



# Driving and Mental Health



## **If I am diagnosed with a mental illness, how will it affect my driver's licence?**

Under Victorian law, if you have a permanent or long-term injury or illness that may impair your ability to drive safely, then you are required to inform Vic Roads as soon as you are aware of it.

A permanent or long term illness may include a mental illness such as schizophrenia or bipolar disorder. There are national standards that Vic Roads and medical professionals use to assess whether your illness is permanent or long term. These are known as the 'Assessing Fitness to Drive' standards and can be obtained online or from Austroads.

In Victoria, any person including a friend, family member or medical professional may inform Vic Roads of your illness if they believe that you are unfit to drive safely. It is not mandatory for any person to notify Vic Roads but if they do, you cannot take legal action against them for doing so. The Mental Health Legal Centre considers that any person who is concerned about your ability to drive safely should always discuss the matter with you before notifying Vic Roads.

## **What happens once Vic Roads is notified of my condition?**

When Vic Roads becomes aware of your condition, they will write to you requesting that your doctor or psychiatrist complete a medical report which assesses your fitness to drive in light of your diagnosis and the medication you may be required to take. It is important for your doctor or psychiatrist to review their completed medical report with you prior to submitting it to Vic Roads, so that you can discuss any issues that arise. Your doctor or psychiatrist cannot release any of your medical information to Vic Roads without first obtaining your written consent.

Once the medical report is submitted to Vic Roads, your case is referred to a medical advisory panel that will make the final decision on whether you are fit to drive. The panel will consider issues such as whether your illness or medication results in impaired judgment, lack of concentration, physical limitations or any other factor that may impair your ability to drive safely.

The medical advisory panel can recommend that you undertake a Medical Review Licence Test or a test conducted by an occupational therapist to assess your fitness to drive. You will not have to pay for a Medical Review Licence Test, however if you have to undergo a test with an occupational therapist, there will be a fee which may vary depending on the therapist you engage. They may also ask your doctor or psychiatrist for further information if required.

When the medical advisory panel considers your case, you have the right to provide any further relevant information. If you disagree with your doctor or psychiatrist's diagnosis or their assessment of your fitness to drive, you have the right to seek a second opinion from another medical professional. If holding a drivers licence is a requirement of your employment, you can submit a supporting letter from your employer. You can also write to Vic Roads explaining the reasons why you require a licence and how it will adversely affect you if your licence is varied or suspended. We recommend that you provide all supporting evidence relevant to your case **before** Vic Roads makes their decision.

## **Will I lose my licence if I notify Vic Roads of my illness?**

Not necessarily. Vic Roads can decide that your illness or your medication does not affect your ability to drive safely and you will be free to drive unrestricted. However, Vic Roads may conduct regular reviews to ensure that there has been no change in your medical condition.

If they believe that your illness or the medication does affect your ability to drive safely they can provide you with a conditional licence or suspend your licence indefinitely. It is very rare for your licence to be cancelled.

If your licence is suspended indefinitely, Vic Roads will conduct regular reviews to determine whether your circumstances have changed and whether you are fit to drive. They may require updated medical reports from your doctor or psychiatrist. A conditional licence allows you to drive but subject to certain restrictions, for example, driving during the day but not the evening.

You should note that if you fail to undergo the required tests or fail to provide all relevant medical information Vic Roads may suspend your licence without further consideration.

## **What if I am not happy with Vic Roads' decision?**

If you are unhappy with Vic Road's decision to suspend, vary or cancel your licence you can ask Vic Roads to review it. You have 28 days from when you get the Vic Roads letter.

Call Vic Roads on 13 11 71 for an internal review. They may ask you to write down the reasons why you believe their decision was wrong. At this time, you should submit any relevant supporting information such as a second opinion from a medical professional or letters of support from your employer, friends or family. The review must be made by a different Vic Roads person from the original decision maker. Vic Roads has 28 days to review your case. You can ask them to provide you with written reasons for their decision.

In addition, you have the right to make an application to the Magistrates Court of Victoria requesting a review of the Vic Roads decision to suspend, vary or cancel your licence. You can do this 28 days after receiving the initial decision of Vic Roads or after you receive the review decision of Vic Roads. If you are considering this option, we recommend that you obtain legal advice first.

You can also ask for a Vic Roads review any time if things change or you obtain more evidence.

## **What happens if I don't notify Vic Roads of my condition?**

If you fail to notify Vic Roads, after becoming aware that you have a long term or permanent illness which may impair your ability to drive safely, your licence may be suspended or cancelled. If you are involved in a car accident it may affect any TAC compensation and may expose you to criminal or civil liability. Consider notifying your car insurer of your illness as well, because a failure to do so may affect your insurance coverage.

Different, more strict standards apply to commercial drivers' licences. For further information, see the 'Assessing Fitness to Drive' standards or contact Vic Roads.

### **Useful Contacts**

#### **Mental Health Legal Centre**

Ph: 96294422 or 1800 555 887

[www.communitylaw.org.au/mentalhealth](http://www.communitylaw.org.au/mentalhealth)

#### **Victoria Legal Aid**

Ph: 92690234 or 1800 677 402

#### **VicRoads** - For information on Driving Tests

Ph: 13 11 71

[www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

#### **Austroads** - For 'Assessing Fitness to Drive' standards

[www.austroads.com.au/aftd/](http://www.austroads.com.au/aftd/)

### **Disclaimer of Liability**

The Mental Health Legal Centre disclaims any liability for action taken or not taken as a result of this information. Seek out legal advice and representation wherever possible. Phone: MHLC, VLA or a Private Solicitor for further information. Reg No. A0013662S ABN No: 30996141084 © Mental Health Legal Centre Inc. 7/08/2006