessment to allow the lifting of the suspension. Assessments can also be scanned and then e-mailed to VicRoads Medical Review ccslicence@roads.vic.gov.au

Once removal of the suspension is confirmed, by phone, the person may commence driving a car immediately provided they are not the holder of a probationary licence, are not aged under 26 or intend to drive a bus or truck.

If VicRoads has the licence, it will be mailed to the client.

Clients with a cancelled⁸ or expired licence

If the client's licence was cancelled by VicRoads, or the client is unlicensed (due to the licence expiring) and the client wants to recommence driving, then VicRoads Medical Review needs to be sent (by fax) the successful assessment

and have the receipt of this confirmed.

Once confirmed, the client needs to attend a VicRoads office to be issued with a new licence. The client will have to pay a licence fee and provide proof of their identity.

Fax and confirmation

Except in the above circumstances, there is no need to confirm any other reports e-mailed or faxed to VicRoads.

There is no need for occupational therapy driver assessors to submit original reports that have already been submitted by email or fax.

With reference to a learner permit holder obtaining a full licence, refer to section 2.1 'Assessment as a licence test'.

Compulsory carriage of licence

It is a requirement that probationary drivers, drivers under the age of 26, bus drivers and heavy vehicle drivers carry their licence when driving. Such drivers cannot commence driving until such time as the licence is in their possession (i.e. the suspended licence is returned to them by VicRoads).

⁸ If the client's licence was cancelled or suspended for any other reason (e.g. drink driving or traffic violations) other than by Medical Review, VicRoads has no power to allow reissue of the licence until the period of suspension/cancellation is over. An on road assessment cannot be conducted in these circumstances.

Assessment

2.16 When to refer clients to VicRoads for a test

Refer to VicRoads

It may be appropriate to refer clients to VicRoads:

- when the client wants to have a VicRoads test and in the occupational therapy driver assessor's opinion it would be appropriate to do so
- if there is a cost issue and the occupational therapy driver assessor believes it is an appropriate option
- if there is a location or distance issue and the occupational therapy driver assessor believes it is an appropriate option.

VicRoads conducts a test for novice drivers which is appropriate for novice inexperienced drivers. The Review Driving Test is for experienced licensed drivers.

Do not refer

It is not appropriate to refer clients to VicRoads if the client has significant physical and/or cognitive impairment.

Motorcycle and heavy vehicle clients

For clients who hold a motorcycle or heavy vehicle licence it may be necessary to assess their ability to drive these vehicles safely.

VicRoads does not normally conduct heavy vehicle or motorcycle testing.

These clients need to be assessed by motorcycle or heavy vehicle course providers.

If the matter is straightforward, arrangements can be made directly with a provider. Otherwise VicRoads will need to be contacted (i.e. if special arrangements need to be made with the provider as the providers contract with VicRoads limits what they are permitted to do).



Part Three

Functional impairments and driving

This section describes various functional impairments and their impact on driving safety, including general issues relating to assessment, vehicle handling and operation of car controls, vehicle design considerations and vehicle modifications.

Functional impairments and driving

3.1 General considerations

This section explains some of the key factors considered by occupational therapy driver assessors when they make suggestions or recommendations regarding a driver's assessment, training, functional rehabilitation, vehicle, licence or review needs. For more information refer to *Assessing Fitness to Drive (Austroads)* or contact VicRoads Medical Review on 03 9854 2390.

Drivers with sensory loss

Drivers who present for an occupational therapy driver assessment may have concurrent sensory impairments (e.g. visual or hearing loss). The assessor needs to ensure that the effect of such impairments is minimised by the use of corrective lenses or hearing aids prior to the on-road assessment. This may involve referral for specialist assessment and advice.

Drivers with functional limitations

Drivers who are referred for OT driver assessments can present with combinations of physical, sensory (including visual), cognitive and perceptual impairments. They might be taking various medications which may also have side effects. Also, some drivers lack a realistic understanding of their functional limitations and how these might impact upon safe, consistent driving behaviours and the need to be constantly mentally alert whilst driving. This means there can be many complex factors that need to be taken into account when determining a driver's needs. The maintenance of an individual's driving privileges must always be considered in relation to the safety of all road users, the standards and requirements set by the national medical guidelines, and the responsibilities of VicRoads under the Road Safety Act.

Driver individual needs vs licensing test requirements to ensure basic competency levels

Apart from health issues, OT driver assessors need to consider the individual needs of drivers when they present to be assessed. These include factors such as their experience with driving, types of vehicles driven, nature of usual driving environments, their lifestyle needs and mobility options.

Whenever relevant, these considerations are included in decision-making processes. The individual driver must still be able to demonstrate their capacity to meet minimum driving competencies in order to hold a licence.

Certain licence restrictions and conditions can be used to support drivers to maintain various degrees of driving independence.

Drivers with limitations that influence their ability to enter a vehicle or use various vehicle controls

OT driver assessors evaluate the needs of drivers who present with physical, sensory or coordination difficulties, which might impact upon their ability to get into or out of a vehicle, sit comfortably, move in a coordinated, consistent way, or adjust or use the primary vehicle controls such as the steering wheel, accelerator, clutch and hand brake.

OT assessors consider alternatives to optimise function including retraining before recommending vehicle modifications.

Modifications of various types can be used with VicRoads permission in many vehicles to permit drivers with certain disabilities to retain their ability to drive safely.



Steering aid



Left foot accelerator



Hand controls with steering aid



Over sized mirror

Some examples include spinner devices applied to the steering wheel, left accelerator pedals (pedal repositioned on the left side of the driver foot compartment), hand controls (as an alternative to foot controls if a driver can't use or doesn't have lower limbs) and special mirrors. Sometimes driving aids or modifications can only be fitted in a vehicle with automatic transmission.

OT driver assessors offer specialist advice regarding vehicle choice, the prescription of various vehicle adaptations, driver positioning and training in the use of alternative devices.

Driving instructors with extensive experience of people with disabilities, usually work with OT driver assessors to ensure that drivers are comfortable and proficient in the use of modified vehicles.

Drivers who require non standard vehicle controls must demonstrate in an on-road assessment that they can safely drive a vehicle fitted with such devices before VicRoads will permit them to obtain or retain a driver licence. If the driver is successful, the licence will have a condition placed on it and it is then a legal requirement for the driver to only drive a vehicle with the relevant modifications.

Further information is contained in Section 4 'Licence conditions and vehicle modifications'.

Functional impairments and driving

3.2 Cognitive and perceptual impairments

As a general rule, people with a cognitive or perceptual impairment need to provide written medical documentation that supports their ability to continue or resume driving. A person with cognitive impairment may present in an office or clinical setting as not having any functional impairment. Such impairment may only become manifest whilst actually performing driving tasks. A normal medical examination or standard licence test may not necessarily reveal the nature or severity of any problems. For this reason such a person should undertake an off-road and on-road assessment of driving ability with a qualified OT driver assessor.

A wide range of cognitive and perceptual impairments may compromise safe driving. The following are some examples of common impairments.

Capacity	Examples of behaviour and the impact on safe driving
Attention	May be easily distracted by self or others, fail to notice road signs or signals or have difficulty dividing attention or multitasking.
Concentration	Performance may deteriorate after a period of time.
Praxis	Difficulty in sequencing and planning movement or performing motor tasks on command (e.g. coordinating steering with accelerator control).
Thought processing	Slowness to take in what is occurring in the driving environment around the vehicle and difficulties with understanding how to respond via suitable driving actions.
Behaviour	May be erratic, impulsive or inappropriate (including being abusive to other road users, low frustration tolerance).
Memory and learning	Unable to recall procedures, retain instructions, modify driving behaviours or remember familiar routes.
Insight	Inability to understand impact of driving behaviours on safety of self and others.
Planning/problem-solving	Difficulty anticipating and/or responding to hazards including thinking of suitable alternatives and determining a course of action, and inability to plan routes.
Decision making	Unable to choose between action responses and to respond in a timely and coordinated manner.
Perception	Inaccurate judgement of distances (e.g. choosing safe gaps in the traffic flow, difficulty with parking).
Fatigue	Movements or coordination may be less timely, or become inaccurate after a period of time.

In particular instances it may be useful to seek the clinical opinion of a neurologist, psychiatrist, other medical specialist, neuropsychologist or psychologist. In some cases, consultation may also involve families before consideration is given to resuming or commencing driving.

OT driver assessors often refer clients to other health professionals for evaluation prior to undertaking on-road assessments.

Depending on the diagnosis, some cognitive and perceptual impairment may fluctuate. An individual may be required to undergo testing as a result of erratic driving, only to perform very well during a driving test. For instance, sometimes a person may be able to drive quite safely one day and be unsafe and therefore incompetent on another. Such drivers can be difficult to assess accurately.

The OT driver assessor has knowledge of health and medical conditions, expert assessment skills and understands the possible implications on driving in order to consider these factors. More than one on-road assessment may be required.

The OT driver assessor's role during the on-road assessment includes determination of whether the driver demonstrating cognitive deficits is likely to benefit from rehabilitation.

If recommended, this usually involves driving lessons, where the OT works with a specialist driving instructor to devise a customised program of driver instruction.

A compensatory approach is often used, in which case adapted driving controls, vehicle selection (e.g. automatic as opposed to manual), or other licence conditions (such as area restriction, non peak hour driving) may be appropriate.

A commercial or heavy vehicle licence is not appropriate if a cognitive impairment is confirmed, or if functional or behavioural impairment is evident.

Consideration of the appropriateness of assessment may be determined by the involvement of other health practitioners (e.g. neurologist, psychiatrist or neuropsychologist), after which VicRoads may consider whether a practical driving assessment is warranted in the appropriate vehicle, with an OT present.

Functional impairments and driving

3.3 Limited mobility

General considerations

Determining fitness to drive, due to physical, mobility, or locomotor disabilities, requires the consideration of both medical and functional factors. In these cases a medical evaluation is important to determine the nature and extent of the disorder and to ensure there are no other medical or health concerns that may impact on driving.

In cases of limited mobility, the decision about driving safety can only be made after careful assessment, in a suitably modified vehicle if required, by those competent to evaluate the driving skills of people with these disabilities (e.g. occupational therapists qualified in disabled driver assessment).

Restrictions to neck or trunk mobility

Private vehicles - If the person is unable to turn their body or head then the mirror system in the vehicle will need to be altered so that blind spots can be eliminated. Driving lessons may be required to reinforce correct adaptive techniques and to ensure safety standards are achieved.

Bus and truck - Generally not appropriate if rotation of cervical spine is less than 45 degrees to the left or right.

Loss of finger/toe

Private vehicles - Loss of a finger (or fingers), or a toe (or toes) or a thumb from one limb may not affect the possibility of the person being licensed.

Loss of thumbs from both hands or certain hand injuries may be of concern. A practical assessment of driving or riding skills is necessary.

