



Victoria Government Gazette

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Road Safety Act 1986

GUIDELINES FOR ASSESSING FITNESS TO DRIVE

1. Background

Under section 27(1) of the **Road Safety Act 1986**, the Secretary may require a relevant person to undergo a test or assessment to determine –

- (a) if the person is unfit to drive motor vehicles or a category of motor vehicles; or
- (b) if it is dangerous for the person to drive motor vehicles or a category of motor vehicles; or
- (c) whether any driver licence or learner permit held by the person should be subject to conditions and, if conditions are to be imposed, the type of conditions to be imposed.

Under section 27(1A) of the Act, the Secretary may require a person who is authorised under the regulations made under the Act to drive a motor vehicle on a highway (such as a person who holds a driver licence issued in another State or Territory of Australia or in another country) to undergo a test or assessment to determine –

- (a) if the person is unfit to drive motor vehicles or a category of motor vehicles; or
- (b) if it is dangerous for the person to drive motor vehicles or a category of motor vehicles.

Under section 27(2) of the Act, a person may be required to undergo –

- (a) a test or assessment in relation to the person's fitness, including a test or assessment in relation to the person's health or medication the person is taking and its effect on the person's ability to drive; or
- (b) a test or assessment in relation to the person's competence; or
- (c) any other test or assessment the Secretary considers necessary and appropriate in the circumstances.

Under section 27(3) of the Act, if the Secretary requires a person to undergo a test or assessment under section 27 of the Act –

- (a) the test or assessment must be carried out –
 - (i) by a person of the class prescribed in regulations under the Act; and
 - (ii) in accordance with any relevant guidelines; and
- (b) the use of the results of the test or assessment must be in accordance with any relevant guidelines.

2. Purpose

The purpose of this notice is to issue guidelines relating to –

- (a) how tests and assessments are to be carried out (for the purposes of section 27(3)(a)(ii) of the Act); and
- (b) how the results of tests or assessments are to be used (for the purposes of section 27(3)(b) of the Act).

3. Authorising provision

These guidelines are issued under section 96B of the Act.

4. Commencement

This notice comes into operation on 22 June 2022.

5. Revocation

The guidelines published in the Government Gazette No. S 293 on 23 September 2016 entitled 'Guidelines for Assessing Fitness to Drive' are hereby revoked.

SPECIAL

6. Definition

In this notice –

Assessing Fitness to Drive Guidelines means the document entitled ‘Assessing fitness to drive for commercial and private vehicle drivers: Medical standards for licensing and clinical management guidelines’ (2022 edition) issued by Austroads and the National Transport Commission, as amended from time to time (https://austroads.com.au/AFTD-2022_Final-report.pdf);

relevant guidelines has the same meaning as in section 27 of the Act;

relevant person has the same meaning as in section 27 of the Act;

Secretary means the Secretary to the Department of Transport;

the Act means the **Road Safety Act 1986**.

7. Guidelines for how tests and assessments are to be carried out

I, Ben Carroll, Minister for Roads and Road Safety and Minister responsible for administering the **Road Safety Act 1986**, under section 96B of that Act, specify for the purposes of section 27(3)(a)(ii) of the Act that tests and assessments are to be carried out in accordance with the Assessing Fitness to Drive Guidelines.

8. Guidelines for the use of the results of tests or assessments

I, Ben Carroll, Minister for Roads and Road Safety and Minister responsible for administering the **Road Safety Act 1986**, under section 96B of that Act, specify for the purposes of section 27(3)(b) of the Act that the results of tests or assessments are to be used in accordance with the Assessing Fitness to Drive Guidelines.

Dated 21 June 2022

HON. BEN CARROLL MP
Minister for Roads and Road Safety

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