

DRIVERS LICENCES, SENIORS' RENEWAL DECLARATION, INFORMATION PROVIDED BY  
MEDICAL PRACTITIONERS

2988. Mr M.G. House to the Minister for Planning and Infrastructure

- (1) I refer to the answer to question on notice No. 2564 and ask is the Minister aware that medical practitioners are required to complete the reverse side of the Seniors Drivers License Renewal Declaration (after the driver has completed the front side) and in doing so, provide detailed and confidential personal information to the Department for Planning and Infrastructure about their patient without that person's written consent?
- (2) Is the Minister aware that in providing personal confidential information to a third party without the written consent of his/her patient, medical practitioners may be in breach of the *Privacy Act 1988*?
- (3) If so, will the Minister have the reverse side of the Seniors Drivers Licence Renewal Declaration form amended immediately so that the written consent of the patient is given before personal confidential information is provided to the Department for Planning and Infrastructure?

Ms A.J. MacTIERNAN replied:

- (1) Yes. This is a long standing practice. The Seniors Drivers Licence Renewal Declaration is completed by the applicant for the renewal of a driver's licence at the prescribed intervals at ages 75, 78, 80 and every year thereafter. The applicant is specifically requested to present the form to their Medical Practitioner to enable an assessment of the applicant's fitness to drive to be conducted, prior to the renewal of their driver's licence. Whilst the applicant does not specifically provide written consent for the Medical practitioner to release the information to the department, the applicant is fully aware that the information will be forwarded to the department and used to determine their medical fitness to hold a driver's licence as this stated on the front of the form completed by the applicant.
- (2) The reporting Medical Practitioner is not considered in breach of the Privacy Act 1988. The definition of consent in the Act means "express" or "implied" consent. As the department has informed an applicant in the application form of the purpose for which the information is being collected and on the basis on which collection of the information is required, it is considered that the applicant has provided implied consent and therefore no breach of the Act has occurred.
- (3) The department is currently reviewing its medical assessment processes including the form, in line with the National Medical Standards "Assessing Fitness to Drive" for Licensing Commercial Drivers and Private Vehicle Drivers (Austroads). The department is intending to include on the new form a statement to be signed by the applicant providing "explicit consent to the Medical Practitioner to release the medical information to the department.