Bus and truck - Normally not considered fit if thumbs are missing from both hands. However, consideration may be provided subject to a practical assessment of driving skills.

Bus and Truck – other considerations

There are a number of non driving tasks that are expected by the industry and by VicRoads of commercial drivers that need to be taken into consideration, such as the ability to couple and uncouple an articulated vehicle, change a tyre, adjust a load that has shifted, assist passengers into or out of the vehicle etc.

Functional impairments and driving

3.4 Loss of use – left hand or arm

Implications for driving a car or riding a motorcycle

A person who has lost the use of their left hand or arm may require adaptive driving equipment or fitting of a prosthesis in order to compensate for the loss of ability to reach and operate vehicle controls and instrumentation.

Car

The use of both hands is normally required to control a manual vehicle. The driver needs to show the ability to reach and operate all instrumentation and controls and the ability to grip the steering wheel and turn it through the full range of movement. It is not acceptable or safe for a person with the use of one hand only to let go of the steering wheel in order to change gears. For this reason these drivers would normally need to drive vehicles fitted with automatic transmission.

A steering aid may be required to support the use of a single upper limb in steering wheel control if both hands or arms cannot be used to do so (refer to Section 4.5 'Steering aids'). Power steering is required in most cases.

All instrumentation needs to be easily accessible and operable without removing the hand from the steering wheel. For example, an indicator lever extension and modification of all controls to allow operation of all instruments without removing the hand from the wheel may be useful.

The ability to operate the parking brake as an emergency brake is not essential provided a dual circuit braking system is fitted (as in all cars manufactured since 1972), however operation of a braking system to secure the vehicle whilst stationary needs to be demonstrated.

A manual vehicle may be considered provided the left hand or arm can be used to change gears and is not the sole functional upper limb. Modifications to the gear change mechanism are normally necessary.

Prosthesis

A prosthesis may be worn whilst driving and used to operate vehicle controls. The ability to drive safely whilst using any prosthesis needs to be demonstrated in an on-road assessment. In order to drive a motor vehicle, a driver using a prosthesis should be competent and comfortable in its use and be able to operate the vehicle controls and instrumentation without taking their eyes off the road. Wearing a prosthesis may allow the driver to manage driving a manual vehicle.

Motorcycles

Motorcycles require special consideration and assessment of riding skills.

It is possible with appropriate vehicle modifications or prosthetics for people with loss of function in one hand or arm to ride a motorcycle.

Bus and truck

These licences can be considered, but the vehicle must be able to be appropriately modified or a functional prosthesis needs to be worn.

Passenger vehicle drivers (who are required to hold a Driver Accreditation) are required by law to be able to assist passengers and their luggage into or out of their vehicles. If the disability prevents this, the person will not be given permission to drive these vehicles.

Functional impairments and driving

3.5 Loss of use - left foot or leg

Implications for driving a car or riding a motorcycle

A person who has lost the use of their left foot or leg may require adaptive driving equipment or the fitting of a prosthesis in order to compensate for the loss. In both cases this will become a condition on the licence.

Car

The driver needs to show that they can safely operate all foot controls. The right leg operating the accelerator and foot brake requires some mobility of the hip, knee and ankle.

A person who has no use of their left foot or leg needs to drive a vehicle fitted with automatic transmission.

Driving a manual vehicle can be considered if:

- a left foot prosthesis is worn and its use is appropriate, or
- the clutch is modified to allow safe operation.

Prosthesis

A prosthesis may be worn and used to operate controls. The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle a driver using a prosthesis should be able to operate the vehicle controls, including clutch, without taking their eyes off the road.

Motorcycles

Motorcyclists require special consideration and assessment of riding skills. It is possible with appropriate vehicle modifications or prosthetics for people with loss of function in one foot or leg to ride a motorcycle, depending on the degree of loss and remaining abilities.

Normally the left foot operates the gear changes, so the appropriate modification relates to moving the gear box to allow right foot operation or riding an 'automatic' motorcycle. (Refer to Section 3.8 Loss of use – right foot or leg).

Bus and truck

These licences can be considered, but the vehicle must be able to be appropriately modified or a functional prosthesis needs to be worn.

Passenger vehicle drivers (who are required to hold a Driver Accreditation) are required by law to be able to assist passengers and their luggage into or out of their vehicles. If the disability prevents this then the person will not be given permission to drive these vehicles. (Refer to Section 3.8 'Loss of use – right foot or leg').

Functional impairments and driving

3.6 Loss of use - left side of body

Implication for driving a car or riding a motorcycle

A person who has lost the use of both their left arm and left leg will require adaptive driving equipment or fitting of a prosthesis in order to compensate for the loss of ability to reach and operate vehicle controls and instrumentation. (Prosthetic devices are not normally applicable unless the condition is due to a congenital disorder or amputation).

Car

The use of both arms is required to control a manual vehicle. The driver needs to show the ability to be able to reach and operate all instrumentation and controls and the ability to grip the steering wheel and turn it through the full range of movement.

It is not acceptable or safe for a person to let go of the steering wheel in order to change gears.

A person who has no use of their left leg cannot operate a clutch in a manual vehicle. As such, these drivers must drive vehicles fitted with automatic transmission.

A steering aid is normally necessary to provide maximum control of the vehicle if the driver is only able to operate the steering wheel with one hand (refer to Section 4.5 'Steering aids'). In most cases power steering will be required.

All instrumentation needs to be easily accessible and operable without removing the controlling hand from the steering wheel. For example, an indicator extension and modification of all controls to allow operation of instruments without removing the hand from the wheel may be useful.

The operation of a centrally mounted parking brake as an emergency brake is not essential provided a dual circuit braking system is fitted (as in all cars manufactured since 1972).

Prosthesis

Where appropriate a prosthesis may be worn and used to operate controls.

The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle, a driver using any prosthesis should be able to operate the vehicle controls and instrumentation without taking their eyes off the road.

Motorcycles

Require special consideration and assessment of riding skills.

It may be possible with appropriate vehicle modifications or prosthetics for people with loss of function in one arm and one leg to ride certain types of motorcycle. Use of a sidecar for stabilisation would usually be necessary. This will be included as a condition on the licence.

Bus and truck

Not appropriate.

Functional impairments and driving

3.7 Loss of use - right hand or arm

Implications for driving a car or riding a motorcycle

A person who has lost the use of their right hand or arm may require adaptive driving equipment or fitting of a prosthesis in order to compensate for the loss of ability to reach and operate vehicle controls and instrumentation.

Car

The use of both hands or arms is normally required to control a manual vehicle.

The driver needs to demonstrate the ability to reach and operate all instrumentation and controls and the ability to grip the steering wheel and turn it through the full range of movement. It is not acceptable or safe for a person to let go of the steering wheel in order to change gears. For this reason these drivers would normally need to drive vehicles fitted with automatic transmission.

A steering aid is normally necessary to provide maximum control of the vehicle in all situations because the driver is only able to operate the steering wheel with one hand (refer to Section 4.5 'Steering aids').

All instrumentation needs to be easily accessible and operable without removing the controlling hand from the steering wheel. Adaptations such as an indicator lever extension and modification of all controls to allow operation of all instruments without removing the hand from the wheel may be useful.

Prosthesis

Where appropriate, a prosthesis may be worn and used to operate controls. The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle, a driver using any prosthesis should be able to operate the vehicle controls and instrumentation without taking their eyes off the road. Wearing a prosthesis may also allow the person to drive a manual vehicle.

Motorcycles

Motorcycles require special consideration and assessment of riding skills.

It is possible with appropriate vehicle modifications or prosthetics for people with loss of function in one hand or arm to ride a motorcycle.

Bus and truck

Such licences can be considered, but the vehicle must be able to be appropriately modified or a functional prosthesis needs to be worn.

Passenger vehicle drivers (who are required to hold a 'Driver Accreditation') are required by law to be able to assist passengers and their luggage into or out of their vehicles. If the disability prevents this then the person will not be given permission to drive passenger vehicles.

Functional impairments and driving

3.8 Loss of use - right foot or leg

Implications for driving a car or riding a motorcycle

A person who has lost the use of their right foot or leg will require adaptive driving equipment or fitting of a prosthesis in order to compensate for the loss of ability to reach and operate vehicle controls.

Car

Drivers need to show that they can reach and safely operate all foot controls. The leg operating the accelerator and foot brake requires appropriate mobility of the hip, knee and ankle.

A person who has no use of their right leg and does not wear a prosthesis or the prosthesis is inappropriate, must drive an automatic vehicle with an accelerator fitted to the left of the brake pedal for left foot operation. As an alternative, a hand operated accelerator is acceptable.



Left foot accelerator

VicRoads will not conduct a test if the left foot is used to operate an accelerator fitted to the right of the brake pedal, as this represents an unsafe driving practice.

Prosthesis

Where appropriate, a prosthesis may be worn and used to operate controls. The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle, a driver using any prosthesis should be able to operate the vehicle controls and instrumentation without taking their eyes off the road. Wearing a prosthesis may allow the operation of a manual or standard automatic vehicle provided the prosthesis is fitted below the knee.

Motorcycles

Motorcycles require special consideration and assessment of riding skills. It is possible with appropriate vehicle modifications or prosthetics for people with loss of function in one leg to ride certain types of motorcycle. Normally the right foot operates the rear brake, so the appropriate modification relates to moving the brake to the handlebar for hand operation.

Bus and truck

These can be considered, but the vehicle must be able to be appropriately modified or a functional prosthesis needs to be worn.

Passenger vehicle drivers (who are required to hold a 'Driver Accreditation') are required by law to be able to assist passengers and their luggage into or out of their vehicles. If the disability prevents this then the person will not be given permission to drive these vehicles.

Functional impairments and driving

3.9 Loss of use - right side of body

Implications for driving a car or riding a motorcycle

A person who has lost the use of both their right arm and right leg will require adaptive driving equipment or fitting of a prosthesis in order to compensate for the loss of ability to reach and operate vehicle controls and instrumentation. Prosthetic devices are not normally applicable unless the condition is due to a congenital disorder or amputation.

Car

The use of both arms is required to control a manual gear change vehicle. The driver needs to show the ability to be able to reach and operate all instrumentation and controls and the ability to grip the steering wheel and turn it through the full range of movement.

It is not acceptable or safe for a person to let go of the steering wheel in order to change gears. A person who has no use of their right leg and does not wear a prosthesis or the prosthesis is inappropriate must drive an automatic vehicle with an accelerator fitted to the left of the brake pedal for left foot operation.

A steering aid is normally necessary to provide maximum control of the vehicle because the driver is only able to operate the steering wheel with one hand (refer to Section 4.5 'Steering aids'). In most cases power steering will be required.

All instrumentation needs to be easily accessible and operable without removing the hand from the steering wheel.

For example, an indicator lever extension and modification of all controls to allow operation of all instruments without removing the hand from the wheel may be useful.

Prosthesis

Where appropriate, a prosthesis may be worn and used to operate controls. The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle, a driver using any prosthesis should be able to operate the vehicle controls and instrumentation without taking their eyes off the road.

Motorcycles

Motorcycles require special consideration and thorough assessment of riding skills.

It may be possible with appropriate vehicle modifications or prosthetics for people with loss of function in one arm and one leg to ride certain types of motorcycle. A sidecar is normally required for stabilisation. This will be included as a condition on the licence.

Bus and truck

Not appropriate.

Functional impairments and driving

3.10 Loss of use - lower limbs

Car

Where neither leg can be used, hand controls are required (refer to 'General Considerations' in Section 3.1). Hand controls are usually fitted in a vehicle with automatic transmission, and comprise a hand operated brake and accelerator system, together with a steering aid and extension of the indicator lever.



A steering aid is necessary to provide maximum control of the vehicle in all situations if the driver is only able to operate the steering wheel with one hand (the other is operating the brake or accelerator) (refer to Section 4.5 'Steering aids').

Vehicle choice is important as frequently used instrumentation needs to be easily accessible and operable without removing the hand from the steering wheel and hand operated brake or accelerator controls. If this is not the case, modifications will be required.

If muscle spasms are present, they will need to be controlled by medication, restraints or positioning so that the person does not inadvertently activate or move controls or instrumentation while the vehicle is in use.

Prosthesis

Where appropriate, a prosthesis may be worn and used to operate controls.

The ability to drive safely whilst using a prosthesis needs to be demonstrated. In order to drive a motor vehicle, a driver using any prosthesis should be able to operate the vehicle controls and instrumentation without taking their eyes off the road.

Wearing below knee prostheses may allow the operation of a manual vehicle. Wearing above knee prosthesis requires the use of hand controls.

Motorcycles

Motorcycles require special consideration and assessment of riding skills.

It may be possible with appropriate vehicle modifications for people with loss of function in both legs to ride certain types of motorcycle.

A sidecar is necessary for stabilisation. This will be included as a condition on the licence. It is also usual practice to carry a wheelchair in the sidecar.

Bus and truck drivers

Not appropriate.

Functional impairments and driving

3.11 Loss of use – upper limbs

Car

Medical standards recommend that a licence should not be issued where functional use of both arms is absent. However, under exceptional circumstances, VicRoads may consider licence issue.

Where neither arm can be used then all controls need to be operable by feet, body, or prosthetic devices.

Vehicle modifications are likely to be extensive and tailored to suit the individual needs of the driver.

If muscle spasms are present, they will need to be controlled by medication, restraints or positioning so that the person does not inadvertently activate or move controls or instrumentation whilst the vehicle is in use.

Motorcycles

Not appropriate.

Bus and truck

Not appropriate.

Functional impairments and driving

3.12 Minimising fatigue

Contributing factors

Consideration needs to be given to the cognitive and physical demands of driving.

Fatigue may be related to factors including:

- time away from driving and associated anxiety
- medication
- recent brain trauma
- reduced hearing abilities
- incorrect posture
- periods of muscular inactivity
- neurological conditions e.g. multiple sclerosis (MS)
- musculoskeletal conditions e.g. arthritis.

Assessment or learning to use vehicle modifications may also influence stress levels that may further increase fatigue.

The nature of the driving environment will also influence how quickly some people fatigue. Driving in peak hour traffic or through many complex intersections may accelerate the onset of fatigue.

Suggestions for minimising fatigue

- Seating should be comfortable to ensure good posture and stability.
- All controls should be within easy reach.
- Vehicle cabin temperature should be maintained at a comfortable level.
- The timing, nature and length of assessment or training sessions should be tailored to consider fatigue levels.
- Taking breaks as appropriate during driving.

Vehicle selection and the ergonomic features of the driving controls should also be considered in order to minimise fatigue related to musculoskeletal conditions.

Appropriately designed and positioned controls and displays need to be present.



Part Four

Licence conditions and vehicle modifications

This section describes different types of licence conditions and vehicle modifications and explains the legal obligations associated with their use, including licensing and registration requirements.

Licence conditions and vehicle modifications

4.1 Conditions and restrictions

National conditions

There is a standard set of licence condition codes used Australia wide. These are:

- A = Automatic transmission
- B = Synchromesh transmission (heavy vehicles only)
- E = 260cc motorcycle engine size and no pillion passenger*
- I = Ignition Alcohol interlock device
- P = Passenger restriction
- S = Corrective lenses
- V= Vehicle fitted with specified driver aids
- X = Any condition/restriction advised by VicRoads
- Z = Zero blood alcohol limit

Validity of previous conditions

The previous G (corrective lenses), and O (any condition or restriction advised by VicRoads) conditions appearing on a licence remain valid for the duration of the licence. However, they will be replaced with the new condition whenever a new licence is issued.

The M (mirrors) condition no longer applies. However, if the OT believes that special mirror configuration is appropriate this can be recorded as an X⁹ condition.

Conditions and restrictions

Legally the licence is the record maintained on the database by VicRoads. OTs can impose or remove conditions to take effect immediately provided this is confirmed with VicRoads. The difficulty arises when a condition is not reflected on the licence

document held by the client.

Therefore, it is important for the client to obtain a correct licence document (free of charge) as soon as possible.

The exception to this is when an X or a V (or an O) condition appears on the licence (e.g. a 10 km radius restriction) and this condition is modified or added to (e.g. 5 km radius and no night driving). In this case the '**O/V/X**' condition remains on the licence and the only change involved is an amendment to the client's computer record - which can be done immediately by fax (and confirmed).

Conditions document

National legislation (including Victoria) requires any person who has an X or V condition to carry a 'Conditions Document'. This document explains the condition or restriction. This enables police or enforcement officers to quickly verify that a driver is complying with their condition.

VicRoads exempts Victorian drivers from this requirement while driving in Victoria.

In most cases, the conditions are printed on the rear of the driver licence so a Conditions Document is not needed.

A Conditions Document explaining the conditions may be needed if the client intends driving interstate. VicRoads can provide this document to Victorian licence holders on request.

⁹ An X condition code was introduced on 1.5.99 to replace the O condition code (O condition code will still appear on licences until 1.5.2009).

* In some jurisdictions 260 cc has been replaced with motorcycles permitted under the Learner Approved Motorcycle Scheme (LAMS).

Licence conditions and vehicle modifications

4.2 Acceptable conditions

While VicRoads may legally impose any condition or restriction on a licence, VicRoads will only impose conditions or restrictions that are enforceable and able to be complied with. The *Assessing Fitness to Drive Guidelines* provide guidance on appropriate conditions. If VicRoads receives a report with an inappropriate condition, VicRoads will contact the OT concerned to clarify the matter.

Enforceability of conditions

Conditions must be able to be enforced. For example, police must easily be able to determine that a condition is being complied with. It is not difficult to confirm vehicle modifications such as automatic transmission or hand controls.

However, it is not possible to verify that the person has taken their prescribed medication, was driving with the radio off, or has driven for more than a specified amount of time.

Able to be complied with by the driver

Conditions must be able to be complied with by the driver and take unexpected situations into account. The need to access a petrol station is important. For example, it is not appropriate to restrict a person to:

- a fixed route (road works or detours will create a problem when the person cannot legally detour off the route)
- routes with complex defined boundaries (e.g. based on Melway maps)
- drive when it is not raining (the driver may leave home in dry weather but it may commence raining prior to completing the return journey home)

- drive at a certain speed or below the speed limit
- drive with an accompanying driver or spouse.¹⁰

Examples of appropriate licence conditions:

a. Vehicle conditions:

- power steering or power brakes
- automatic transmission
- built up pedals
- specialised seating or harness
- modified vehicle controls e.g. hand controls, left foot accelerator

¹⁰ The driver must under all circumstances demonstrate the skills to be able to drive a vehicle safely without any assistance from an accompanying passenger.

- additions or alterations to vehicle controls or aids: spinner knob, certain types or placement of mirrors
- air conditioner must be fitted.



Steering aid



Over sized mirror

b. Driver conditions:

- prosthesis to be worn whilst driving
- corrective lenses or eye patch to be worn whilst driving
- zero BAC
- to only drive a specified vehicle
- passenger restrictions
- no night driving or driving during peak times (this applies to many older drivers)
- driving area restrictions (consideration of access to a petrol station is important). For example, a radius, which can be any reasonable distance given geographical location and can exclude, such as:
 - o the Central Business District (CBD)
 - o crossing major roads, etc - for non urban people
- the nearest direct route between house and closest town for country areas
- easily defined areas can be considered, such as 'no further north than xxx highway'.

Licence conditions and vehicle modifications

4.3 Advisory comments

At the conclusion of the off-road and the on-road assessments, the OT may like to make suggestions to a client which may not necessarily require a formal licence condition.

These suggestions might relate to driving under specific circumstances or adopting certain vehicle adjustments as they offer value or assistance in relation to the safe operation of the vehicle.

Advisory comments are made considering the client's level of insight, understanding and other cognitive factors such as memory.

There are different types of advisory comments. They are dealt with administratively, so will not appear on the VicRoads issued licence.

It may be appropriate to record them on the VicRoads OT driving assessment form if third parties need to see them documented, for example, to reinforce appropriate driver behaviour, or for funding purposes.

Examples include:

(A) Followed up by VicRoads

- review by medical practitioner in a specified period of time
- review by eye care practitioner in a specified period of time
- review by OT in a specified period of time

(B) Directed to clients

- not to drive when temperature is above 'xx' degrees
- not to drive for more than 'xx' hours in any 24-hour period
- not to drive in the rain
- not to drive with the radio on
- use of seating or posture device
- take medication as prescribed.

Licence conditions and vehicle modifications

4.4 Left foot accelerators

A person who has no functional use of their right foot or leg needs to use a left foot accelerator unless they can demonstrate appropriate control by use of a prosthesis (if relevant).



Left foot accelerator

Use of left foot on right accelerator pedal during a VicRoads test

VicRoads, as part of normal entry level testing standards for all drivers, requires a person to be able to demonstrate that they can maintain safe control of a vehicle. VicRoads will not test an applicant if the left foot is used to operate an accelerator fitted to the right of the brake pedal (i.e. in the normal position) as this represents an unsafe driving practice.

Why drivers should not use left foot on right accelerator pedal

Postural considerations

The practice of using the left foot to operate accelerator and brake pedals designed for operation by the right foot is likely to result in an asymmetric seating position which may result in driver fatigue and, in the longer term, possible spinal problems.

Asymmetric posture, combined with the fact that the only available foot must be used to control a pedal, increases the likelihood of the driver being unable to maintain an upright position behind the wheel during forceful activation of either brake or accelerator.

Inadvertent use of pedals

if the left foot is used for the standard brake and accelerator configuration, unlike when the right foot is used, an angled rather than a direct line of motion is adopted. This angle may predispose the driver to accidental misuse of either pedal. Because of this angle there is a greater potential for the foot to slip from the brake pedal. If it does, it is more likely to engage the accelerator pedal.

Obstruction of brake operation

Withdrawal of the foot from the accelerator pedal is likely to be impeded by the brake pedal. Thus emergency operation of the brake pedal may be difficult because the left foot can be caught on the under surface of the brake pedal.

Transfer of training effects

During the course of driving over some years, an able-bodied driver becomes accustomed to automatically moving the right leg from the outermost position (on the accelerator) to a central position for brake control. If a person was to lose the right foot, it is a more natural transition to move the left leg from the outermost position (for accelerating) to a central position (for braking). For these reasons VicRoads discourages drivers from trying to retrain their left foot to operate a standard accelerator or brake arrangement positioned on the right side.

Fitting two accelerator pedals

Where an additional accelerator pedal is fitted to the left of the existing brake pedal, both the right and left accelerator pedals must be independently capable of being rendered inoperable. This will enable drivers to operate the vehicle using either left or right accelerator pedals, allowing different drivers to use the same vehicle.

Licence conditions and vehicle modifications

4.5 Steering aids

Legal requirements

There are no legal requirements associated with the use of or fitting of steering aids unless a driver disability is established.

Steering aids may be fitted to any vehicle without the need to contact VicRoads.

In some cases power steering may provide adequate assistance to a person with upper body weakness and so negate the need for a steering aid.

If a steering aid is made a condition on a licence, due to a concern that the driver will not have adequate control unless it is used, then it becomes a legal requirement that the person must only drive a vehicle fitted with a steering aid.

Steering aids will not be made a condition on a learner permit as this may unnecessarily restrict the permit holder by preventing other driving options and possible modifications from being explored.

Notifying VicRoads

If a disability is present which requires VicRoads to be notified, e.g. a permanent disability that may impact on safe driving, VicRoads needs to be advised of a licence condition involving the application of steering aids.

A client with no disability or a temporary disability may fit a steering aid without notifying VicRoads.

Using steering aids

The use of one arm may be sufficient to drive an automatic vehicle, but the driver must be able to reach and operate all the controls.

In both these cases the driver needs to demonstrate the ability to reach and operate all essential controls requiring hand manipulation as well as the ability to grip the steering wheel and turn it through the full range of movement, in a variety of on-road manoeuvres.

The driver must be able to demonstrate safe car control. If the driver can safely control the vehicle without a steering aid, for example by using power steering, this may be acceptable.

A steering aid is beneficial in providing maximum control of the vehicle in all situations where the driver is only able to operate the steering wheel with one hand. In most cases power steering is required in addition to a steering aid.

Steering aids need to be fitted in a position on the steering wheel which allows ease of access to and operation of all essential instruments without removing the controlling hand from the wheel.

A person must have at least one hand controlling the steering wheel at all times. If the person removes their controlling hand from the steering wheel, it is regarded as an immediate failure in a VicRoads test due to lack of, or unsafe, car control.

For instance, a one armed person attempting to drive a manual vehicle, who removes their controlling hand in order to change gears, would fail the test.



Licence conditions and vehicle modifications

4.6 Vehicle modifications - licensing

Driving a modified vehicle

Drivers who require vehicle modifications should be assessed by an OT.

People who hold a current licence and wish to learn to drive a modified vehicle or a vehicle with different modifications to their existing conditions or restriction(s) need to:

- be accompanied by a full (non probationary) licence holder who has held a car licence for two or more years, and
- are encouraged to display clearly on the vehicle a Driver Under Instruction plate (15 cm x 15 cm with black writing on a yellow background).

People who hold a current learner permit may learn to drive any type of vehicle, modified or unmodified. An L plate must be displayed. A Driver Under Instruction plate is not required.

VicRoads will only provide approval to drive a modified vehicle after a person has demonstrated their ability to drive safely using these modifications during an OT on-road assessment. A licence with specified condition(s) will then be issued.

Testing undertaken by VicRoads is primarily to ensure that a driver with a disability is able to safely control the vehicle and perform other driving functions adequately. VicRoads testing process does not evaluate suitability or appropriateness of equipment or modifications.



Australian Design Standards

Standards exist for motor vehicle controls (Adaptive Systems for People with Disabilities).

This Standard is AS 3954 1991. Part One details general requirements. Part Two details hand controls and product requirements.

Some of the information provided includes:

- Controls must be capable of operation without interference by other vehicle components.
- When released, all controls operating the brake and accelerator must return to the neutral position.

Each person's abilities and disabilities can vary dramatically so modifications need to be tailored to meet individual needs.

Correct selection of the vehicle is important to allow maximum comfort and to allow the driver to operate the vehicle independently and with the least amount of adaptive equipment. Some design considerations include:

- vehicle style - two door cars provide wider door openings for the driver and front passenger
- seating - bucket seats give good trunk support but bench seats allow easier access
- restraints - fixed restraints may provide better trunk support than inertia reel belts
- automatic transmission - reduces complexity of driving as no gear changes are required
- power steering and/or brakes may assist where strength or localised muscle fatigue is an issue
- vehicle primary controls - need to be easily visible and operable
- airbags – people with short stature will need to be positioned at the appropriate height to gain maximum protection from airbag deployment, so a raised seat and extension foot pedals may be needed to optimise this.

Hand controls

It is expected that hand controls fitted to a vehicle will comply with Australian Design Standards. However, this is not a legislative requirement in Victoria.

The Standards are meant to be used as guidelines to be followed when giving advice, etc and for consistency.

VicRoads encourages people to comply with these Standards.



Hand controls

Licence conditions and vehicle modifications

4.7 Vehicle modifications - registration

Applicable legislation

Generally vehicle standards legislation does not specifically cater for occupants with a disability. Regulation 819 (Road Safety (Vehicles) Regulations 1999), requires that a registered vehicle may only be modified:

- with VicRoads approval, or
- in accordance with VicRoads guidelines.

VicRoads approving modifications

VicRoads cannot approve a modification which results in a vehicle not complying with the standards for registration, unless the vehicle is registered subject to conditions.

Vehicle owners are required to notify VicRoads of any alteration to a registered vehicle that changes the vehicle description or that affects compliance with the standards for registration.

Vehicle owners are responsible for their vehicle's compliance with standards.

Vehicle modifications may be divided into the following categories - one or more of which may apply to a modified vehicle:

- Approved modifications.
- Modifications which require alteration of the recorded vehicle description.
- Modifications which cause the vehicle to no longer comply with the standards for registration.
- Modifications for which a recognised engineer's report is required.

Approved modifications

From a registration point of view, generally there is no need to notify VicRoads when approved modifications are made.

Approved modifications include:

- additional lighting
- roof rack
- supplementary mirrors which do not interfere with or significantly reduce the area of mirrors required by the standards for registration



Over sized mirror

- wheelchair restraints which comply with the requirements of AS 2942 – 187
- any modification, which does not adversely affect the structural integrity of the vehicle, its handling characteristics or its compliance with the relevant standards for registration.

Obtaining an engineer's report

An engineer's report is required where:

- seats or seat belts are fitted or changed
- seating is removed thus changing the vehicle category
- the modification affects the structural integrity of the vehicle
- the modification affects the handling characteristics
- the modification affects the relevant standards for registration where such is not assessable visually.

An engineer's report can be obtained from a participant in the VicRoads Vehicle Assessment Signatory Scheme.

Vehicle Assessment Signatory Scheme

The Vehicle Assessment Signatory Scheme (VASS) is a scheme for the certification of modified, imported, and individually constructed vehicles in Victoria. Participants in VASS are able to issue an *Approval Certificate* for registration purposes in Victoria.

To obtain an *Approval Certificate* the services of a VASS Signatory authorised to certify the class of modification or vehicle for which you need the certificate, must be engaged.

A VASS Signatory who provides an *Approval Certificate* must:

- personally inspect the vehicle
- ensure all work, including any modifications, are correctly carried out
- certify that the vehicle complies with the applicable standards.

The VicRoads Copy of the *Approval Certificate* must be presented, together with the vehicle, at a VicRoads Registration and Licensing Office for registration, or to have its description changed. If the vehicle is to be registered, the usual supporting documentation will also need to be supplied.



Part Five

Motorised mobility devices

This section addresses two, three and four-wheeled motorised mobility devices.

Motorised mobility devices

5.1 Motorised mobility devices that have no licensing requirements

Motorised mobility devices include motorised wheelchairs and three and four wheeled motorised mobility devices.

These motorised vehicles are mobility aids that can be used by people with

- a permanent disability with little or no mobility
- a permanent disability requiring some assistance with mobility
- a temporary disability.

Who can ride

These devices are not legally permitted to be used as an alternative form of transport by people who are capable of walking.

Riders must be unable to walk or have difficulty in walking.

It is possible for retailers to sell the devices to people who are not eligible to use them.

It is recommended that an occupational therapist be involved in pre-purchase decisions to assess capacity for safe use and to ensure correct choice of device and training.

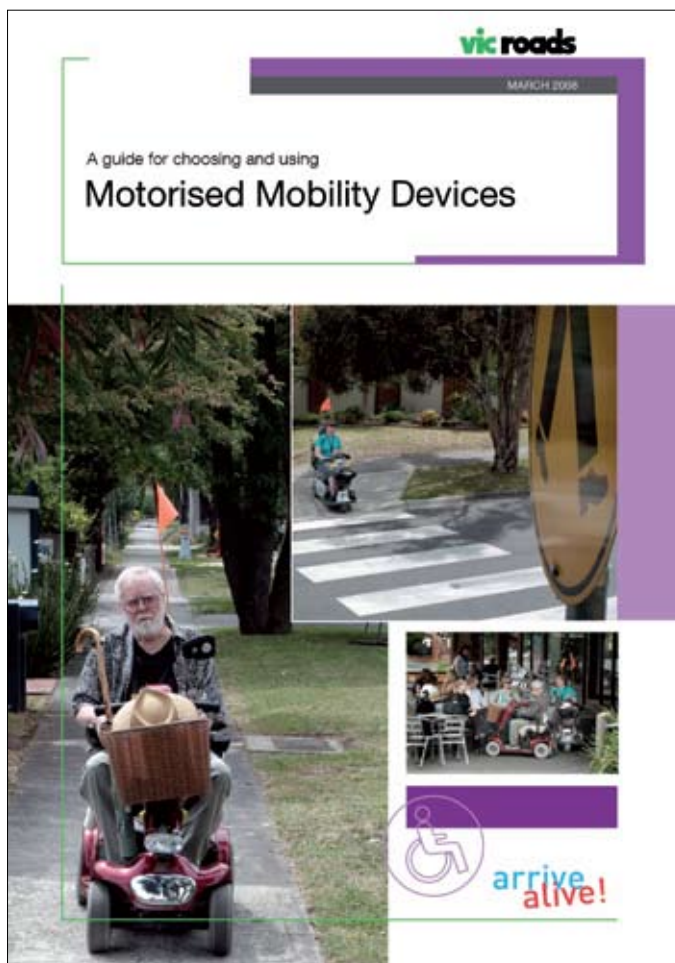


Motorised mobility devices

5.2 Guide for choosing and using motorised mobility devices

VicRoads has produced a guide which is available free of charge from VicRoads and can also be accessed on VicRoads website www.vicroads.vic.gov.au

The guide was developed in consultation with occupational therapists and other key agencies. It addresses issues such as eligibility for use, health considerations, choosing a suitable device, checks to make before each trip, relevant road rules, user responsibilities, and safety information for users. The guide recommends that only devices that comply with the Australian Standards be purchased or hired, and that safety equipment such as a flag, lights, reflectors and mirrors be fitted.



Motorised mobility devices

5.3 Legal issues

Motorised wheelchairs (mobility devices)

A motorised wheelchair (or mobility device) which is capable of a speed of not more than 10 km/h and which is used solely for the conveyance of an injured or disabled person is deemed not to be considered a motor vehicle and may be ridden on the footpath.

Motorised wheelchairs or mobility devices cannot be registered in Victoria. As such, the third party insurance which is applicable to registered motor vehicles is not applicable to motorised wheelchairs or mobility devices. A user of one of these devices who is involved in a crash with a motor vehicle is covered by Transport Accident Commission insurance.

Public liability insurance can be purchased by users to insure against damage to property or persons.

Some mobility devices that are sold in Victoria can travel in excess of 10 km/h. These vehicles cannot be used unless they are registered and in general they cannot be registered as they do not meet the standards for registration.

Retailers who knowingly sell such devices are likely to be breaching consumer protection laws.

A person riding a motorised wheelchair or mobility device is treated as a pedestrian under the Road Rules, and subject to all of the road rules that apply to pedestrians.

These include the requirement to travel along a footpath or nature strip, to use traffic lights and pedestrian crossings where possible and to cross a road by the shortest safest route. These devices can travel on the road only if there is no suitable footpath or nature strip available.

A licence is not required to operate these devices.

Motorised foot scooters

Petrol powered motorised foot scooters cannot be used on public roads and footpaths.

Electric powered foot scooters are legal for use on low speed public roads with a speed limit of 50 km/h or less, which do have dividing lines or a median strip, and on footpaths, provided they have:

- a maximum ungoverned power output of under 200 watts; and
- a maximum speed of no more than 10 km/h when carrying an adult on level ground.

Scooter riders must wear bicycle helmets, and the scooter must be fitted with brakes, a bell or horn and, if used at night, front and rear lights.

The rider does not need to be injured or disabled.

Motorised bicycles

A bicycle with an auxiliary motor with a power output of less than 200 watts may be ridden under the same conditions as a non-motorised bicycle. An auxiliary motor implies that the motor is not the primary source of propulsion..



Part Six





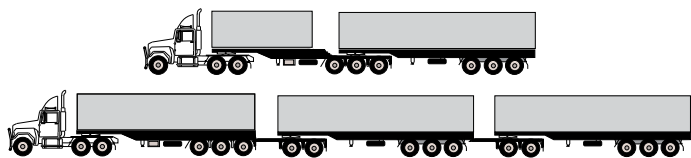
Heavy vehicles and motorcycles

This section includes information on different types of heavy vehicles and motorcycles, including licence categories and licensing issues and training requirements for these vehicles.

Heavy vehicles and motorcycles

6.1 Licence classes and training

The following table lists the Victorian licence categories and the kinds of vehicles that can be driven by the holder of each licence category.

	Licence category	Vehicle type that can be driven
R	MOTOR CYCLE	Motor bike or motor trike.
C	CAR	Vehicle not more than 4.5 tonnes GVM (Gross Vehicular Mass) and seating up to 12 adults including the driver.
LR	LIGHT RIGID	Any rigid vehicle greater than 4.5 tonnes GVM or a vehicle seating more than 12 adults, that is not more than 8 tonnes, plus a trailer of no more than 9 tonnes GVM. 
MR	MEDIUM RIGID	Any 2-axle rigid vehicle greater than 8 tonnes GVM. 
HR	HEAVY RIGID	Any rigid vehicle with 3 or more axles greater than 8 tonnes GVM. 
HC	HEAVY COMBINATION	Prime mover + single semi-trailer or a rigid vehicle plus trailer greater than 9 tonnes GVM and any unladen converter dolly trailer. 
MC	MULTI COMBINATION	Heavy Combination vehicle with more than one trailer. 

Most heavy vehicle training and **testing** is conducted by accredited providers. Heavy vehicle tests are also conducted at some selected VicRoads Customer Services Centres. See VicRoads Website for an up to date list of accredited bus and truck course and assessment providers, or contact VicRoads on **13 11 71**.

Heavy vehicles and motorcycles

6.2 Heavy vehicle assessments

Determining the need for a heavy vehicle assessment

An occupational therapy driver assessor's primary role is in assessing suitability to drive a car.

If the client holds a car licence and wishes to apply for, or holds a bus or truck licence, the client's qualification to drive these vehicles should be determined after an assessment of suitability to drive in a car.

If a test for the heavy vehicle licence class is necessary:

- it must be conducted by a course provider
- it must be in the course provider's vehicle
- the client must pass the course provider's standard test¹².

Conducting a heavy vehicle assessment

OTs may conduct a heavy vehicle assessment if it is believed appropriate in certain circumstances.

For example:

- when there is a high level of cognitive disability and/or reduced insight where the OT is looking at the impact of cognitive demands rather than simply the operation of the vehicle
- to assist in providing advice about the impact of physical disabilities and/or appropriate or possible modifications.

The client must have the assessment with an accredited course provider.

The OT usually liaises with the course provider and may be present during part or all of the on-road assessment.

It is the responsibility of the course provider to forward the relevant paperwork to VicRoads.

¹² Heavy vehicle course providers are under contract to conduct their tests strictly in accordance with standards provided by VicRoads. They are not permitted to modify tests to suit individual needs.

Heavy vehicles and motorcycles

6.3 Motorcycle assessments

Determining the need for a motorcycle assessment

The occupational therapy driver assessor's primary role is in assessing suitability to drive a car.

If the client holds a car licence and wishes to apply for, or holds a motorcycle licence or permit, the client's suitability to ride this vehicle should normally be determined after the successful assessment of the ability to drive a car.

The OT would normally make the decision that a motorcycle test is necessary.

If a motorcycle test is considered necessary, then the following considerations apply:

- It should be conducted by a course provider at the provider's test site.
- The client may use their own vehicle or the provider's vehicle.
- The client must pass the course provider's standard test¹³.

Conducting a motorcycle assessment

OTs may be involved in a motorcycle assessment if it is believed appropriate in the given circumstances.

For example:

- when there is a high level of cognitive disability and/or reduced insight where the OT needs to assess the impact of cognitive demands rather than just the operation of the vehicle, and
- to assist in providing advice regarding appropriate or possible modifications.

This can be organised directly with the course provider when a standard assessment is sufficient. If special test requirements are needed that are not available as part of the course provider's standard test then the OT should contact VicRoads.

It is the responsibility of the course provider to forward the relevant paperwork to VicRoads.

Accredited course providers

See VicRoads website for an up to date list of accredited motorcycle course and assessment providers, or contact VicRoads on **13 11 71** for details.

All motorcycle testing is conducted off-road and only requires demonstration of ability to control the vehicle during low speed manoeuvres.

¹³Motorcycle course providers are under contract to conduct their tests strictly in accordance with standards provided by VicRoads. They are not permitted to modify tests to suit individual needs. All motorcycle tests are conducted off road. Low speed manoeuvres (no greater than 30 km/h) are the only skills assessed.

Heavy vehicles and motorcycles

6.4 Three or four wheeled motorcycles

When a licence is required

Any person who wishes to drive a motor vehicle on a road or road related area must hold a driver licence or learner permit. If a vehicle is used on a road or road related area, normal traffic and vehicle regulations and requirements apply. Road or road related areas include roads, any area open to the public for passage of vehicles, reserves, public car parks, foot paths and nature strips.

Four wheeled motorcycles

Different licensing requirements are applied to different motorcycles dependent on where they are permitted to be driven.

- If registered for road use then 'four wheeled motorcycles' require a car licence. They cannot be operated on a motorcycle licence or on a motorcycle permit or on a car learner permit (due to the requirement to have an accompanying driver).
- If not registered for road use, for example, 'ag bikes' (which are deemed to be agricultural vehicles), four wheeled motorcycles cannot be used on roads but may cross roads in order to travel between private land holdings.

Nippi and three wheeled motorcycles

All three wheeled motorcycles, including Nippi type vehicles and ag bikes are defined as a 'motortrike'.

If registered for on-road use, riders require a motorcycle licence or motorcycle learner permit.

As from 1 December, 1999, all motortrike riders are required to wear an approved motorcycle helmet.

Heavy vehicles and motorcycles

6.5 Tractors and machinery or plant

Licence requirements

Any person who wishes to drive a tractor on a road or road related area must hold either:

- a car licence, or
- a car learner permit.

Car learner drivers may only drive a tractor on a highway:

- if the tractor is being used solely in connection with agriculture, horticulture, dairying, pastoral or other like pursuits or commercial fishing, and
- the learner driver has had 10 hours of tractor driving experience.

Where tractors can be driven

If used on a road or road related area, normal traffic and vehicle regulations and requirements apply.

Road or road related area includes roads, any area open to the public for passage of vehicles, reserves, public car parks, foot paths and nature strips.

Size of tractors

A tractor can be driven on a car licence or car learner permit if it has a specified gross vehicle mass (GVM) of less than 4.5 tonnes. It may include implements or trailers connected to the front or rear provided that any condition imposed on the car permit or licence does not preclude the towing of a trailer.

If the vehicle has a specified GVM of 4.5 tonne or more it can only be driven on a heavy vehicle licence.

Plant and construction machinery

Vehicles such as backhoes, graders, road rollers etc., if used on-road, require at minimum a car licence.

Applicants need to contact the Victorian WorkCover Authority for operator requirements. Machinery or plant does not include tractors.

Ride-on mowers

Most are not defined as a vehicle if used as intended and driven no further than 2 km in either direction along road verges - so there are no licensing requirements.

Ride-on mowers may require a car driver licence if used on a road (includes road verges) and the speed of the mower exceeds 7 km/h.

Part Seven

Learner permits

This section includes information on learner permits including issuing requirements, obtaining permits from VicRoads, transferring them from New Zealand, and restrictions associated with their use.

Learner permits

7.1 Converting from interstate or New Zealand permit

An interstate or New Zealand permit holder can normally convert a permit to a Victorian equivalent without the need for a test¹⁴.

In all cases the applicant must provide:

- proof of age, and
- proof of identity, and
- evidence of holding an interstate or New Zealand permit (if the learner permit has been lost or it is not current, VicRoads needs to obtain the learner permit details from the relevant licensing authority before a Victorian learner permit can be issued).

Car learner permit applicants

In all cases the applicant must:

- be at least 16 years old, and
- hold a current car learner permit or one expired by no more than five years (no tests are necessary), or
- undergo a test if the permit expired more than five years ago.

Motorcycle learner permit applicants

In all cases the applicant must:

- be at least 18 years of age, and
- possess a current motorcycle learner permit or an expired one issued less than 15 months ago, otherwise a test is required.

Interstate applicants

In all cases:

- there are no fees, provided their interstate permit is current and
- applicants will have to surrender their interstate learner permit.

New Zealand applicants

In all cases:

- applicants will need to pay a learner permit fee.

¹⁴Overseas permit holders must undergo a permit test with VicRoads unless they are from a recognised country, in order to obtain a Victorian learner permit

Learner permits

7.2 How to get a permit from VicRoads

A learner permit or driver licence is required in order to drive for the purpose of an assessment and, where necessary, for remedial lessons. If there is no authority to drive, a learner permit must be obtained from VicRoads following normal procedures¹⁵.

Applicant requirements

All applicants must meet minimum age requirements, which are 16 years (car) and 18 years (motorcycle). They must also have an eyesight test, undertake a computer-based road law knowledge test and a motorcycle knowledge test (if applicable).

Testing documentation requirements

At the time of testing the applicant must bring:

- payment for the learner permit (if not already paid for)
- proof of age and identity, and
- a medical certificate if the applicant has a medical condition that may affect driving ability.

Applicants can be tested at any VicRoads Customer Service Centre, or alternatively, at a number of VicRoads agencies.

Applicants need to book in for the test. Bookings can be made in person or by telephoning 13 11 73.

Motorcycle permit applicants can undertake all tests at a motorcycle course provider and should contact the course provider directly.

Issue of learner permit

When the applicant successfully passes the test a photograph will be taken. Applicants will be issued with a photo learner permit on the spot if the office has the required equipment. Otherwise an interim learner permit receipt will be issued to enable applicants to learn to drive while a new photo learner permit is mailed to them.

At completion of the test procedures, applicants are commonly issued with:

- receipt for payment of test fees
- receipt of results from the computerised knowledge test
- receipt for payment of learner permit (an applicant cannot learn to drive until the learner permit is paid for)
- photo learner permit.

Learner permits issued by VicRoads (to novice drivers)

When an applicant passes a learner permit knowledge test at VicRoads, a learner permit will be issued.

This permit has no conditions or restrictions placed on it even if the holder has been identified as a person with a physical and/or cognitive impairment. Not imposing any conditions at this stage gives the applicant the ability to determine whether vehicle modifications or any other requirements are necessary to suit their individual needs.

¹⁵Conditional permits are no longer available

Learner permits

7.3 Renewal and extensions

Car

Car learner permits are issued for a period of 10 years and may be extended (renewed) for periods of 10 years.

A car permit which has expired within the previous five years may be renewed at VicRoads without the need to undertake a test.

On 1 June 1998, legislation was introduced allowing car learner permits to be renewed (extended) in a similar way to car licences. Any client who attends an OT with an expired permit should be asked to attend VicRoads to obtain a current and valid permit.

Any person who wishes to drive, this includes undertaking an on-road assessment, must be the holder of a current and valid driver licence or learner permit. A client without a valid licence or permit must be referred to VicRoads to obtain a licence or learner permit.

Motorcycle

A motorcycle permit is issued for a period of 15 months, and it can not be extended or renewed.

A permit test (which includes a practical skills test) must be undertaken in order to gain a permit, or regain a permit after its expiry.

Learner permits

7.4 Restrictions and minimum holding periods

Car learner permit restrictions

Drivers should abide by the following:

- must display 'L' plates on the front and rear of the vehicle
- must carry learner permit at all times
- zero blood alcohol limit applies
- cannot tow a trailer or caravan
- may drive any type of car (high powered vehicle restrictions do not apply)
- must be accompanied by a person who holds a full (non probationary) licence and who has held a car licence for a minimum of two years
- not permitted to use a mobile phone – hands free or hand held.

Motorcycle learner permit restrictions

Riders should abide by the following:

- must display 'L' plates on the rear of motorcycle
- must carry learner permit at all times when riding
- zero blood alcohol limit applies
- cannot carry pillion passengers
- must not ride a motorcycle exceeding 260cc.

Learner Approved Motorcycle Scheme (LAMS)

This will be introduced in 2008/09. For further information refer to VicRoads website.

Minimum time to hold a permit before going for a licence

Car **Over 25 years of age*** must hold car learner permit for three months

Under 25 years of age* must hold car learner permit for six months

Under 21 years of age* must hold car permit for a minimum of 12 months if permit issued on or after 1 July 2007 (and a minimum of 120 hours supervised on-road experience must be acquired).

*The above ages refer to the age of the learner permit applicant when he or she applies for a driver licence.

Motorcycle - must hold motorcycle learner permit for three months.

These specified minimum permit holding periods:

- must be continuous and not be broken by a suspension or a break in continuity such as allowing the permit to expire before regaining a new permit, and,
- refer to the period immediately before applying for the licence.

For those drivers who have previously held a licence and wish to have some lessons before undergoing a drive or ride test, a learner permit is required.

Part Eight

Licences, permits and tests

This section includes information related to entry level car and heavy vehicle tests and permits, including converting permits from interstate or overseas. The two specialist testing procedures for drivers available within Victoria (the VicRoads Review Driving Test and the occupational therapy driver assessment) are also described.

Licences, permits and tests

8.1 Handbooks and study materials

Handbooks and study materials can be useful adjuncts to on-road driving experience when preparing for testing procedures.

All handbooks can be bought from VicRoads Customer Service Centres, Royal Automobile Club of Victoria (RACV) offices, and many newsagents.

To assist people undertaking the road law knowledge test, there are a small number of test yourself questions at the back of the road rules section of the *Road to Solo Driving* handbook.

VicRoads website provides the opportunity to undertake a full practice learner permit test involving questions that applicants will be asked on their actual test.

The following information is current at time of publishing however it would be prudent to contact VicRoads bookshop 9854 2789 to obtain the most up to date information for particular resources.

All prices quoted are in Australian dollars.

Road to Solo Driving (for novice drivers) and Driving in Victoria: Rules and Responsibilities (current drivers)
RRP = \$ 14.00

Victorian Rider Handbook
For motorcycle applicants
RRP = \$6.00

The Victorian Bus and Truck Handbook
For bus and truck applicants
RRP = \$ 8.50

Additional Resources

1) Drive Smart and Ride Smart CD ROMs

These CD ROMs are available free through the Transport Accident Commission (TAC). They are computer based programs that help develop hazard perception and road law and craft knowledge skills that are important for safe driving.

For details on Drive Smart see www.drivesmart.vic.gov.au and Ride Smart see www.spokes.com.au and follow the links to the Ride Smart section.

2) The Victorian Older Drivers' Handbook

This handbook is available free of charge from VicRoads and through the VicRoads website. Chapter summaries are available in 12 community languages.

3) Consultant to the Deaf Community

VicRoads employs a consultant to provide information to the deaf community about a range of VicRoads services, programs and requirements. The consultant is available to help hearing impaired people prepare for the licence or learner permit tests.

For more information about this service contact **13 11 71** or contact our consultant to the deaf community, Cassandra Cockini, on ACE-NRS 133677 (TTY).

4) Interpreter services

Licence applicants can use an interpreter or translator provided by the Victorian Interpreter and Translating Services (VITS) to assist in the licence or learner permit tests.

Licences, permits and tests

8.2 Knowledge tests

Motorcycle knowledge test - MCT (KT1)

This test is:

- only available in English
- 32 questions
- based on the *Victorian Rider Handbook*
- conducted at VicRoads offices (computerised version) and accredited providers (paper based version).

Learner Permit Test (Road law knowledge test) LPT (KT2)

This test is required for:

- car learner permit applicants
- motorcycle permit applicants who do not hold a car licence or permit
- overseas licence or permit applicants
- previous Victorian licence holders who have been unlicensed in Australia for five or more years.

The test is:

- computer based and available in English and 19 other languages (see page 101)
- comprises 32 questions
- is based on the *Road to Solo Driving* handbook.

A full practice test is available via VicRoads website at **www.vicroads.vic.gov.au** This online test includes 32 questions randomly generated from a pool of over 300 questions used in the learner permit test. The test questions are all based on the *Road to Solo Driving* handbook and allow applicants to familiarise themselves with the structure and layout of the test.

Hazard Perception Test (HPT)

The HPT is a computer based test.

It uses film clips of real traffic situations in which probationary drivers commonly have crashes. They are asked to make decisions based on what they notice about the movement of traffic and people. The decisions they make during the HPT show if they can make safe driving decisions when dealing with common crash risk driving situations.

Before obtaining a probationary car licence, the applicant must pass the computer based HPT as well as the practical drive test. The HPT must be passed *before* undertaking the practical on-road driving test.

If applicants fail the HPT, they are not permitted to undergo the practical driving test. A new appointment for another HPT will need to be made and the driving test appointment may need to be rescheduled (no rescheduling fee applies).

An applicant is only permitted to undergo two HPT tests in one day.

Heavy vehicle test - TBT (KT4)

The heavy vehicle knowledge test must be completed in order to obtain a heavy vehicle licence. Holders of a heavy vehicle licence do not need to do a TBT when progressing to a higher heavy vehicle category.

The test is:

- only available in English
- 32 questions
- based on the Victorian Bus and Truck handbook
- conducted at VicRoads offices (computerised version) and providers (paper based version).

Licences, permits and tests

8.3 Languages available (for tests or handbooks)

The motorcycle and heavy vehicle knowledge tests and handbooks are only available in English.

The computer based road law knowledge test (KT2) and Hazard Perception Test (HPT) are available in the following 20 languages:	The Road to Solo Driving handbook is available in the following languages:
Albanian Arabic Cambodian Chinese (Mandarin) Croatian English German Greek Italian Laotian Macedonian Polish Romanian Russian Serbian Sinhalese Somali Spanish Turkish Vietnamese	Arabic Chinese (Mandarin) English Turkish Vietnamese The Victorian Bus and Truck handbook, and Driving in Victoria: Rules and Responsibilities, are only available in English.

If the applicant does not read or speak one of the above languages VicRoads can arrange interpreters on request, at no cost to the applicant.

Licences, permits and tests

8.4 Requirements for obtaining a duplicate or replacement licence

The applicant will need to:

- present at a VicRoads Customer Service Centre
- provide multiple evidence of identity documents
- be photographed.

A replacement licence or permit will not be issued on the spot, due to identity security reasons. The applicant will be given an interim driver licence or permit to enable driving until a new licence or permit is mailed.

If the licence has been lost, stolen, destroyed or not received due to a failure to notify VicRoads of a change of address, a replacement fee will be charged.

There is no charge if the licence or permit was not received in the mail.

If the applicant cannot attend a VicRoads Customer Service Centre – e.g. if they:

- are interstate, or
- overseas, or
- live more than 30 kilometres from a VicRoads office, or
- have a medical condition that would make it difficult for them to attend at VicRoads, then

the client can ask VicRoads to send a photo kit. The photo kit will give the client all the information needed to gain a replacement licence without attending a VicRoads Customer Service Centre.

For further details - contact VicRoads on **13 11 71**.

Licences, permits and tests

8.5 Fees

Fees generally increase on 1 July each year.

The following fees are current at time of printing. All fees are prescribed by legislation and quoted in Australian dollars.

\$

19.30	Car learner permit
19.30	Motorcycle learner permit
19.30	Motorcycle learner permit (three month extension)
154.00	Car licence - 10 year (new issue or renewal)
45.30	Car licence - three year (new issue or renewal)
24.20	Licence variation (i.e. adding a motorcycle or heavy vehicle class to a car licence)
19.00	Duplicate or replacement licence or permit
30.10	Car learner permit test (total fees)
60.60	Car licence test (total fees)

The total fees for tests comprise:

11.10	Appointment fee
19.00	Knowledge tests
14.50	Hazard Perception Test (HPT)
35.00	Drive test

As most motorcycle and heavy vehicle tests are conducted by providers, fees may vary. Contact providers directly to confirm costs.

Licences, permits and tests

8.6 Holders of an interstate or New Zealand licence or permit

Converting to a Victorian licence

A Victorian licence cannot be issued until age 18, (and a Victorian learner permit cannot be issued until age 16) even if a current interstate or New Zealand licence or permit is held. To obtain a changeover licence or permit, the applicant must attend a VicRoads Customer Service Centre and bring:

- the interstate or New Zealand licence or permit, and
- evidence of identity.

There are no tests involved in the transfer to a Victorian licence. Clients will have to hand in their current interstate or New Zealand licence or permit and fill in an application form. An equivalent Victorian licence or permit will be issued with the same expiry date as the interstate licence. If the interstate licence has expired by no more than five years or a New Zealand licence is produced, the licence will be issued for three or 10 years from the date of application. A learner permit will be issued for a 10 year period commencing from the date the permit is issued.

There are no fees applicable for holders of a current interstate licence or permit. If the interstate licence or permit has expired or the applicant holds a New Zealand licence or permit, normal licence or permit fees apply.

If the client has misplaced their interstate licence or permit, VicRoads must obtain details from interstate before issuing a Victorian licence or permit.

If the applicant, since turning 18, can prove that a licence has been held for three or more years, a full licence will be issued. Otherwise a probationary licence will be issued and credit given for any time a licence has been held after the age of 18.

Driving on an interstate licence/ permit¹⁶

A client may drive on the overseas or interstate licence or permit for three months from the date of arrival in Victoria, even if age or other requirements to obtain a Victorian licence or permit are not met.

After this three month period, a Victorian licence or permit must be obtained if the person wishes to continue to drive or learn to drive. If residency in Victoria is interrupted by moving interstate for a period of time then the three month period begins afresh from the date of return to Victoria.

Australian Defence Force licence or permit holders

Members of the Australian Defence Forces, who hold a driver identification may drive on their interstate licence or permit until it expires.

¹⁶An interstate or New Zealand licence or learner permit holder is not permitted to drive/learn to drive in Victoria on their interstate or New Zealand driver licence or learner permit if cancelled, suspended or disqualified in Victoria (e.g. due to a court ruling, or traffic offence or a VicRoads ban).

Licences, permits and tests

8.7 Holders of an overseas licence or permit

Converting to a Victorian licence

A Victorian licence cannot be issued until age 18 (a car learner permit cannot be issued until age 16) even if a current overseas licence is held. If a current overseas licence is held, a Victorian licence can be obtained by undergoing an eyesight test, a road law knowledge test and a practical driving test. A test is required of all overseas permit holders.

Tests can be booked by calling **13 11 71**. A fee is charged for the appointment, the road law knowledge test, the practical drive test and for the driver licence.

When attending for the test(s) the applicant must bring:

- means to pay for the licence
- the overseas licence (and an official translation if not in English)
- a learner permit (if obtained)
- proof of identity
- a registered roadworthy car (for the drive test component), and
- a medical certificate if the applicant has a medical condition that may affect driving.

If the applicant can prove (since turning 18) that a licence has been held for three or more years, a full licence will be issued. Otherwise a probationary licence will be issued and credit given for any time a licence has been held after the age of 18.

Applicants who have held a previous Australian licence and hold an overseas licence current within the last five years need proof of identity and to pay the licence fee.

Driving on an overseas licence or permit¹⁷

Drivers who hold a permanent visa and have an overseas licence or permit may drive on the licence or permit for three months from the date of arrival in Australia, or three months from the date it was issued if issued after entry to Australia.

If they are on another type of visa, e.g. student or tourist (i.e. not a permanent visa), they may drive for the period specified by their visa even if age or other requirements to obtain a Victorian licence or permit are not met.

The overseas licence must be in English or accompanied by an English translation. The English translation may include an international driver permit.

International driver permit

An international driver permit:

- represents a translation of the driver licence
- is issued by motoring organisations in the country the driver licence is issued (in Victoria it is issued by the Royal Automobile Club of Victoria - RACV- to Victorian licence holders)
- is valid for either one or three years, and
- is not valid unless accompanied by a current driver licence.

¹⁷An overseas driver licence or learner permit holder is not permitted to drive/learn to drive in Victoria on an overseas driver licence or learner permit if cancelled, suspended or disqualified in Victoria (e.g. due to a court ruling, traffic offence or a VicRoads ban).

Licences, permits and tests

8.8 Probationary licence restrictions

A probationary licence is currently issued for three years. From 1 July 2008 they will be issued for four years. The probationary period may be extended as a result of various traffic offences.

Probationary licence restrictions (car)

Holders of probationary car licences:

- must display 'P' plates on the front and rear of the vehicle
- must carry the licence at all times
- must not drink and drive (a zero blood alcohol limit applies)
- can only drive a vehicle with automatic transmission if tested in an automatic vehicle (does not apply if the applicant had previously held a manual licence)
- cannot drive a high powered vehicle
- must abide by passenger restrictions if applied as a result of certain offences being committed in the first year of the probationary period.

Probationary drivers must not drive a vehicle which is classed as a high powered vehicle, unless an exemption is obtained from VicRoads, or the vehicle is being driven in the course of a person's employment. If an exemption is obtained it must be carried in the vehicle at all times.

The 'Automatic transmission' condition only applies during the probationary period. If the driver wants to drive a manual vehicle over this period, the condition can be removed if they successfully pass another driving test in a manual vehicle.

Probationary licence restrictions (motorcycle)

Holders of probationary motorcycle licences:

- must display 'P' plates on the rear of the motorcycle
- must abide by the 260cc restriction which applies for the first 12 months
- are not permitted to carry pillion passenger in the first 12 months
- must carry the licence at all times when riding
- must not drink and ride (a zero blood alcohol limit applies).

The brochure *Probationary Licence Information* is available from VicRoads Customer Service Centres and provides more details of probationary driver requirements.

See Learner Approved Motorcycle Scheme (below).

Alcohol interlock

From 1 January 2007, a driver who has a probationary licence, or any driver under 26 found guilty of a drink driving offence, will have an alcohol interlock fitted to their car when they return to driving. An alcohol interlock prevents a car starting if the driver has been drinking.

Learner permit for 12 months

A learner who obtains their learner permit on or after July 1 2007, and is under 21 when applying for a probationary licence, must hold their learner permit for at least 12 months and carry it with them whenever they drive.

Learner Approved Motorcycle Scheme (LAMS)

This will be introduced in 2008/09. For further information refer to VicRoads website.

120 hours of supervised driving

From 1 July 2007, a learner driver under 21 applying for a P1 probationary licence on or after 1 July 2008 must complete at least 120 hours of on-road supervised driving, including 10 hours of night driving. These hours must be recorded in a Learner Log Book.

Restrictions on driving high powered vehicles

Probationary drivers are restricted from driving high powered motor vehicles. On 1 July 2007 the definition of high powered vehicle changed.

Drivers issued with a probationary licence **prior to 1 July 2007** may drive a vehicle that is permitted under either the old definition or the new definition.

Drivers issued with a probationary licence **on or after 1 July 2007** may only drive a motor vehicle that is permitted under the new definition.

Definition of high powered vehicle prior to 1 July 2007:

- a power to mass ratio which exceeds 125 kilowatts per tonne; or
- an engine capacity which exceeds 3.5 litres per tonne of the unladen mass (tare) of the motor vehicle.

Definition of high powered vehicle from 1 July 2007:

- an engine that has eight or more cylinders, or
- a turbocharged or supercharged engine - except diesel powered vehicles or exempted low powered turbo vehicles (these are typically under 1000cc, refer to VicRoads website www.vicroads.vic.gov.au), or
- an engine that has been modified to increase the vehicle's performance (other than a modification made by the manufacturer in the course of the manufacture of the vehicle, or

- a nominated high performance six cylinder engine (refer to VicRoads website www.vicroads.vic.gov.au).

New P1 and P2 probationary licences

From 1 July 2008, there will be a two stage licence system for probationary drivers. A P1 licence is issued for the first 12 months followed by a P2 licence for three years. Those aged 21 or over will commence on a P2 licence.

No mobile phone use

A learner or P1 probationary driver cannot use a mobile phone of any kind and this includes hand held or hands free, or send text messages.

A good driving record

A good driving record is necessary to progress through each stage.

A poor driving record will extend the period of a P1 or P2 probationary licence for at least six months.

Towing

A driver on a P1 probationary licence is not permitted to tow another vehicle, except for work or when under instruction.

Passenger restrictions

All P1 drivers will be prohibited from driving with more than one peer aged (16-21 years) passenger.

This restriction does not apply to immediate family members when accompanied by a full licence holder (as is the case for a learner driver) or if an exemption has been granted on the basis of hardship.

Licences, permits and tests

8.9 Renewal

Learner permits

Car learner permits are valid for 10 years and can be renewed for periods of 10 years.

If expired:

- between 1 - 5 years: must be renewed at a VicRoads office and a new issue or expiry date will be imposed
- more than 5 years: must undergo a knowledge test.

A motorcycle learner permit is issued for 15 months.

Driver licences

Drivers under 75 years of age:

Are renewed for 10 years. A three year driver licence can be requested.

Drivers 75 years of age and over:

Are restricted to a maximum licence renewal period of three years (effective 1 August 2005).

If expired:

- between 0 - 12 months: keep existing expiry date and can be renewed anywhere
- between 1 - 5 years: must be renewed at a VicRoads office and a new issue or expiry date will be imposed
- more than five years: must undergo a knowledge and drive test.

Holders of an expired driver licence or permit must produce the current or old licence or permit when renewing. If this is unavailable or lost then they must provide proof of identity.

Licences, permits and tests

8.10 VicRoads deciding between an OT assessment and a VicRoads test

VicRoads is responsible for determining the type of test that drivers must undergo if a concern about their driving competence is raised. Drivers within the health system who clearly require assessment (e.g. post a significant stroke or trauma) are often handled before VicRoads' involvement. VicRoads is then notified of the outcome of the assessment.

VicRoads needs to decide who conducts the assessment when:

- a driver is reported to VicRoads for unsafe driving
- a health practitioner recommends a driving assessment
- VicRoads determines that a reported medical condition warrants an on-road test
- a new permit or licence applicant reports a condition to VicRoads, and a practitioner has not made a recommendation one way or the other.

General principles followed by VicRoads

Determination	Issues considered
Test by VicRoads	<ul style="list-style-type: none">• New licence or permit applicants with a physical disability (e.g. a learner driver progressing to a licence and not involved with OT processes).• When police (or others such as family or friends) report a driver to VicRoads due to concerns about their driving skills or ability to drive safely (and the driver has no medical condition which would explain poor driving).• If medical advice suggests that VicRoads could conduct a test.• Where an OT is not available <p>VicRoads will not normally test any person with cognitive or perceptual impairments where such impairments are reported. In practice, impairments related to ageing processes are not normally specified as an impairment in medical reports received by VicRoads.</p>
Assessment by OT	<ul style="list-style-type: none">• Any cognitive or psychiatric impairment.• When specified by a medical practitioner.• Significant physical impairment.• Where adaptive aids or vehicle modifications maybe required.¹⁸

In some instances, as a result of personal hardship, VicRoads may make exemptions to these requirements.

¹⁸This is a practical consideration as OTs can better advise clients on appropriate adaptive equipment (and these clients are most likely to have been in recent contact with OTs through rehabilitation services).

Licences, permits and tests

8.11 Different options for assessment

VicRoads novice or probationary driver licence test

This test is primarily for inexperienced new drivers but is also used to test overseas licence holders prior to issue of a Victorian licence. The off-road components involves a computerised test comprising hazard recognition, road craft and road law questions.

VicRoads Review Driving Test

If a driver is reported to VicRoads due to a medical condition or as a result of concerns or observations regarding poor driving behaviours, VicRoads will request a medical report and, if indicated, will request that the driver undertake an assessment of their ability to drive safely. The test requested may be the VicRoads Review Driving Test. This on-road drive test will usually commence from the person's home, ensuring testing in their familiar area. This allows a local area restriction to be imposed if recommended by a practitioner or, more rarely, is applied by the licence testing officer where the driver cannot demonstrate safe driving outside of a localised area. The on-road assessment is conducted in a dual controlled vehicle fitted with automatic transmission. The test lasts between 30 and 45 minutes (the first 10 minutes is to allow familiarisation with the vehicle).

Occupational therapy driver assessment

This includes an off-road assessment aimed at understanding the client's possible medical and functional impairment and the impact on driving related skills and behaviours. This involves an interview, vision test, assessment of cognitive function, strength, range of movement, sensation, coordination, as well as road law and road craft. Review of the requirement

for specialised equipment or vehicle modifications is made at this time. This component of the overall assessment can take up to one and a half hours. The on-road assessment is conducted in a dual controlled vehicle accompanied by a driving instructor, set up according to any special requirement of the client. The OT observes the client's performance on a range of tasks or skills over a standard set route. This component of the overall assessment can take up to one hour.

The on-road assessment takes a standard approach but can be designed to meet the individual needs of clients if required (e.g. a local area assessment for an area-restricted conditional licence). It is more comprehensive than a VicRoads licence test and can include situations which elicit functional impairments such as difficulties with vehicle handling, observations, reaction times and problem solving. At the conclusion of the on-road assessment, in addition to giving feedback regarding the overall outcome, the OT will also discuss the options for training, further rehabilitation and reassessment if appropriate.

The OT on-road assessment differs from the VicRoads licence test in that, provided the overall drive is safe, the driver habits that an experienced driver may display (e.g. rolling through a stop sign) may not result in failing the assessment. Section 4.11.2 of the Competency Standards for Occupational Therapy Driver Assessors, documents the behaviours that must be demonstrated and that indicate that a client can drive safely. This document states that:

“an on road assessment is considered unsatisfactory if the client acts in an unsafe manner, regardless of whether driving instructor or occupational therapist intervention is required”.

Part Nine

Contacts

This section includes a list of useful contacts that may offer assistance to drivers with special needs regarding licensing issues or driving with a disability. It includes a full list of all the urban and regional VicRoads offices and information about how to contact VicRoads Medical Review or find a local occupational therapy driver assessor.

Contacts

9.1 VicRoads offices and Customer Service Centres

Phone number for all offices is **13 11 71**

www.vicroads.vic.gov.au

Office	Address	Melway Map ref
Broadmeadows	Cnr Pearcedale Pde and Johnstone Street	6-G8
Camberwell	3 Prospect Hill Road	45-J12
Carlton	459 Lygon Street	43-J2
Burwood East	12 Lakeside Drive , Burwood East	62-C7
Dandenong	72-74 Greens Road, Dandenong South	90-
Dromana	Shop 11, 143 Point Nepean Road	159-H5
Frankston	71 Hartnett Drive, Seaford	99-H7
Greensborough	Shop 13, Diamond Village Shopping Centre	20-G4
Melton (Shire Office)	267 High Street	115-C9
Oakleigh South	1 Eskay Road	78-G3
Sunbury (Shire Office)	36 Macedon St (Only open Tuesdays)	113-D9
Sunshine	499 Ballarat Road	26-G10
Ararat	Shop 2, 56 High Street	
Bairnsdale	535 Princes Highway	
Ballarat	88 Learmonth Road, Wendouree	
Benalla	50-52 Clarke Street	
Bendigo	57 Lansell Street	
Cobram (shire office)	44 Station Street	
Colac	Colac Auto Centre, Princes Highway, Colac West	
Echuca	5 Mundarra Road	
Geelong	Fyans Street, Geelong South	
Hamilton	Riley Street	
Horsham	14 O'Callaghans Parade	
Kyneton	2 Beauchamp Street	
Leongatha	Anderson Street	
Maryborough	Neill Street	
Mildura	109 Orange Avenue	
Morwell	87 Princes Drive	
Portland	114a Percy Street	
Sale	28 Princes Highway	
Seymour	5 Crawford Street	
Shepparton	231-239 Corio Street	
Swan Hill	70 Nyah Road	
Wangaratta	62-68 Ovens Street	
Warragul	Unit 5, 131 North Road	
Warrnambool	29 Jamieson Street	
Wodonga	82-86 Elgin Street	

Medical Review

Medical Review

Ph: 03 9854 2390

03 9854 2407

Fax: 03 9854 2307

e-mail: ccslicence@roads.vic.gov.au

Address all mail to:

VicRoads

Medical Review

PO Box 2504

Kew 3101

Contacts

9.2 Occupational Therapy Driver Assessors and other resource organisations

The Australian Association of Occupational Therapists Victoria - Inc (OT AUSTRALIA) maintains a list of OT driver assessors who are members of the Association. Drivers seeking details of OT driver assessors can contact OT AUSTRALIA Victoria, or their local hospital or medical centre.

Occupational therapists who have completed La Trobe University's Driver Education and Rehabilitation Course for occupational therapists will be recognised by VicRoads as having qualifications that indicate that their assessments of a functionally impaired driver should be accepted. Occupational therapists with interstate qualifications may have their reports recognised by VicRoads.

Resource organisation details:

1) OT AUSTRALIA Victoria

Ph : 03 9481 6866
Fax: 03 9481 6844
E-mail info@otausvic.com.au
Website: **www.otausvic.com.au**

2) Yooralla Independent Living Centre (for advice about available vehicle aids and modifications)

a) Brooklyn display centre

705 Geelong Road
Brooklyn Victoria 3012
Melway Reference: 40 J10
Ph : 03 9362 6111 / 1300 885 886 (Victoria Only)
Fax: 03 9314 4825
TTY: 03 9314 9001
E-mail: ilc@yooralla.com.au
Website: **www.yooralla.com.au/ilc.php**

b) Blackburn display centre

54 Railway Rd
Blackburn Victoria 3030
Melway Reference: 48 A10
Please call ILC Brooklyn to schedule a visit

3) Disabled Motorists Association of Victoria (for advice about driving with a disability and advocacy)

2A Station Street, Coburg 3058
Ph / Fax 03 9386 0413
Email:dmvdmv@vicnet.net.au
Website: **mc2.vicnet.net.au/home/motordma/web/index.html**

Contacts

9.3 Additional Contact Organisations

Transport Accident Commission

www.tac.vic.gov.au

Level 7

222 Exhibition Street
Melbourne

Ph: 1300 654 329

info@tac.vic.gov.au

Drive Smart

www.tacsafety.com.au

Contact details as above for TAC

info@tac.vic.gov.au

Ride Smart

<http://www.defence.gov.au/dpe/ohsc/Programs/MotorcycleSafety>

Victorian Work Cover Authority

www.workcover.vic.gov.au

Ground Floor

222 Exhibition Street
Melbourne Vic 3000

Ph: 03 9641 1555

Fax: 03 9641 1222

or

Level 4
628 Bourke St

Melbourne Vic 3000

Ph: 03 9941 0558

Fax: 03 9941 0560

info@worksafe.vic.gov.au

Victorian Interpreter and Translating Service

www.vits.com.au

Victorian Interpreting and Language Services (VITS) is a Victorian State Business Corporation

Ph : 03 9280 1941

Department of Human Services

<http://hnp.dhs.vic.gov.au>

50 Lonsdale Street
Melbourne, Victoria
Australia 3000

(Toll free) : 1300 650 172

Equal Opportunity and Human Rights Commission

www.humanrightscommission.vic.gov.au

Level 3

380 Lonsdale Street
Melbourne Vic 3000

Ph: 03 9281 7111

Fax: 03 9281 7171

Information@veohrc.vic.gov.au

Victorian Civil and Administrative Tribunal

<http://www.vcat.vic.gov.au>

55 King Street
Melbourne Vic 3000

Administrative Appeals Tribunal

<http://www.aat.gov.au/AboutTheAAT/MembershipVIC.htm>

Level 16, HWT Tower, Southgate
40 City Road, Southbank VIC 3006

Ph : 03 9282 8444

Fax : 03 9282 8480

(Toll free) 1300 366 700



For further information: Please visit www.vicroads.vic.gov.au. Telephone: 13 11 71

